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S. HRG. 112–399

# NOMINATIONS OF THE 112TH CONGRESS—FIRST SESSION

## HEARINGS

BEFORE THE

## COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED TWELFTH CONGRESS

FIRST SESSION

MARCH 16 THROUGH DECEMBER 8, 2011

Printed for the use of the Committee on Foreign Relations

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112TH CONGRESS—FIRST SESSION

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# NOMINATION

**WEDNESDAY, MARCH 16, 2011**

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

Joseph M. Torsella, of Pennsylvania, to be Representative to the United Nations for U.N. Management and Reform, with the rank of Ambassador and Alternate U.S. Representative to the 65th session of the U.N. General Assembly

The committee met, pursuant to notice, at 10:20 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Robert P. Casey, presiding.

Present: Senators Casey, Rubio, DeMint, and Lee.

## OPENING STATEMENT OF HON. ROBERT P. CASEY, JR., U.S. SENATOR FROM PENNSYLVANIA

Senator CASEY. The hearing will come to order.

First of all, I want to thank the nominee, Joe Torsella, for being here and for taking the time to come back.

And I appreciate the attendance here of our ranking member, Senator DeMint.

Today the Foreign Relations Committee meets to examine the nomination of Joe Torsella to be Representative of the United States of America to the United Nations for Management and Reform, with the rank of Ambassador and Alternative U.S. Representative to the 65th session of the U.N. General Assembly.

Joe Torsella has been here before, and we're grateful that he's back. His wife, Carolyn, is with us. And I'm told that your daughter, Grace, is here and your son, Joe—is that—did I get that right? Thanks very much for being here. We're grateful.

And we know that—as I think I said before, that when a public official, elected or appointed, puts themself forward for public service, I know that's a commitment that you make, but also that your family makes. And I know that's a challenge, and we're grateful that your family is here to support you.

In the past 2 years, the world has witnessed a shift, in the United States foreign policy, toward a comprehensive multilateralism which is embodied in our renewed commitment to the international system that the United Nations represents. This new direction is critically important to how we conduct foreign policy and how we relate to the United Nations.

The United States was one of the primary architects of the United Nations and its affiliated bodies. And as a world leader, the United States not only has role to play to be an active participant in the United Nations, but also has an obligation to ensure that the U.N. has measures of accountability applied to it.

To that end, Joe Torsella's record as a dedicated in innovative reformer will serve him well in this important post as U.S. Representative to the United Nations for Management and Reform.

In these times of sweeping geopolitical change, the administration has worked, for the past 2 years, to make America stronger and more secure by pursuing a strategy of national renewal and energetic global leadership. Ambassador Rice has made this case before, and I'd like to take the opportunity to discuss briefly how the United Nations fits into that strategy—why we need the U.N., how it makes us all safer, and what we're doing to fix its shortcomings and help fulfill its potential.

In these tough economic times here in the United States, and indeed, around the world, we're all focused on a growing economy. We're in recovery, but we've got a long way to go. We want to make sure we're doing everything possible to provide jobs for Americans who are hurting and out of work.

Yet, even as we get our own house in order, we cannot afford to ignore problems beyond our borders. When nuclear weapons materials remain unsecured in many countries around the world, we are all put at risk. When states are wracked by conflict or ravaged by poverty, they can incubate threats that spread across borders, from terrorism to pandemic disease, from criminal networks to environmental degradation. Like it or not, we live in a new era of challenges that cross borders as freely as a storm, challenges that even the world's most powerful country often cannot tackle on its own. In the 21st century, indifference is not an option. Withdrawing from the world community is not only bad policy, it is, in fact, dangerous.

America cannot police every conflict and every crisis, and—or shelter every refugee. The United Nations provides a real return on our tax dollars by bringing the world's countries together to share the cost of providing stability, vital aid, and hope in the world's most broken places. Because of the U.N., the world doesn't look to America to solve every problem alone. Our participation in the U.N. is a wise investment. But, with any investment, I should say, we must constantly work to better ensure that management and effective reforms are in place for that organization; in this case, the United Nations.

The Foreign Relations Committee has taken steps to address our Nation's arrears to the U.N. over the past 2 years. However, in doing so, the committee has called upon the U.N. to implement a series of reforms and to improve its evaluation and transparency policies. As the biggest contributor to the U.N., we expect, and we deserve, accountability to ensure that our taxpayer dollars are spent wisely and efficiently.

The United Nations can be more efficient and effective, and I know that Joe Torsella has ideas on how to make that happen. I support his confirmation to serve our country at the U.S. mission at the United Nations, because I believe he has the background and experience and commitment to public service to enhance our active U.S. presence at the U.N. by ensuring that our tax dollars are spent wisely.

Joe has been a faithful public servant and a leading entrepreneur in Pennsylvania throughout his career. As deputy mayor for policy and planning in Philadelphia, he helped lead Philadelphia out of its economic and fiscal crisis by implementing strategic reforms that the New York Times described as "the most stunning turnaround in recent urban history."

Most recently, he has served as the chairman of the Pennsylvania Board of Education, one of the Nation's largest public school systems, with over 500 public school districts and 14 State universities. Under Joe Torsella's leadership, the Board of Education adopted and implemented groundbreaking State education standards and new high school graduation requirements. These reforms require students to demonstrate proficiency in core subject matters in order to receive a diploma, thereby strengthening public education in the Commonwealth and holding schools accountable. These reforms don't come easily. They are a result of building consensus with a variety of stakeholders. And Joe has gotten results.

Joe has also been instrumental in the establishment of Philadelphia's National Constitution Center. The center is dedicated to increasing the public's understanding of, and appreciation for, the U.S. Constitution.

Finally, I will enter into the record a letter from President George Herbert Walker Bush which indicates his close working relationship with Joe Torsella when Joe was the chairman of the board of the Constitution Center. And I'll enter that into the record and just read, for the record, one sentence from that letter. And I'm quoting former President Bush. "As a former Ambassador to the United Nations, I could not be more confident in Joe's qualifications for this job. I would have been proud to have him on my team. He's a man of character and principle and will represent our Nation well."

I think that's well said by one of our former Presidents.

With Joe Torsella representing the United States on management reform issues, we can have the confidence that our Nation's interests will be effectively championed and that this portfolio will be professionally and efficiently managed on behalf of the people of the United States.

[The letter referred to by Senator Casey follows:]

GEORGE BUSH

December 8, 2010

To Whom It May Concern:

I am writing to support the nomination of Joseph Torsella as the nominee for Representative of the United States of America to the United Nations for U.N. Management and Reform and Alternate Representative to the Sessions of the General Assembly of the United Nations.

I worked closely with Joe when I served as Chairman of the Board of Directors of the National Constitution Center of which he was President and CEO. During his tenure, Joe turned this remarkable center from mainly a tourist attraction to a national and international center where people came to discuss and learn about not only our Constitution, but the great issues of the day. For example, President Obama chose the NCC as the site of his speech on race in America during the 2008 presidential campaign.

Many of the qualities that made Joe such a good leader at the NCC will also make him an outstanding representative to the United Nations: excellent people skills; a great communicator; an instant grasp of issues; and a knack for bringing together diverse groups of people.

As a former ambassador to the United Nations, I could not be more confident in Joe's qualifications for this job. I would have been proud to have him on my team. He is a man of character and principle and will represent our nation well.

Sincerely,

Senator CASEY. And, with that, I turn to our distinguished ranking member, Senator DeMint.

**STATEMENT OF HON. JIM DeMINT,**
**U.S. SENATOR FROM SOUTH CAROLINA**

Senator DEMINT. Thank you, Mr. Chairman.

Thank you, Mr. Torsella. I appreciate your meeting with me in our office. I feel very good about your nomination.

I appreciate the chairman pointing out the importance of the United Nations. Having an international body is obviously critical to a lot of things in the world, which makes the problems perhaps that much more important, as well.

And whether it comes to budget processes or peacekeeping operations, oversight, or transparency, the United Nations has been unacceptably slow to reform. Waste, fraud, abuse, and general mismanagement are widespread at the U.N. Yet, the position of U.S. Representatives the United Nations for Management and Reform has been vacant for over 2 years. That makes it appear that the United Nations oversight has simply not been a priority to the administration, which I hope you can change.

This is unfortunate. The United States is by far the largest contributor to the United Nations, donating more than $6 billion in 2009 alone. I believe American taxpayers deserve more accountability for their dollars.

One major area of concern is the mandated items Americans are forced to pay for our nonvoluntary U.N. contributions. Because of this, Americans end up paying for programs that do not align with our national security and foreign policy objectives. For example, since 2006, nearly half of the country-specific resolutions passed by the United Nations Humans Rights Council, which Americans are required to fund, have focused on condemning Israel. Meanwhile, notorious human rights offenders, like Iran and Cuba, have been ignored.

In the past, the United States has pressured the U.N. to review their mandates. This process has stalled, largely because U.N. member states are focused on protecting the funding for their pet programs. Over 9,000 of these programs currently exist. Programs that duplicate each other, and outdated mandates, must be streamlined, eliminated, and merged.

The United States also sends the United Nations voluntary contributions. President Obama's bipartisan debt commission proposed making a reduction in the amount of voluntary contributions the United States gives the U.N. on its draft of spending-cut proposals. And we should go much further. The United Kingdom, as you're aware, has recommended cutting funding for four agencies, and put on notice—put others on notice for urgent improvement, or they would face cuts, as well. The United States should examine these cuts and take similar actions.

Finally, U.N. peacekeeping missions must have more accountability—much more. According to a 2007 report by the United Nations Office on Internal Oversight Services, of roughly $1.4 billion in peacekeeping contracts examined, significant corruption schemes were involved in roughly 44 percent of these contracts, totaling about $619 million. This is a topic I'd like to pursue further during the question-and-answer period, but I'll stop and let you give your statement.

And Mr. Chairman, I suspect if they call the vote sometimes, we can listen to his statement, and then come back and ask some questions, if that suits you.

Senator CASEY. Thank you, Senator DeMint.

Mr. Torsella, if you could provide your opening. And we may have to take a brief break to go to vote.

Mr. TORSELLA. Thank you.

Senator CASEY. Thank you.

**STATEMENT OF JOSEPH M. TORSELLA, OF PENNSYLVANIA, TO BE REPRESENTATIVE TO THE UNITED NATIONS FOR U.N. MANAGEMENT AND REFORM, WITH THE RANK OF AMBASSADOR AND ALTERNATIVE U.S. REPRESENTATIVE TO THE 65TH SESSION OF THE U.N. GENERAL ASSEMBLY**

Mr. TORSELLA. Chairman Casey, thank you for that introduction.

Senator DeMint, thank you for your comments and for your courtesy on our recent visit.

Chairman, Ranking Member, Senator Lee, I'm honored to be here today.

I will abbreviate my full statement slightly, in the interest of the voting you have to do, and submit the full testimony for the record.

Senator CASEY. Let me just say, it will be made part of the record.

Mr. TORSELLA. Thank you. And I would also like to recognize—in addition to the family members who are here today—our two children, Kelly Logan and Travis Logan, who are older, and who are not here—for good reasons, in one case, because she has a job; and, in the second case, because he's enlisted in the National Guard Reserve and is at basic training. So, they're with us in spirit and behind the nomination, as well.

I'm deeply honored to come before you as the President's nominee for this position, and grateful to the President, to Secretary Clinton, and Ambassador Rice for their confidence in me.

And I want to echo what you said, Chairman Casey, that the United Nations was born, in part, here in this committee, that your predecessors were among the earliest advocates and architects and, when appropriate, constructive critics of the United Nations, because they believed that an effective U.N. that had vigorous American leadership was in our national security interest. Their beliefs, in my judgment, remain true today. At its best, the U.N. can be a powerful tool to the United States, and a force multiplier to advance our interests and our values.

When U.N. peacekeepers are on the ground, they are there at a fraction of the cost and the risk of the United States acting alone. When the U.N. builds the civic muscles of a failing state, or a fragile state, it helps protect American citizens from the threats that can grow in failed states. And when U.N. agencies, such as UNICEF, for example, work to eradicate polio around the globe, we're protecting the health of Americans here at home.

But, neither the U.N. nor its member states are always at their best. And all too often, we have seen them at their worst. As Ambassador Rice has said, there is a serious gap separating the vision of the U.N.'s founders from the institution of today. And the investments that we've made and the challenges that we face are both too great for us to tolerate any waste, inefficiency, or abuse anywhere in the U.N. system. The global stakes are too high to allow biased agendas, narrow interests or political grandstanding to prevail anywhere in the U.N.'s Chambers.

In recent years, U.S.-led comprehensive reform efforts have gathered steam and achieved some real, meaningful results, but there is much, much more work to be done to help the U.N. achieve a culture of economy, effectiveness, ethics, and excellence. I can further detail the steps that I believe lie ahead. In general, oversight

and auditing must be strengthened, management and procurement systems must be upgraded, human resource reforms must be undertaken, and business processes need to be streamlined and brought into the 21st century. Those early steps that have been taken, on whistleblower protection, for example, need to be fully protected and fully implemented.

I've spent much of my career bringing reform and accountability to public organizations in challenging contexts. As chairman of the Pennsylvania State Board of Education, as you said, Senator, I oversee a system with 500 school districts and 14 universities. And the hallmark of my tenure there has been implementing an accountability measure that was contested and hard-fought in the face of some determined opposition that guarantees that taxpayers get results for the dollars that we spend on education in Pennsylvania.

When I was deputy mayor of Philadelphia that city was on the verge of bankruptcy—decades of poor management practices made it a city, in the words of one magazine, "that set the standard for municipal distress in the 1990s." My portfolio was management reform. I helped negotiate groundbreaking contracts with Philadelphia's 25,000 employees, of which the Wall Street Journal said, "Taxpayers can only applaud." I spearheaded reforms, from contracting out to civil service reforms, overhauling a bloated disability benefit system, and making innovative investments in productivity that closed a $1.4 billion cumulative deficit without raising taxes. As you said, the New York Times and others called it the most stunning turnaround in history.

And finally, when I came to the National Constitution Center, that project was in some public and financial turmoil. And I'm proud to say that I steered it to an on-time, on-budget, and bipartisan success. And I led it to a thriving program of public diplomacy. The Constitution Center has introduced tens of thousands of international visitors to American ideas and ideals. We've worked in Afghanistan on democracy education efforts. We've hosted hundreds of international leaders, heads of state and heads of government, to grassroots democracy activists, from Australia, Brazil, and Cameroon, to Serbia, Tunisia, and the U.K.

So, I come here today as a proud patriot who also has a deep commitment to America's engagement with the world and at the United Nations, a demonstrated history of managing taxpayer dollars carefully, a willingness to listen to good ideas from all quarters, and a lifetime of experience as a strong voice for reform in public institutions, and a builder of coalitions to achieve it.

It would be a great privilege, if confirmed, to use that experience, working with others in the administration, in Congress, and most especially here in this committee, to help the U.N. live up to both its ideals and potential, to renew and strengthen it for our century, just as your predecessors, in 1945, did for theirs.

Thank you. And I look forward to answering questions.

[The prepared statement of Mr. Torsella follows:]

PREPARED STATEMENT OF JOSEPH M. TORSELLA

Thank you Chairman Casey, Ranking Member DeMint, and distinguished members. I am honored to come before you as the President's nominee to be the U.S. Representative to the United Nations for Management and Reform, and I am grate-

ful to President Obama, Secretary Clinton, and Ambassador Rice for their confidence.

The United Nations was born, in part, in this committee. Your predecessors were among its earliest architects, advocates and, occasionally, constructive critics because they believed that an effective United Nations—with vigorous American leadership—was in America's national security interest.

Their beliefs remain true today. At its best, the U.N. can be a powerful tool and force multiplier for advancing our interests and values. When U.N. peacekeepers are on the ground helping to protect civilians and advancing peace globally, they do so at a fraction of the cost and risk of the U.S. acting alone. When the U.N. builds the civic muscles of fragile states, American citizens are made safer from the threats that grow in failed states. When U.N. agencies such as UNICEF work to eradicate polio around the globe, we protect the health of Americans here at home.

But neither the U.N. nor all its member states are always at their best; all too often, we have seen them at their worst. As Ambassador Rice has said, a serious gap still separates the vision of the U.N.'s founders from the institution of today. Both the investments we've made and challenges we face are too great to tolerate waste, inefficiency, or abuse anywhere in the U.N. system. And the global stakes are too high to allow biased agendas, narrow interests, or political grandstanding to prevail in any of the U.N.'s chambers.

In recent years, U.S.-led comprehensive reform efforts have gathered steam and achieved some meaningful results. But there is much more work to be done to help the United Nations nurture a culture of economy, effectiveness, ethics, and excellence.

Oversight, auditing, and evaluation must be strengthened to better ensure that U.S. funds are spent wisely and cleanly. Management and procurement systems must be upgraded and updated for accountability and transparency throughout the U.N.'s activities worldwide. Critical human resource reforms are essential to equipping the U.N. with a workforce that is held accountable for delivering results. Business processes need to be streamlined, aligned with best practices, and brought into the 21st century. And important first steps achieved in the areas of whistleblower protection, financial disclosure, and budgetary discipline must be protected and fully implemented.

I have spent much of my career bringing reform and accountability to public organizations in challenging contexts. As chairman of the Pennsylvania State Board of Education, I oversee a system with 500 school districts, 14 universities, and billions in public funds. Under my leadership we've made the board's workings more transparent and open to the public, and passed a landmark accountability measure—in the face of determined opposition—which implemented rigorous new high school graduation requirements, the first such change in a generation.

As a deputy mayor of Philadelphia at a time when that city was on the verge of bankruptcy and decades of poor management practices had made it, in the words of City and State Magazine, "the city that . . . set the standard for municipal distress in the 1990s," my portfolio was management and reform. I helped negotiate groundbreaking contracts with Philadelphia's 25,000-person workforce of which The Wall Street Journal said "taxpayers can only applaud." I spearheaded reforms—from competitive contracting out of city services to civil service reform, from overhauling a bloated disability benefits system that encouraged abuse to innovative investments in productivity—that closed a $1.4 billion cumulative deficit without raising taxes. The New York Times called it "the most stunning turnaround in recent urban history."

And I came to the National Constitution Center when that $185 million project was in public and financial turmoil. I'm proud to say that I steered it to an on-time, on-budget, and bipartisan success, and led it to a thriving program of public diplomacy.

The Constitution Center has introduced tens of thousands of everyday international visitors to American ideas and ideals, worked in Afghanistan on democracy education efforts, and hosted hundreds of international leaders, from heads of state and government to grassroots democracy activists, from countries ranging from Australia, Brazil, and Cameroon to Serbia, Tunisia, and the United Kingdom.

So I come here today as a proud patriot who also has a deep commitment to America's engagement with the world and at the United Nations, a demonstrated history of managing taxpayer dollars carefully, a willingness to listen to good ideas from all quarters, and a lifetime of experience as a strong voice for reform in public institutions and a builder of coalitions to achieve it.

It would be a privilege, if confirmed, to use that experience—working with others in the administration, in Congress, and especially in this committee—to help the

U.N. live up to both its ideals and potential, to renew and strengthen the U.N. for our century, just as your predecessors in 1945 did for theirs.

Thank you, and I look forward to answering your questions.

Senator CASEY. Thank you Mr. Torsella.

We will take a break for what are two votes, and get back here as soon as possible.

Thank you.

Mr. TORSELLA. Thank you.

[Recess.]

Senator CASEY. Well, thanks, everyone. We're back. And I know that other members will be joining us. We just had two votes, and I did a little running, so I got a little exercise in between.

But, let me start with some questions. And I know that Senator DeMint, and maybe Senator Lee, will be back, as well, for questions.

I wanted to ask you about your experience, which obviously is relevant to any nomination hearing. But, I did note, for the record, some of the experience, but, in my judgment, it's a substantial body of experience that bears directly on the assignment you'd have at the United Nations. It's easy to talk about reform in management and accountability. It's harder to do it in the real world of the private sector, or even, maybe even harder on some days, the real world of government. And as someone who's not only run for public office, but was in a position in two different State government agencies where we had to change the way business was done, and throw out the old ways and start down a new path. I know how difficult that can be, so I have great admiration for what you've done.

But, I wanted to give you some time just to kind of walk through some of what you covered in your statement, your previous experience and how that bears directly on the job you'll have.

Mr. TORSELLA. Thank you, Senator. Thank you.

As I alluded to in my statement, I began my career in public affairs as deputy mayor of Philadelphia at a very difficult time. And almost all the attention of those of us who were in government then, and I was one of the deputy mayors for the city, was around a crisis of management, reform, and accountability. It was not only a financial crisis, but a broader crisis of confidence that people had in government. And over the course of several years and painstaking coalition-building, we changed the way the city did business, and did it in a way that translated to the bottom line, and didn't do it by any of the easy, obvious solutions, which, at the time, was, you know, raising taxes, because our judgment was that the city couldn't bear it.

I later had my own business, and subsequently was at the Constitution Center on two different tours of duty, for a total of 10 years, both in the institution "building" phase of the project, which was a nearly $200 million project, and then in the running of it. I am proud to say that, for all the years I ran it, despite the situation when I got there, we never ran a deficit, we never borrowed a dime, and we, as I suggested, debuted it in a way that won bipartisan applause, and has put it above politics.

And then, finally, at the State Board of Education, when I came in, the proposal to require graduates to pass competency exams in

basic subjects was dead. It had been dead on arrival for more than about 6 months in a State where 40 percent of our graduates weren't reading or doing math at grade level. And we had a total of many billions of dollars in the system, producing graduates who had diplomas that weren't worth all that much. And I sorted through the issues, found the common ground, persuaded opponents to become supporters, and pushed something across the finish line.

All these are complicated public institutions with multiple constituencies and high stakes and in circumstances where people didn't expect results.

Now, I want to note that if confirmed, I'd have the profound honor of being "our ambassador," standing up for "our interests and our values," not full authority over the whole system, but I think that those talents of building coalitions, finding common ground on reform, standing up, making progress when you can, with partners when you can, standing up when you can't, and calling attention to things. I think all those things are relevant and will be useful, and I look forward, if confirmed, to deploying them.

Senator CASEY. Before turning to Senator DeMint, who was very patient when I was running late, earlier today, so I will stay within my question timeframe, but—and you may have to do this more than just in the 2 minutes or so, please preview, based upon your knowledge of the United Nations, and the management and other reforms you'd have to bring to bear on the—at the United Nations—just maybe a list or a summary would be helpful, I think.

Mr. TORSELLA. Well, I do—thank you for the opportunity to talk about this—I do want to reserve my final say on this until I have the benefit of talented people in the mission and the State Department and, I hope, like-minded reform colleagues from different member states at the U.N. But, as I see it today, I think there are three broad priorities for the next Representative for Management and Reform.

No. 1 is institutionalizing and strengthening the oversight function at the U.N. Senator DeMint alluded to a report of a few years ago about procurement. That report is what a healthy oversight function can do. The United States led the effort to establish the Office of Internal Oversight Services at the U.N. There is a terrific new head of that office, who is at the beginning of her 5-year term but it is not fully staffed, not fully staffed at some high levels. And it has not been given the financial and operational independence it needs to be the watchdog, which is, I know, a term from your past, Senator, that you are familiar with—that keeps things on the straight and narrow.

No. 2 is, broadly, budget discipline. As we heard, the U.N. budget has grown substantially, and we are the largest contributor to the U.N. budget. And it is eminently in our interest that there be appropriate belt-tightening and management for effectiveness. It is also, though, I want to say, in the interest of other members states in the U.N., and the U.N., as an institution, because its credibility is directly related to the perceptions people have. So, broadly, the budget discipline and budget processes, and dealing with those resources.

And then, third, those reforms that I believe can have a systematic impact, not just the impact of 1 month or a headline, but whether that's extending the ethics framework—the disclosure requirements on financial interests, or whether it's software systems that'll reap tens and hundreds of millions in benefits, things that make real, longstanding change.

Senator CASEY. Thank you very much.

Senator DeMint.

Senator DEMINT. Thank you, Chairman Casey.

I'd like to focus for a minute on the peacekeeping operations and the U.S. contributions to those. Even though the United Nations supposedly has a zero-tolerance policy when it come to abuses against women and children, peacekeeping missions have been plagued with allegations of misconduct by U.N. peacekeepers. I mean, this is deeply disturbing. And I know that this has been none of your doing, at this point, but I think the record is important. And I'd like to start by reading you a few figures about these allegations, and how much money American taxpayers have spent on those very missions.

In 2010, 83 allegations of misconduct against U.N. peacekeepers and civilian personnel were reported. The U.S. contribution to U.N. peacekeeping activities was roughly $2.13 billion that year.

In 2009, there were 40 reported allegations of sexual abuse by U.N. peacekeepers in the Democratic Republic of Congo. The U.S.-assessed contribution for that year in the DRC was roughly $210 million.

In 2007, U.N. peacekeepers were accused of serious allegations of widespread sexual exploitation and abuse in the Ivory Coast. U.S. contributions to that mission in 2007 were roughly $138 million.

A 2007 source reported that 20 allegations of U.N. peacekeeping sexual misconduct with children in Southern Sudan. U.S. taxpayer-funded contributions for that mission in 2007 was roughly $215 million.

Just a couple of more of these. But, in November, 2007, peacekeepers were removed from Haiti following allegations of sexual exploitation and abuse of children. U.S. contributions to this peacekeeping mission were around $96 million.

In 2005, U.N. peacekeepers were reported to have traded in gold and sold weapons to militia groups. U.S. taxpayers, in 2005, gave over $293 million to the peacekeeping mission in the DRC.

That brings me to my question. Are you willing to cut funding for these missions where women and children have been abused? If not, why should American taxpayers continue to pay for missions where women and children have been hurt?

And we realize that, again, the special interests that are involved here are going to be very determined to keep the funding without the oversight that you talk about. And the culture of the U.N. is going to be very difficult to change. But, as you look at these figures, as you hear them—and I'm sure you're aware of a lot of them—how do you intend to address it? And what are you going to do, as far as funding versus mission, if we know there's a problem of this kind?

Mr. TORSELLA. Well, thank you, Senator. I want to wholeheartedly agree that any incidence of sexual exploitation, by any peacekeeper, is something that ought to trouble us greatly and is unacceptable. Even against the context of 120,000 deployed in 14 different missions, the numbers of incidents is deeply troubling, offensive, and unacceptable.

Peacekeeping is something that cuts across many of the portfolios of the senior team at the mission, from the Permanent Representative to others. And I would look forward to working with my colleagues to continue to make strides on this problem. There have been some recent reforms put in place. There are now conduct and discipline teams deployed who weren't before. But, there is clearly much to do to support the zero-tolerance policy that the U.S. Government has gotten behind, that there should be no more such reports as we go forward. And we need to work with the whole U.N. system, and other member states, to make sure that that is the case.

Senator DEMINT. Can you help explain—and again, I know you're looking at this, relatively new—but, what could be the explanation, after, you know, more than 5 years of these reports—and some of them have been publicized in the international media—why so little has been done at the U.N. to address this? You would think they understand the importance of the credibility and the international community, but there has been resistance even to deal with this.

Mr. TORSELLA. Well, as you suggest, Senator, it's difficult for me to talk about what precedes what I hope will be my tenure.

Senator DEMINT. Right.

Mr. TORSELLA. But, I think one of the broader contexts that you alluded to is that this has been an area of tremendous growth in a very short period of time, that the size and scope and complexity of peacekeeping operations, over approximately the last decade, has almost, I think, essentially quadrupled, and not just in size, but what used to be very conventional kinds of truly peacekeeping missions have become much more complicated in some much more difficult circumstances. So, that obviously makes everything that has to do with peacekeeping more challenging. And I think that the architecture of managing this has lagged behind what we've expected them to do.

Now, I think what we need to do is make sure that that's no longer the case, not just to be a moral voice, but to understand this comes down to who are the leaders of each mission, which is something we need to devote attention to, and how are they pursuing these matters.

Senator DEMINT. Just a quick question before I run out of time. Will you be willing to hold the budget hostage, in effect—our payments, our contributions to various aspects of the United Nations—in order to get the attention of these people here? Are you willing to come back to us and suggest we withhold funding until we get certain reforms? Because I think that's the only leverage we are ultimately going to have.

Mr. TORSELLA. Well, Senator, I am willing to get the attention and make the progress. And I'm willing to—and hope to work with you to do that. The U.S. Government position on withholding has

been that our best chance of getting reforms comes from advocating from the position of strength that, thanks to all of you, we now have. No one can say the United States has not done its share and is not paying its assessed dues.

I understand that there are valid concerns. There are good people with different points of view around this issue. And what I want to take away from that debate is a universal commitment to changing the results that we see, and leveraging the resources we have to get those results.

Senator DEMINT. Thank you, Mr. Torsella.

Senator CASEY. Senator Lee.

Senator LEE. Thank you for joining us today, Mr. Torsella.

I had some questions about the U.N. Human Rights Council. Since 2006, the Human Rights Council has adopted a total of, I believe, 67 country-specific resolutions. Of those 67, 32, almost half of them, focused specifically on Israel. And the U.S. membership on the U.N. Human Rights Council hasn't exactly reversed this trend. In 2010 alone, I think there were a total—there have been a total of eight resolutions adopted condemning Israel in some way, or Israel's actions.

Can you tell me whether you perceive an anti-Israel bias in this? And, if so, what can be done about that?

Mr. TORSELLA. Thank you, Senator.

As I believe it's been described by senior officials in this administration, the Human Rights Council has been a poster child for some of what's wrong with the U.N. And there has been, as Ambassador Rice has said, a grotesquely unbalanced treatment of Israel in the resolutions, for example, that you've talked about.

The administration's decision to join the Human Rights Council is based, again, on the premise that, as I've heard it said, "If we're not at the table, we're probably on the menu," and that we can do best by such allies by showing up for the fight. It doesn't mean we're going to win all of them, but we'll win more than we would if we didn't show up.

Now, I would hope to be a part of the efforts that the Ambassador described, to remedy that disproportionate treatment, and to stand up against it. And I do think the Human Rights Council is an institution that is in need of reform. And I'd hope, working with others in the administration and in the mission, to advance that cause.

Senator LEE. Yes. No; I think that's good. I'm pleased to hear that.

Do you know what, if anything, the Human Rights Council has done to address serious human rights problems in China, Iran, and Venezuela, just to name a few examples?

Mr. TORSELLA. Well, the Human Rights Council is widely considered by the administration to be far from what we and others hoped it would be when it replaced its predecessor body. There is a good argument to be made that the engagement of the administration has resulted in progress—three examples that I could talk about, quickly. One is the extension of the mandate for the special expert on Sudan, which was opposed by others and we succeeded at. No. 2, the appointment of a special rapporteur for freedom of assembly, which was again resisted by some of the notorious viola-

tors. And No. 3, our very visible efforts to keep Iran from winning a seat on the Human Rights Council to avoid making a further mockery of its intent.

Now, those are three examples where it worked. There are other examples, as you point out, where the results aren't acceptable. But, I think what it comes down to is the elbow grease and determination to keep showing up, keep having the fights, and use the platform for the purpose for which it was intended.

Senator LEE. OK. Thank you.

Now, funding for some U.N. programs, including the U.N. Office on the High Commissioner—Office of the High Commissioner for Human Rights and the U.N. Environmental Fund—are funded on a voluntary basis. Are there other programs that you think could be funded on a voluntary basis that are not, currently?

Mr. TORSELLA. I would not want to express a judgment today about particular programs. And I'd also note that it is the strong view of the administration that assessed programs are a treaty obligation, but also, the administration believes voluntary programs are a platform from which we can argue effectively for looking broadly.

What I'd say from following some of the discussions that have been going on over the last few months, and what I hear when people talk about the voluntary programs, is that they maintain a higher standard of transparency, a higher standard of accountability, and a very natural sense of wanting to be responsive to donors, and deliver results. I think those themes and things like sharing audit information are something that ought to apply across the board, period, in the U.N. system.

Senator LEE. Right. Accountability is an important thing in any government or any quasi-government body or international group. And yet, within the United Nations, you don't have quite the same forces that apply here. It comes with some of the trappings of a legislative body. It appears, on some levels, to be something like that. And yet, the people serve on that body, not as elected representatives of any group of people, but as representatives of various countries. And some of the countries' officials are not, themselves, elected; some of them are despots and tyrants and so forth. So, accountability becomes a difficult thing. It's not like they can vote and then expect to be accountable to any one group of people. Is there anything we can do to offset the lack of accountability that happens as a result of that?

Mr. TORSELLA. Well, the short answer is, I hope so. And the longer answer is that I don't want to give you the impression that my arrival is going to be greeted with ticker-tape parades and champagne.

Senator LEE. It should be. It should be. [Laughter.]

Mr. TORSELLA. Thank you, Senator.

But, I believe—as I outlined, at the beginning of my testimony, a case that an effective U.N. is in our interest. But, I believe that it's also in the enlightened self-interest of the U.N., as an institution, and in the interest of many Member States, obviously not all, and never all. I will do my best to make that argument and to figure out the practical politics of moving these issues forward.

There was recently, by the way, at great effort and cost to the U.S. political capital, the adoption by the General Assembly, for the first time ever, of a definition of accountability for all U.N. employees. That was a herculean struggle, and that's a start.

Senator LEE. Great.

Thank you very much, sir.

Senator CASEY. Thank you, Senator Lee.

Senator Rubio.

Senator RUBIO. Thank you.

Good morning, Mr. Torsella.

A couple of questions. I want to build on what Senator Lee asked about the human rights entity. It has such distinguished members, now, as Libya and Angola. Libya, in fact, was approved by 145 of the U.N. Member States, which is appalling since Libya, today, is what they were back then, too. So, my question is, when the United States—when this administration made the decision to join the commission—you stated earlier—and I get the point you're trying to make—that you're not on the table, you're on the menu. The counterargument to that, however, is that joining it gives this organization, or this entity, legitimacy, that, in essence, it makes it look like a real organization, when, in fact, it appears to be largely a collection of human rights abusers, for the most part.

So, obviously, you don't agree with that assessment. I would hope you can expand further on why it's important that we are a member of that. And the previous administration chose not to join it; they felt that our participation in it gave this organization legitimacy.

Mr. TORSELLA. Thank you, Senator. And again, I want to be careful not to speak to decisions that I wasn't a part of, or to suggest that decisions will be only in my portfolio. But, the administration's view of vigorous engagement is the guiding principle, and has been the guiding principle, across the board, that with that engagement comes the opportunity to be a critic, when that's appropriate, and that that's easier to do, and easier to do effectively, when we're around the table.

Now, I know that there are strong critics of the Human Rights Council. And I believe people of goodwill can disagree on this. There are strong critics of the Human Rights Council, though, who are glad that we're there to stand up, as we do. And there have been a number of votes that have been won—or, in the past, lost—by a margin of one, where there would have been some difference, if we weren't involved.

I don't want to, even for a minute, suggest that it's an institution that is living up to what the hopes of the U.N. founders might have been. I don't want to suggest, for a minute, that the disproportionate and biased treatment of Israel ought to be acceptable. But, there has been progress made. And when you talk about, for example, the case of Libya being elected—a lot of what happened in the past was that—because of the way that the election system worked, there were uncontested regional elections. And since engaging, the U.S. Government has been active in the politicking. And I think you saw, in the expulsion of Libya from the Human Rights Council, a historic first, may be one of the fruits of that policy.

So, I would argue that we ought to continue to use our voices and our votes. And as I say, we will not win all those fights, but we will win more than if we weren't there.

Senator RUBIO. Well, that premises the notion that we would see behavior after we joined that looks different from behavior before we joined it. And yet, it's hard to find any examples of things that we prevented from happening.

For example, the Council still has not addressed human rights violations in China, in Cuba, in Iran, and other places. In essence, I'm struggling to find examples of how joining it has actually influenced, or whether the Council continues to behave exactly the same way it did before we joined it. The only difference being, of course, that now the U.S. is a part of it. So, instead of pointing it out for what it is—you know, a charade—people can now say, "But, you're a member, you're at the table, and ultimately, you've blessed and legitimized this process."

Mr. TORSELLA. Senator, I'd like to take the particulars of the cases you raised for the record and get you some further information.

[The written information from Joseph Torsella follows:]

Generally, I do believe that there are differences. Where on the spectrum they are between what the unacceptable reality is and where the ideal ought to be, I think we can both agree, they're at the real low end. But, in the case of action on Sudan, in the case of keeping Iran off, in the case of the number of special sessions devoted to Israel in the time that we were off versus the time that we were on, I do believe that it's progress. And so, we're both going to agree that, on the scale of where it ought to be, it is not moved nearly far enough along.

While there is still much work to be done to reform the Human Rights Council into an institution that lives up to U.N. values and U.S. aspirations, in recent months, the Council has achieved several victories for human rights that could not have been accomplished without U.S. leadership and support:

- In March 2011, the Council took assertive action to highlight Iran's deteriorating human rights situation by establishing its first country-specific Rapporteur—a Special Rapporteur on the Human Rights Situation in Iran.
- In February 2011, the United States played a pivotal role in convening the Council's Special Session in which the Council condemned the recent human rights violations and other acts of violence committed by the Government of Libya, created an independent Commission of Inquiry to investigate those violations, and recommended to the U.N. General Assembly that it suspend Libya's membership rights on the Council. Days later, in an unprecedented consensus decision, the General Assembly suspended Libya.
- The United States was instrumental in galvanizing support for a consensus resolution that marks a sea change in the dialogue on countering offensive speech based upon religion or belief through the "Combating Discrimination and Violence" resolution, rejecting limitations on free speech and embracing dialogue and education. This effort was lauded by the U.S. Commission on International Religious Freedom.
- After the violence following elections in Côte d'Ivoire last December, we worked closely with the African Group to hold a special session on the human rights crisis that was taking place. This led directly to the establishment of a Commission of Inquiry for Côte d'Ivoire in the March session.
- In September 2010, the U.S. Government cosponsored a resolution to create the first-ever Special Rapporteur to protect Freedom of Assembly and Association, to monitor crackdowns on civil society groups and advance protection of the right to free assembly and association through its vigilant exposure of state conduct.
- Just last week, U.S. efforts led to a Human Rights Council Special Session on the human rights situation in Syria resulting in a resolution condemning the ongoing violence and calling for a mission to investigate violations and ensure full accountability.
- The United States has maintained a vocal, principled stand against the Council's biased focus on Israel. We've been there to contest moves to single Israel

out unfairly. The United States is by far Israel's strongest supporter on the Council. The Government of Israel has regularly expressed appreciation for the role the United States plays in the Council. The March session included six resolutions targeting Israel. The United States opposed all six resolutions and issued strong explanations of votes pointing out how biased and unhelpful these resolutions are. We cast the only "no" vote on five of these resolutions. If the United States were not on the Council, we would not have the opportunity to make these statements from the floor and these resolutions would have passed by consensus.

Mr. TORSELLA. Generally, I do believe that there are differences. Where on the spectrum they are between what the unacceptable reality is and where the ideal ought to be, I think we can both agree, they're at the real low end. But, in the case of action on Sudan, in the case of keeping Iran off, in the case of the number of special sessions devoted to Israel in the time that we were off versus the time that we were on, I do believe that it's progress. And so, we're both going to agree that, on the scale of where it ought to be, it is not moved nearly far enough along.

Senator RUBIO. And again, I know you didn't make this decision, but, I do want to drive the point home, because it's an important thing, going forward. Sudan is really low-hanging fruit. I mean—OK, Sudan. But, where we really—where an entity like this would really grow and be a legitimate entity that you could look at and say, "Boy, I'm glad we have this," is for them to say something about—like torture and other outrageous things that are happening in places like China; the constant daily roundup of dissidents in Cuba and multiple other places like that, where they don't get to. On the other hand, they dedicate this inordinate amount of time to Israel. And so, it's hard for me to see where us joining this Council has changed what it is, other than the fact that us joining it may have given it legitimacy it once did not have.

But, I want to—my time is running out—I did want to ask your view—and, in particular, the administration's view—on the propriety and effectiveness of using funding as leverage to achieve reforms. I think there is, in my opinion, a well-documented history of U.N. reforms that have been the result of a congressional determination to withhold funding for the organization or certain functions of the organization. What are your views on it? What are the administration's views? Is this a legitimate tool in our arsenal that we will use to hopefully push for some of these reforms, or not?

Mr. TORSELLA. Thank you, Senator. And I guess I would answer that I think that using the resources that we bring to bear to this as a tool is legitimate. The disagreement may be about whether using that means using the authority they give you, or withholding them at the beginning. And I think that's where the administration would differ.

In terms of the assessed contributions that we make to the U.N., the administration clearly believes, and I agree, that we have a better ability to effect change by having paid our dues, as we have done, and that, within that U.N. budget, there are going to be things that we and any reasonable person ought to think are inappropriate. But, there are also things that are vitally important to our national interest—like the enormous programs that the U.N. is responsible for, in both Afghanistan and Iraq, where there are close

to 4,000 civilians in the civilian surge, letting us bring our troops home—that is in the regular budget, for example.

So, I don't disagree that we ought to use the position of being the largest funder, use the talents of the U.S. Government, and use that authority to speak for reform.

Senator RUBIO. I'm sorry. Now I'm over time. I want to ask one quick question. This administration has brought us current. What reforms have we gotten? What meaningful reforms have happened as a result of that?

Mr. TORSELLA. Senator, I would hope to be able to give you the best answer to that after I've been on the job for a year or two, if I have the honor to be confirmed. There has been real progress in establishing the Office of Internal Oversight Services. There is a terrific and talented and independent and tough auditor, the Canadian, Carman LaPointe, who's the head of that. There is the new establishment of a U.N. ethics office, although its writ has not been extended far enough. And there has been, within the last week, the news report of the Secretary General instructing a 3-percent cut in the budget, from current levels, which is—that we may argue, and I probably will, about whether that's sufficient. But, that is the first time in 10 years that's happened.

Now, against the larger story of some of the troubles that were revealed over the course of the last few years, are we where we need to be? No. But, I believe that we ought to use the investments that we've made to demand that those changes be made and to put together, carefully, the coalitions that it takes to get them.

Senator RUBIO. Thank you.

Senator CASEY. Thank you, Senator Rubio.

I'll make three quick points before turning to—Senator DeMint, I know, has at least one question, if not more.

First of all, on the question of Libya, what has transpired recently. We know that—as you noted in your testimony, that Libya's been suspended from the Human Rights Council. It was a unanimous vote, I guess, on March 1, if I'm correct. So, I think—I just wanted to amplify the record on that.

Second, with regard to the important questions that Senator DeMint raised, I don't think there's much, if any, disagreement in this room that not only will the administration demand results from the U.N. and from the administration itself, but this committee will demand results. And I think the United Nations needs to know that, and the administration needs to know that, when it comes to those horrific crimes that were committed that Senator DeMint spoke to.

And finally—and I would say, in the interests of further endorsing the nominee who is before us, Mr. Torsella, in his record—if you read his record, and read the results that come from that record, when it comes to all of these issues, in terms of getting results and ensuring that justice is served, especially for people that are vulnerable, I think he'll be unyielding, and will insist upon results.

And one final point. Some of these issues are a little beyond his purview. I just want to note, for the record, the basic responsibilities of the U.S. Representative for the United Nations for Management Reform. It's, basically, five. One is on the issue of U.N. re-

form; second, budget management; third, fraud and mismanagement; fourth, procurement practices; and then, fifth, interaction with business. And I think that's a pretty broad portfolio, but I know that, even if a question arose that came across his radar screen that he had any voice that would speak—that he had a chance to speak to with his voice, I think it'll be unyielding, and not just getting results, but also protecting the vulnerable people.

Senator DeMint.

Senator DEMINT. Thank you, Mr. Chairman.

We'll keep honing in, here, on really, cleaning up the act of the U.N., because of its importance. I don't think anyone here is trying to undermine the importance. But, it has been frustrating, over the years, to see things that just were unaddressed that seemed so obvious.

Right now, the acting director of the U.N.'s Investigation Division, Michael Dudley, is under investigation. The U.N.'s Internal Oversight Office is suffering from a lack of credibility. Secretary General ignores its recommendations. And the former head of the office wrote a scathing end-of-mission report, which described the Secretary General as unaccountable and unworthy of the position.

If confirmed, will you use the voice and vote of the United States to ensure that a reputable, independent, and qualified chief investigator is appointed?

Mr. TORSELLA. Yes. Senator, I think that goes to the core of giving every interested party an assurance that things really are different and there will be a new day. I think, as you know from your experience in government, the existence of oversight institutions which cannot be tampered with and that don't have their budgets and their authority changed is absolutely crucial. I think that is among the first items on my list. And having someone in that position, as well as having the staff slots on the Financial Crimes Unit of that office, which we were instrumental in demanding be formed—having those positions filled is virtually my highest priority.

Senator DEMINT. Well, thank you for your answers. Thank you and your family for being here. And I know we all look forward to your confirmation.

Mr. TORSELLA. Thank you, Senator.

Senator CASEY. Thank you, Senator DeMint, our ranking member.

And, Mr. Torsella, thank you very much. And I'm using the "Mr." to be formal here, but I—once in a while, I can call you Joe.

But, you've done well in this hearing and in your previous engagement with this committee. We're grateful for your time and your commitment to public service. I think you've done well on behalf of your family and your friends and supporters in southeastern Pennsylvania. But, I want to note, for the record, that you're a proud son of Danville, Pennsylvania.

So, we thank you very much.

This hearing is adjourned.

[Whereupon, at 11:45 a.m., the hearing was adjourned.]

## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF JOSEPH TORSELLA TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* Various administration officials have stated that the administration is fighting hard to increase transparency, accountability, and budgetary restraint at the United Nations. However, few specific details have been offered about what reforms have been adopted and implemented to address these goals over the past 2 years.

- Please provide a detailed account of the U.N. reforms achieved at the behest of the United States over the past 2 years, the degree to which those reforms have been implemented and are being observed, and specific examples of how those efforts are serving to improve transparency and accountability in the U.N. and resulting in reductions in the U.N. regular and peacekeeping budgets.

Answer. The administration has pushed aggressively for sound management and budgeting, accountability, and transparency at the U.N. For example, the United States has been a force in achieving the following recent reforms.

1. In December 2008, the United States, along with other likeminded Member States, succeeded in securing a General Assembly resolution to transfer the function and caseload of the Procurement Task Force (PTF) to the Investigations Division of the Office of Internal Oversight Services (OIOS).

2. As a result of strong U.S. leadership, the General Assembly in June 2009 endorsed a 3-year pilot for investigations hubs of the Office of Internal Oversight Services (OIOS) in Nairobi, Vienna, and New York designed to enhance investigative capacity in the field.

3. In July 2009, with strong U.S. support, a new comprehensive internal justice system for addressing staff grievances came into effect that consists of professional and independent tribunals to expedite the resolution of cases and an informal dispute resolution process to enable staff to seek redress before resorting to litigation. The new internal justice system enhances transparency, fairness, efficiency, and accountability in the management of U.N. personnel.

4. In the past 2 years, the United States has led efforts to streamline the U.N.'s myriad staff contract arrangements and harmonizing conditions of service across the U.N. system. In December 2010, the General Assembly established parameters for granting continuing contracts and made significant strides in harmonizing the conditions of service for staff across the U.N. system serving in nonfamily duty stations.

5. The United States played a leading role in the establishment of U.N. Women, which on January 1, 2011, consolidated four U.N. agencies into one, strengthening and streamlining the U.N.'s work to advance gender equality and women's empowerment.

6. The United States led efforts in the Security Council to adopt Resolution 1820, which gives the U.N. better tools to combat sexual violence in conflict zones and established the first-ever U.N. Special Representative for Sexual Violence in Conflict in order to bring more focus on these serious issues.

7. The United States succeeded in securing General Assembly adoption of the U.N. Global Field Support Strategy, which will yield greater efficiencies in administrative and logistics support for U.N. field operations.

8. The United States was instrumental in achieving the passage of a General Assembly resolution in March 2010 on accountability that will hold U.N. officials responsible for safeguarding resources and achieving results.

9. The United Nations has not established a single new peacekeeping mission in the past 2 years. In 2010, the U.N. peacekeeping budget decreased for the first time in 6 years. The United States supported the closure of MINURCAT (U.N. peacekeeping mission in Chad and the Central African Republic), saving up to $600 million per year. The United States also led efforts to end the U.N. Special Political Mission in Nepal once its contributions reached the point of diminishing returns.

I would also like to mention two areas where the United States was successful in ensuring that hard-fought reforms remain in place. First, in 2009 during negotiations over the scale of assessment for the U.N. regular budget, the United States succeeded in beating back attempts to increase the U.S. share of the U.N. budget and thereby averted hundreds of millions in possible new assessments. Second, the United States in March 2010 was critical in securing a General Assembly resolution that preserves the existing mandates governing OIOS as well as those that allow access to OIOS reports by Member States. Maintaining access to OIOS audit reports is crucial to fulfilling our fiduciary responsibilities and building a culture of trans-

parency and accountability at the U.N. The United States continues to ensure that OIOS has the resources it needs and serves as the primary investigative oversight role in the U.N.

The administration's commitment to U.N. reform is clear, as is the need for much more to be done throughout the U.N. system. If confirmed, my mission would be to build on the progress made to accelerate the implementation of reforms that would make it more efficient, transparent, and productive.

*Question.* The U.N. Headquarters is undergoing a major renovation.

- What is the current projected budget of the Capital Master Plan?
- Is the CMP schedule on time?
- What is the next major benchmark?
- What is the cost to the United States for the CMP?
- Will the administration require any additional funding?

Answer. In 2006, the U.N. General Assembly approved a project budget of $1.88 billion in 2006 for the U.N. Headquarters renovation. The United States is paying 22 percent: $75.5 million annually over 5 years, plus contributions made during the design phase for a total of approximately $415 million.

Construction began in May 2008 and is expected to be complete in 2014, with the project being bid in multiple parts. Additional time is being built into the project schedule in order to complete perimeter security enhancements.

During 2011, construction work will continue on the Secretariat and Conference buildings and the basement areas of the complex. The Secretariat building is scheduled for completion in 2012. Work on the General Assembly building will commence in 2012 as well.

The U.N. has been steadily reducing the projected cost overruns on the project and remains confident this project will be completed on or very close to budget. The U.N. continues to work with its design team to find ways to reduce costs through the value engineering process and has been able to bring some parts of the project in under budget through competitive bidding and tough negotiations. This does not take into account additional costs of approximately $162.5 million for items related to but not included in the scope of the Capital Master Plan such as permanent furnishings and construction security. The General Assembly is expected to consider in the fall how these costs will be financed (i.e. through the CMP budget or in the regular budget) given that the U.N. has indicated not all of these costs will be able to be absorbed within the Capital Master Plan budget.

*Question.* Earlier this year, the House voted on legislation to seek the reimbursement of $179 million owed to the United States from the U.N. Tax Equalization Fund. On the morning of the vote, the State Department notified Congress that it had given the U.N. $100 million of that money to the U.N. for unspecified security upgrades.

- Who authorized this decision and when was the decision made?
- Under what legal authority did the State Department make that decision?
- Have you received a detailed plan for those upgrades and a comprehensive explanation of how the U.N. arrived at the $100 million cost for the upgrades?
- Why weren't these upgrades included as part of the U.N. Capital Master Plan, which would have reduced the U.N. share of the costs from $100 million to $22 million?
- Does Congress have your guarantee that none of the $100 million will be used to pay for upgrades inside the U.N. building or on the grounds or for any other purpose that should be handled jointly by the U.N. Member States under the Capital Master Plan?
- Is it true that the city of New York requested these changes—please provide a copy of any such request.

Answer. Under Secretary Kennedy informed the relevant committees, including the Senate Foreign Relations Committee, in a December 29, 2010, letter that the United Nations is taking action to address significant physical security concerns related to the protection of the U.N. Headquarters complex in New York and will use $100 million from the U.N. Tax Equalization Fund (TEF) to fund these critical enhancements. It is the view of the Department of State that the United Nations' application of those fund balances, since the original U.S. contributions had been previously obligated and disbursed, does not require further authorization under U.S. law.

I would make it a high priority, if confirmed, to see that the formulas and procedures related to the TEF are changed so that such fund balances do not accrue in the future.

In a January 11, 2011, letter to the U.N., Under Secretary Kennedy acknowledged the United Nations' use of these funds, and, to ensure appropriate oversight of the project, asked that the United Nations provide detailed monthly updates on its status.

In response to this request, the U.N. has agreed to provide the Department with monthly reporting on the project's progress and the associated use of funds. This report provides a mechanism for the United States to monitor how the funds are being expended and to ensure that it is consistent with the agreed elements of the project. I have been informed that providing structural upgrades within the U.N. complex is the best practical measure for mitigating the security threat from adjacent New York City streets, given the inability to close or realign those streets. As a result, some of the work to implement the perimeter security enhancements will be completed within the U.N. complex.

The U.N. had shared plans and cost documents with the Department on the security work it plans to undertake as a result of extensive consultations with the Department and the city of New York. The city of New York has urged the U.N. to incorporate more stringent security measures into the ongoing renovations [see attachment].

These heightened security requirements evolved during the execution of the CMP. In recent years the U.N. has faced increasing attacks around the world, such that the threat environment for the institution had significantly increased. The proposed upgrades adapt the project design to the new threat environment since the CMP scope originally agreed in 2006 was based on a lower anticipated threat level. I understand that in order to fully integrate the perimeter security enhancements into the CMP, General Assembly agreement would have been needed, which would have further delayed vital upgrades to the Conference Building, and would have likely resulted in cost escalation for the overall CMP.

THE POLICE COMMISSIONER
CITY OF NEW YORK

April 27, 2010

Under Secretary Patrick F. Kennedy
Under Secretary of State for Management
United States Department of State
2201 C Street NW
Washington, DC 20520

Dear Secretary Kennedy,

I am profoundly disturbed by the lack of progress toward providing an adequate level of structural protection to the United Nations Headquarters Campus. After several years of work, the United Nations and the State Department lack a plan and even a clear commitment to remediating the problem.

As you know, over the past two decades, New York City has been the target of multiple significant terrorist plots, including the attacks against the World Trade Center in 1993 and 2001. The recent guilty pleas from Najibullah Zazi and one of his co-conspirators who targeted the New York City subway system show that this threat has not abated. Moreover, United Nations facilities around the world have been targeted by terrorists, most notably the 1993 "Landmark" plot against the United Nations Headquarters, the 2003 attack on the United Nations compound in Baghdad, and the 2007 attack on a United Nations facility in Algiers. Given the unique role the United Nations plays in world affairs, it is unlikely that this threat will diminish.

Yet the renovation of the Campus proceeds, guided by a set of modest security standards that are wholly inappropriate for a facility as significant as the United Nations Headquarters. These standards are far below those expected of even ordinary U.S. diplomatic installations abroad, much less the iconic seat of global governance. To make matters worse, the United Nations Headquarters will fail to meet even these inadequate standards after the completion of the current Capital Master Plan (CMP) – unless, of course, the City consents to additional encroachments on public roadways. This is an unreasonable expectation and an unfair burden, particularly given that the State Department failed to consult with the City when it specified the post-CMP security standards for the United Nations.

In his letter to Secretary Clinton of April 19, 2010, Mayor Bloomberg promised a detailed list of recommendations regarding the security of the United Nations Headquarters. These recommendations are listed below, organized into three categories: near-term steps, long-term studies, and revised security standards.



1 Police Plaza, New York, NY 10038 • 646-610-5410 • Fax: 646-610-5865
Website: http://nyc.gov/nypd

*Near-Term Steps*

1. Reprogramming of conference room space. The City recommends that the United Nations hold no more meetings in the Security Council chamber, the Trusteeship Council chamber, or the ECOSOC chamber until the structural security standards recommended below are met. Similarly, the City recommends that the lower-level rooms on the eastern perimeter of the Conference Building be used for storage rather than meeting space.

2. First Avenue perimeter plan. The City recommends that the United Nations develop a perimeter protection plan for First Avenue that is acceptable to the City and that addresses the needs of the United Nations. This could include, for example, installation of bollards along First Avenue, with partial wraparound on 48th Street and 42nd Street. All vehicle interdiction devices should be K-12 rated and no taller than 36 inches.

3. Off-site delivery, so that only trusted vehicles are permitted access to the campus. The City recommends that the United Nations adopt off-site screening of vehicles, possibly in Long Island City, implementing a trusted-vehicle program that would prevent unscreened and/or unsealed vehicles from approaching the Campus.

4. Surveillance partnering. The City recommends that the United Nations integrate existing camera feeds from the United Nations complex into the NYPD Domain Awareness System.

*Long-Term Studies*

5. FDR Drive study. The City recommends that the United Nations jointly commission with the City an integrated traffic flow, traffic safety, engineering, and blast analysis study of the FDR Drive and the eastern exposure of the UN campus. The purpose of this study would be to specify the full range of feasible mitigations and associated costs and traffic impacts. This study should be designed to weigh the traffic impacts of potential lane closures against the protection benefits gained by such closures assuming maximum structural hardening.

6. 42nd Street off-ramp study. The City recommends that the United Nations jointly commission with the City an integrated traffic flow, traffic safety, engineering, and blast analysis study of United Nation's southern exposure along the 42nd Street FDR off-ramp. The purpose of this study would be to specify the full range of feasible mitigations and associated costs and traffic impacts.

*Revised Security Standards*

7. Design basis threat. The Department of State should revise the security standard it set in 2004-5 for the United Nations Headquarters, bringing it in line with the standards

that apply to other high-risk buildings in New York City. Specifically, the design basis threat for structural collapse of the United Nations Headquarters should be 10 times the Headquarters' current design basis threat, which is referred to as the W1 charge weight. I recognize that it may not be physically possible to harden some elements of the Campus to the 10 x W1 design basis threat, particularly the eastern exposure along the FDR Drive. In such cases, the United Nations should design retrofits to meet the maximum design basis threat achievable and jointly consider with the City options for creating additional standoff based on the results of the long-term studies recommended above.

Given the ongoing nature of our joint efforts to address these structural security deficiencies, it seems appropriate that you include a significant financial reserve for this purpose in the Department's 2011 budget submission to the Office of Management and Budget.

Protecting the United Nations is an enormous challenge and responsibility, which is possible only if we work closely together. I look forward to deepening our security collaboration in the future.

Sincerely,

Raymond W. Kelly
Police Commissioner

C: Hon. Hillary Rodham Clinton, Secretary of State
Hon. Susan E. Rice, Ambassador of the US to the UN
Hon. Gregory B. Starr, Under-Secretary-General for Safety and Security
Hon. Marjorie B. Tiven, Commissioner, NYC Commission for the United Nations, Consular Corps and Protocol

3

*Question.* The Secretary General called for the next U.N. budget to be cut by 3 percent. As you know, the current proposed 2-year budget for 2012 and 2013 is $5.5 billion.

- What areas would the administration like to see reduced or eliminated from the U.N. budget?
- On what basis are these cuts being justified since the U.N. has failed to follow through with its mandate review?
- Why do U.N. funds and programs that receive vast amounts of funding such as UNEP and UNWRA, which both receive less than 5 percent of their budgets from the U.N. regular budget still receive funding through the U.N. regular

budget? Shouldn't the United States look to trim the U.N. regular budget by ending the token support for these offices through the regular budget?

- In December 2009, the U.N. approved a 2-year budget of $5.156 billion for 2010 and 2011. Thus, even assuming that the Secretary General is able to get a 3-percent cut from the proposed budget, the U.N. budget would be growing by 3 percent based on the previous budget. As you know, the U.N. budget has grown even faster than the U.S. budget since 2000. Is that expansion justified?
- Do you think that the Secretary General's proposed 3-percent budget cut is sufficient?
- Why doesn't the United States insist on a zero-growth budget proposal based on the initial proposal in 2009?

Answer. The United States has consistently sought to make reductions in those areas of the U.N. budget where resources are not being utilized as efficiently and effectively as possible. We believe the U.N. can meet its responsibilities without growing the budget by increasing efficiencies through streamlining processes, examining structural costs at all levels, eliminating unproductive administrative practices and obsolete functions, leveraging modern technology, and adopting proven best practices. We also believe that the U.N. should critically review its staffing levels and opportunities for competitive contracting of some services. These efforts to increase efficiencies and reduce the budget can be accomplished without eliminating mandates. However, it is important to recognize the difficulties inherent in trying to achieve U.S. priorities within the U.N.'s framework of universal membership and consensus-based decisionmaking. The U.S Government strives to strike a balance between making what reductions are possible while also maintaining the support needed from others to achieve our highest diplomatic and security priorities.

For programs such as UNWRA and UNEP, my understanding is that the USG goal has generally been to prevent the provision of additional resources from the U.N. regular budget.

In 2010, the General Assembly invited the Secretary General to prepare the 2012–13 biennium budget on the basis of the $5.397 billion estimate, reflecting an increase of less than 1 percent over the current 2010–11 biennial budget of $5.367 billion. Although the U.N. regular budget has more than slightly doubled since the 2000–01 biennium, Special Political Missions (SPMs) have increased from $115.3 million to $1.2 billion during this same period, with much of the increase in SPMs attributable to the U.N. Assistance Missions in Iraq and Afghanistan. As we work to contain unnecessary growth in the U.N. budget, we must keep in mind the extent to which U.S. priorities have contributed to expansion of the regular budget.

While I do not believe that any single step, such as the Secretary General's proposed 3-percent reduction, is itself sufficient to achieve the effective, economical U.N. we hope for, I strongly support the Secretary General's initiative to try to implement a 3-percent reduction in the regular budget. This would be the first proposed reduction compared to the previous year of spending in 10 years. It is notable that the U.N. has recognized the need to demonstrate greater budget discipline in response to the difficult budgetary environment faced by many Member States. This initiative will create challenges for the U.N. given such exercises have typically been poorly received by many Member States. However, if the Secretary General is successful in putting this forward to the General Assembly, it offers a more favorable basis for discussions on the 2012–13 budget during the fall UNGA, which we and many like-minded Member States will seek to capitalize on. We will work with other Member States to achieve a budget outcome that reflects restraint while allowing the U.N. to maintain operational effectiveness.

*Question.* Please provide a breakdown (by percent and dollar figure) showing the top five recipient countries of U.N. procurement orders for the following U.N. agencies/offices/programs, for the most recent U.N. fiscal year: U.N. Peacekeeping operations; World Food Programme; U.N. Capital Master Plan; UN/UNDP Headquarters in New York.

Answer. *U.N. Systemwide:* Across the entire U.N. system, which includes the U.N. Secretariat, funds and programs, and specialized agencies, procurement orders totaled $13.8 billion in 2009*. The breakdown of the top five recipient countries of procurement contracts systemwide is as follows:

| Countries | | Percent |
|---|---|---|
| United States | $1,734,000,000 | 12.57 |
| Switzerland | 843,800,000 | 6.11 |
| India | 676,700,000 | 4.90 |
| Sudan | 641,700,000 | 4.65 |
| Russian Federation | 463,200,000 | 3.36 |
| Other | 9,440,600,000 | 68.41 |

*A thorough breakdown for 2010 is not yet available.

*U.N. Capital Master Plan (CMP):* Skanska trade contracts represent the majority of CMP procurement orders. The Skanska trade contracts for 2009* total $633,197,529. The breakdown of the top five recipient countries of CMP procurement contracts is as follows:

| Countries | | Percent |
|---|---|---|
| United States | $605,363,903 | **95.60 |
| Mexico | 8,055,998 | 1.27 |
| Germany | 2,243,446 | 0.35 |
| Canada | 1,113,347 | 0.18 |
| China | 1,048,412 | 0.17 |
| Other | 15,372,423 | 2.42 |

*A thorough breakdown for 2010 is not yet available.
**Of the total procurement contracts.

*U.N. Peacekeeping Operations:* The Department of Peacekeeping Operations (DPKO) procurement for 2010 totaled $2,483,011,729. The breakdown of the top five recipient countries of DPKO procurement contracts is as follows:

| Countries | | Percent |
|---|---|---|
| Sudan | $269,614,943 | 10.86 |
| United States | 187,838,135 | 7.56 |
| Switzerland | 139,590,239 | 5.62 |
| Italy | 132,391,948 | 5.33 |
| Panama | 75,360,992 | 3.03 |
| Other | 1,678,215,472 | 67.59 |

*World Food Programme (WFP):* In 2010, WFP globally procured 3,166,320 metric tons of food commodities, with a total cash value of US$1,250,000,000. The breakdown of the top five recipient countries of WFP procurement contracts is as follows:

| Countries | | Percent |
|---|---|---|
| Pakistan | $214,356,000 | 17.15 |
| Ethiopia | 88,416,000 | 7.07 |
| South Africa | 65,738,000 | 5.26 |
| Ukraine | 63,644,000 | 5.09 |
| Indonesia | 60,235,000 | 4.82 |
| Other | 757,611,000 | 60.61 |

*United Nations Development Programme (UNDP):* The UNDP awarded $252,109,847 worth of contracts in 2010. The breakdown of the top five recipient countries of UNDP procurement contracts is as follows:

| Countries | | Percent |
|---|---|---|
| Germany | $64,744,075 | 25.69 |
| The Netherlands | 36,759,115 | 14.58 |
| Germany/Cyprus* | 35,108,085 | 13.93 |
| Austria | 30,643,265 | 12.15 |
| India | 16,155,931 | 6.41 |
| Other | 68,699,376 | 27.25 |

*The contract was jointly awarded to both countries, and a breakdown was not provided.

*Question.* As you may be aware, some have expressed concern with a February 2009 report by the U.N. Independent Audit Advisory Committee (IAAC), Vacant Posts in the Office of Internal Oversight Services, which found that OIOS had vacancies in over 27 percent of its authorized posts, including all three director-level positions. The report expressed concern that the high vacancy rate will have an "adverse impact on the capacity and ability" of OIOS to accomplish its work. Please provide a staffing pattern for OIOS showing all positions and indicating which are vacant and the length of their vacancy. Identify which positions are encumbered by American nationals.

Answer. I am providing the most recent staffing chart for OIOS, dated February 28, 2011.

**OIOS Budgetary Vacancy Table (as of 28 February 2011)**

*Legend:*

posts blocked for legitimate incumbents
vacant posts
D-2 vacancies

**Internal Audit Division**

| Location | Fund | Level | Post No. | Nationality | Gender | Incumbency as of 28 Feb | Length of Vacancies | Remarks |
|---|---|---|---|---|---|---|---|---|
| New York | UNA | D-2 | 5912 | Senegal | F | | | |
| New York | UNA | D-1 | 33149 | India | M | | | |
| New York | QSA | D-1 | 45423 | United Kingdom | F | | | |
| New York | UNA | D-1 | 67011 | | | | vacant since 30 April 2010 | IAD had prepared all necessary steps for issuance of VA in Galaxy before 30 April 2010 (Retirement date of former incumbent). However due to technical problems that could not be resolved by OHRM VA could not be issued in Galaxy. JO posted on 15 Feb. 2011. |
| Nairobi | UNA | D-1 | 604907 | Philippines | F | | | |
| Geneva | HAM | D-1 | 509980 | United Kingdom | M | | | |
| UNSOA | QSA | P-5 | 78831 | Malaysia | M | | | |
| Sudan | QSA | P-5 | 66944 | India | M | | | |
| Port-au-Prince | QSA | P-5 | 51508 | South Africa | M | | | |
| New York | OKA | P-5 | 996 | Republic of Korea | M | | | |
| New York | UNA | P-5 | 5941 | Philippines | M | | | |
| New York | UNA | P-5 | 5942 | United Kingdom | F | | | |
| New York | QSA | P-5 | 21899 | Russian Federation | M | | | |
| New York | CMP | P-5 | 48356 | United Kingdom | M | | | |
| New York | PFN | P-5 | 50361 | United States of America | M | | | |
| New York | ODA | P-5 | 52872 | Bhutan | M | | | |
| New York | QSA | P-5 | 58181 | Liberia | M | | | |
| New York | UNA | P-5 | 67012 | Italy | M | | | |
| Nairobi | UNA | P-5 | 603724 | Cote d Ivoire | M | | | |
| Nairobi | HGM | P-5 | 605889 | Kenya | M | | | |
| Monrovia | QSA | P-5 | 52461 | Jamaica | F | | | |
| Lebanon | QSA | P-5 | 52465 | Malaysia | F | | | |
| Kosovo | QSA | P-5 | 39653 | Zambia | F | | | |

## OIOS Budgetary Vacancy Table (as of 28 February 2011)

*Legend:*

posts blocked for legitimate incumbents
vacant posts
D-2 vacancies

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Kinshasa | QSA | P-5 | 39455 | | | | vacant since 31 Aug. 2010 | Selection made. pending travel arrangements. |
| Geneva | HAM | P-5 | 512165 | | | | vacant since 30 Oct. 2010 | JO posted on 24 Feb. 2011. |
| Geneva | UNA | P-5 | 512966 | Finland | M | | | |
| Geneva | HAM | P-5 | 517984 | Canada | F | | | |
| Darfur | QSA | P-5 | 68192 | Canada | M | | | |
| Chad | QSA | P-5 | 76120 | Australia | M | | | |
| Abidjan | QSA | P-5 | 52166 | | | | vacant since 30 May 2010 | Selection made. On-boarding. |
| UNSOA | QSA | P-4 | 78834 | Philippines | M | | | |
| The Hague | HLA | P-4 | 50426 | | | | vacant since 30 Sep. 2010 | JO posted on 4 Feb. 2011. |
| Syria | HGM | P-4 | 518111 | | | | vacant since 31 Dec. 2009 | JO posted on 4 Feb. 2011. |
| Sudan | QSA | P-4 | 66945 | Nepal | M | | | |
| Sudan | QSA | P-4 | 66946 | Uganda | F | | | |
| Sudan | QSA | P-4 | 66947 | Ghana | M | | | |
| Sudan | QSA | P-4 | 66948 | | | | vacant since 1 Feb. 2011 | Selection made. On-boarding. |
| Sri Lanka | HGM | P-4 | 520248 | Pakistan | M | | | |
| Senegal | HGM | P-4 | 520249 | Senegal | F | | | |
| Port-au-Prince | QSA | P-4 | 51529 | Sierra Leone | M | | | |
| Port-au-Prince | QSA | P-4 | 72913 | Ghana | M | | | |
| New York | QSA | P-4 | 1284 | United States of America | M | | | |
| New York | UNA | P-4 | 5934 | Turkey | M | | | |
| New York | UNA | P-4 | 5935 | Nigeria | M | | | |
| New York | UNA | P-4 | 5936 | Republic of Zambia | M | | | |
| New York | UNA | P-4 | 5937 | | | | vacant since 31 Jan. 2010 | Selection made on 14 Oct. 2010. Selected candidate to be reappointed. |
| New York | QSA | P-4 | 11940 | Germany | M | | | |
| New York | QSA | P-4 | 11941 | Republic of Korea | M | | vacant since 31 Oct. 2010 | to be filled through internal mobility programme. |
| New York | QSA | P-4 | 11942 | Israel | M | | | |
| New York | QSA | P-4 | 34004 | India | M | | | |
| New York | OHA | P-4 | 34258 | New Zealand | F | | | |
| New York | PFN | P-4 | 50362 | United States of America | M | | | |
| New York | ODA | P-4 | 52873 | Australia | M | | | |
| New York | QSA | P-4 | 58182 | Saint Kitts and Nevis | F | | | |
| New York | PFN | P-4 | 63016 | Netherlands | F | | | |

## OIOS Budgetary Vacancy Table (as of 28 February 2011)

*Legend:*

| | |
|---|---|
| | posts blocked for legitimate incumbents |
| | vacant posts |
| | D-2 vacancies |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| New York | CMP | P-4 | 65029 | Kazakhstan | F | | | |
| New York | QSA | P-4 | 66920 | Kenya | F | | | |
| New York | UNA | P-4 | 67013 | Uzbekistan | F | | | |
| New York | UNA | P-4 | 67014 | Senegal | F | | | |
| New York | UNA | P-4 | 67015 | Nepal | M | | | |
| New York | QSA | P-4 | 78835 | United Kingdom | F | | | |
| Nairobi | HGM | P-4 | 603110 | Germany | M | | | |
| Nairobi | UNA | P-4 | 603725 | | | | vacant since 1 Jan. 2011 | JO posted on 4 Feb. 2011. |
| Nairobi | OTA | P-4 | 603896 | Zambia | M | | | |
| Nairobi | HGM | P-4 | 605899 | Netherlands | M | | | |
| Monrovia | QSA | P-4 | 52462 | Nigeria | M | | | |
| Monrovia | QSA | P-4 | 52463 | Cote d Ivoire | M | | | |
| Monrovia | QSA | P-4 | 58189 | Nepal | M | | | |
| Lebanon | QSA | P-4 | 52466 | Canada | F | | | |
| Lebanon | QSA | P-4 | 66931 | Kenya | F | | | |
| Lebanon | QSA | P-4 | 66932 | Liberia | M | | | |
| Kosovo | QSA | P-4 | 35647 | | | | vacant since 30 June 2010 | IAD presence in UNMIK to be phased out. To be abolished |
| Kinshasa | QSA | P-4 | 39464 | Mauritania | M | | | |
| Kinshasa | QSA | P-4 | 46074 | Pakistan | M | | | |
| Kinshasa | QSA | P-4 | 52467 | India | M | | | |
| Kinshasa | QSA | P-4 | 66929 | Nigeria | M | | | |
| Geneva | HAM | P-4 | 509983 | France | M | | | |
| Geneva | HAM | P-4 | 509984 | India | M | | | |
| Geneva | ACK | P-4 | 510729 | South Africa | M | | | |
| Geneva | UNA | P-4 | 512967 | India | M | | | |
| Geneva | HAM | P-4 | 513116 | India | M | | | |
| Geneva | UNA | P-4 | 513540 | Russian Federation | M | | | |
| Geneva | HCA | P-4 | 516157 | Kenya | F | | | |
| East Timor | QSA | P-4 | 66956 | United Kingdom | M | | | |
| Darfur | QSA | P-4 | 68243 | | | | vacant since 30 Sep. 2010 | Selection made. On-boarding. |
| Darfur | QSA | P-4 | 68245 | United Kingdom | M | | | |
| Darfur | QSA | P-4 | 68246 | Philippines | F | | | |
| Darfur | QSA | P-4 | 68247 | Philippines | M | | | |
| Darfur | QSA | P-4 | 69762 | | | | vacant since 31 Dec. 2009 | Selection made. On-boarding. |
| Chad | QSA | P-4 | 75509 | Cote d Ivoire | M | | | |
| Bonn | UNFCCC | P-4 | 604787 | | | | vacant since 31 Dec. 2009 | JO posted on 4 Feb. 2011. |

## OIOS Budgetary Vacancy Table (as of 28 February 2011)

*Legend:*

posts blocked for legitimate incumbents
vacant posts
D-2 vacancies

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Arusha | TUA | P-4 | 50423 | | | | vacant since 31 Dec. 2009 | JO posted on 11 Feb. 2011. |
| Abidjan | QSA | P-4 | 52172 | India | M | | | |
| UNSOA | QSA | P-3 | 78832 | | | | vacant since 30 April 2010 | Offer accepted . Pending OHRM clearance |
| The Hague | HLA | P-3 | 50427 | Philippines | F | | | |
| Sudan | QSA | P-3 | 66949 | Kenya | M | | | |
| Sudan | QSA | P-3 | 66950 | Kenya | M | | | |
| Sudan | QSA | P-3 | 66951 | Brazil | M | | | |
| Port-au-Prince | QSA | P-3 | 35745 | Kenya | M | | | |
| Port-au-Prince | QSA | P-3 | 58183 | Viet Nam | M | | | |
| New York | OKA | P-3 | 995 | Romania | M | | | |
| New York | UNA | P-3 | 5928 | Australia | F | | | |
| New York | UNA | P-3 | 5929 | Bahamas | F | | | |
| New York | UNA | P-3 | 5930 | Japan | F | | | |
| New York | QSA | P-3 | 11938 | | | | vacant since 31 Oct. 2010 | JO posted on 24 Feb. 2011. |
| New York | QSA | P-3 | 16622 | Guinea | M | | | |
| New York | PFN | P-3 | 64900 | China | M | | | |
| New York | QSA | P-3 | 66921 | United States of America | F | | | |
| New York | QSA | P-3 | 66922 | Kenya | M | | | |
| New York | UNA | P-3 | 67016 | United Kingdom | F | | | |
| New York | UNA | P-3 | 67017 | Germany | F | | | |
| New York | UNA | P-3 | 67018 | Japan | M | | vacant since 30 Sep. 2010 | Blocked until 10 April 2011 . |
| Nairobi | HGM | P-3 | 603111 | | | | Vacant since 1 Dec 2010 | JO posted on 4 Feb. 2011. |
| Nairobi | HGM | P-3 | 603233 | | | | vacant since 1 Nov. 2010 | JO posted on 4 Feb. 2011. |
| Nairobi | UNA | P-3 | 603726 | Sweden | F | | | |
| Nairobi | UNA | P-3 | 603727 | Italy | M | | | |
| Nairobi | HFU | P-3 | 603886 | Zimbabwe | F | | | |
| Monrovia | QSA | P-3 | 38856 | India | F | | | |
| Monrovia | QSA | P-3 | 58190 | United Kingdom | M | | | |
| Lebanon | QSA | P-3 | 66933 | Russian Federation | M | | | |
| Lebanon | QSA | P-3 | 66934 | | | | vacant since 31 Dec. 2009 | JO posted on 19 Feb. 2011. |
| Kinshasa | QSA | P-3 | 39495 | | | | vacant since 30 July 2010 | Selection made. On-boarding pending reference checks |
| Kinshasa | QSA | P-3 | 40409 | Kenya | M | | | |
| Geneva | HAM | P-3 | 509986 | Italy | M | | vacant since 31 July 2010 | Selection for TVA 4 November 2010. Selected Candidate withdrew 18 January 2011 |

## OIOS Budgetary Vacancy Table (as of 28 February 2011)

*Legend:*

posts blocked for legitimate incumbents
vacant posts
D-2 vacancies

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Geneva | HAM | P-3 | 509987 | France | M | | | JO to be posted. |
| Geneva | HAM | P-3 | 510127 | Malawi | M | | | |
| Geneva | UNA | P-3 | 512968 | | | | | |
| Geneva | UNA | P-3 | 512969 | | | | vacant since 31 Dec. 2009 | JO posted on 4 Feb. 2011. |
| East Timor | QSA | P-3 | 66955 | | | | vacant since 31 Dec. 2009 | Selection made. On-boarding. |
| Darfur | QSA | P-3 | 68635 | Kenya | M | | | |
| Darfur | QSA | P-3 | 68636 | Senegal | M | | | |
| Darfur | QSA | P-3 | 68637 | Austria | M | | | |
| Darfur | QSA | P-3 | 68638 | United States of America | F | | | |
| Chad | QSA | P-3 | 75510 | Uganda | M | | | |
| Abidjan | QSA | P-3 | 52198 | Kenya | F | | | |
| New York | UNA | P-2 | 5918 | Belize | M | | | |
| New York | UNA | P-2 | 5919 | Uzbekistan | F | | | |
| New York | UNA | P-2 | 5920 | United States of America | F | | | |
| New York | UNA | P-2 | 5921 | Viet Nam | M | | vacant since 31 May 2010 | Blocked for staff member until 31 May 2011. |
| New York | XAK | P-2 | 77843 | Norway | M | | | |
| Geneva | JIO | P-2 | 508606 | Niger | M | | vacant since 10 Jan. 2011. | TVA advertised. Selection completed |
| Geneva | UNA | P-2 | 512971 | China | F | | | |
| Geneva | UNA | P-2 | 512972 | Bangladesh | M | | | |
| Monrovia | QSA | LL-5 | 76160 | Liberia | F | | | |
| UNSOA | QSA | L-L | 78869 | Kenya | F | | | |
| Port-au-Prince | QSA | L-L | 55647-IOV | Haiti | F | | | |
| Kosovo | QSA | L-L | 66938 | | | | vacant since 31 Dec. 2009 | post to be abolished |
| Abidjan | QSA | L-L | 52995-IOV | Togo | F | | | |
| New York | UNA | G-7 | 5944 | Philippines | M | | | |
| New York | UNA | G-7 | 5945 | Belize | M | | | |
| New York | UNA | G-7 | 5946 | | | | vacant since 14 Jan. 2011 | JO pending OHRM posting. |
| New York | UNA | G-7 | 19568 | United States of America | F | | | |
| New York | QSA | G-6 | 66926 | Guyana | M | | | |
| New York | QSA | G-6 | 66928 | | | | vacant since 1 January 2011 | JO with OHRM for initial approval |
| Nairobi | HFU | G-6 | 603887 | Kenya | F | | | |
| Nairobi | HGM | G-6 | 605890 | | | | vacant since 31 Dec. 2009 | JO posted by UNON locally in August 2010. Interview stage |

## OIOS Budgetary Vacancy Table (as of 28 February 2011)

*Legend:*

posts blocked for legitimate incumbents
vacant posts
D-2 vacancies

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Geneva | HAM | G-6 | 509988 | Guatemala | F | | | |
| Geneva | UNA | G-6 | 512974 | Philippines | M | | | |
| Geneva | UNA | G-6 | 513794 | United States of America | F | | | |
| Geneva | UNA | G-6 | 517398 | United Kingdom | M | | | |
| New York | QSA | G-5 | 45425 | Belarus | F | | | |
| Nairobi | OTA | G-5 | 603646 | Kenya | F | | | |
| Geneva | HAM | G-5 | 509990 | | | | vacant since 31 Aug. 2010 | On-boarding on-going |
| Geneva | UNA | G-5 | 512973 | Philippines | F | | | |
| Geneva | HAM | G-5 | 520503 | Ghana | F | | | |
| New York | OKA | G-4 | 993 | Philippines | F | | vacant since 8 Dec. 2010 | TVA selected candidate declined. |
| New York | OKA | G-4 | 994 | Guyana | M | | vacant since 1 Oct. 2010 | Blocked until 30 April 2011 |
| New York | UNA | G-4 | 5913 | Australia | F | | | |
| New York | UNA | G-4 | 5914 | Myanmar | F | | | |
| New York | UNA | G-4 | 5915 | United States of America | F | | | |
| New York | UNA | G-4 | 5972 | United States of America | F | | | |
| New York | OHA | G-4 | 11806 | Philippines | M | | | |
| New York | QSA | G-4 | 11936 | United States of America | M | | | |
| New York | UNA | G-4 | 13373 | United States of America | F | | vacant since 26 Sep. 2010 | TVA under recruitment progress. |
| New York | PFN | G-4 | 50363 | Guyana | F | | | |
| New York | ODA | G-4 | 52874 | Philippines | F | | | |
| Darfur | QSA | FS-6 | 69761 | Haiti | F | | | |
| Darfur | QSA | FS-6 | 69763 | Afghanistan | M | | | |
| Sudan | QSA | FS-4 | 66952 | Canada | M | | | |
| Sudan | QSA | FS-4 | 66953 | Eritrea | F | | | |
| Sudan | QSA | FS-4 | 66954 | Congo | M | | | |
| Port-au-Prince | QSA | FS-4 | 51673 | Liberia | F | | | |
| Monrovia | QSA | FS-4 | 52464 | | | | vacant since 30 June 2010 | JO to be posted. |
| Lebanon | QSA | FS-4 | 58188 | Kenya | F | | | |
| Lebanon | QSA | FS-4 | 66935 | Ghana | F | | | |
| Lebanon | QSA | FS-4 | 66936 | United States of America | F | | | |
| Kinshasa | QSA | FS-4 | 37118 | Gambia | M | | | |
| Kinshasa | QSA | FS-4 | 43287 | Kenya | M | | | |
| Kinshasa | QSA | FS-4 | 66930 | Australia | F | | | |
| East Timor | QSA | FS-4 | 66957 | | | | vacant since 31 Dec. 2009 | TVA issued on 10 Dec. 2010. Interview stage |
| Chad | QSA | FS-4 | 75511 | Haiti | F | | | |
| Abidjan | QSA | FS-4 | 30518 | United States of America | F | | | |

## OIOS Budgetary Vacancy Table (as of 28 February 2011)

*Legend:*

posts blocked for legitimate incumbents
vacant posts
D-2 vacancies

**Investigations Division**

| Location | Fund | Level | Post No. | Nationality | Gender | Incumbency as of 28 Feb | Length of Vacancies | Remarks |
|---|---|---|---|---|---|---|---|---|
| New York | UNA | D-2 | 6001 | United States of America | M | | Vacant since 31/7/2006. | INSPIRA JO applicants under evaluation. |
| Nairobi | QSA | D-1 | 605743 | | | | vacant since 1 July 2009 | Two separate vacancy announcements failed to produce qualified candidates. The IAAC and 5th Committee have been informed that current operational requirements do not warrant the filling of this post. |
| Vienna | QSA | D-1 | 202280 | | | | vacant since 1 April 2008 | IAAC and 5th Committee have been previously informed that current operational requirements do not warrant the filling of this post. |
| New York | UNA | D-1 | 67019 | United States of America | M | | vacant since 1 Jan. 2009 | blocked for Mr. Dudley. |
| Nairobi | QSA | P-5 | 605744 | Australia | M | | | |
| Vienna | UNA | P-5 | 202622 | Canada | M | | | |
| Vienna | QSA | P-5 | 202446 | | | | vacant since 1 July 2009 | IAAC and 5th Committee have been previously informed that current operational requirements do not warrant the filling of this post. |
| New York | QSA | P-5 | 75522 | United States of America | F | | | |
| New York | UNA | P-5 | 67988 | Czech Republic | M | | | |
| New York | UNA | P-5 | 6014 | South Africa | F | | | |
| Nairobi | QSA | P-4 | 605745 | | | | vacant since 1 July 2009 | Selection made. OHRM processing recruitment. |
| Nairobi | UNA | P-4 | 604908 | | | | vacant since 1 Feb. 2010 | Selection made. On-boarding. |
| Nairobi | QSA | P-4 | 604192 | Canada | M | | | |
| Nairobi | QSA | P-4 | 603866 | | | | vacant since 15 April 2010 | Interview stage. |

## OIOS Budgetary Vacancy Table (as of 28 February 2011)

*Legend:*

| | |
|---|---|
| | posts blocked for legitimate incumbents |
| | vacant posts |
| | D-2 vacancies |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Nairobi | QSA | P-4 | 603784 | United States of America | M | | | |
| Nairobi | UNA | P-4 | 603728 | Kenya | M | | | |
| Vienna | QSA | P-4 | 202441 | Kenya | F | | | |
| Vienna | QSA | P-4 | 202438 | | | | vacant since 1 Jan. 2009 | Selected candidate transferred to Nairobi. New JO to be initiated in Inspira. |
| Vienna | UNA | P-4 | 202082 | Hungary | F | | | |
| Vienna | UNA | P-4 | 202047 | Canada | M | | | |
| Beirut | QSA | P-4 | 78837 | | | | vacant since 1 Jan. 2009 | Galaxy selected candidate declined. Re-advertised in INSPIRA; JO posted. |
| New York | UNA | P-4 | 77990 | | | | vacant since 1 June 2010 | Selection made, OHRM processing recruitment |
| New York | QSA | P-4 | 75525 | Romania | F | | | |
| New York | QSA | P-4 | 75524 | | | | vacant since 1 July 2009 | Selection made on 23 Nov. 2010. On-boarding, pending reference checks |
| New York | QSA | P-4 | 75523 | United States of America | M | | | |
| New York | UNA | P-4 | 67989 | Australia | F | | vacant since 19 July 2010 | Blocked for staff on temporary assignment until 18 July 2011. |
| New York | UNA | P-4 | 67023 | Senegal | M | | | |
| New York | UNA | P-4 | 67022 | | | | vacant since 25 April 2010 | Selection made on 23 Nov. 2010. On-boarding, pending reference checks |
| New York | UNA | P-4 | 67021 | Poland | F | | | |
| New York | UNA | P-4 | 67020 | Brazil | F | | | |
| Darfur | QSA | P-4 | 66963 | New Zelander | M | | | |
| Port-au-Prince | QSA | P-4 | 61784 | | | | vacant since 1 July 2009 | Galaxy VA failed to produce qualified candidates. JO posted. |
| Monrovia | QSA | P-4 | 61773 | | | | vacant since 1 July 2009 | Second selection made, OHRM processing recruitment. |
| Goma | QSA | P-4 | 61758 | Australia | M | | | |
| Khartoum | QSA | P-4 | 58820 | South Africa | F | | | |

## OIOS Budgetary Vacancy Table (as of 28 February 2011)

*Legend:*

| | |
|---|---|
| | posts blocked for legitimate incumbents |
| | vacant posts |
| | D-2 vacancies |

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Abidjan | QSA | P-4 | 58815 | | | | vacant since 22 Jan. 2009 | Second selected candidate declined selection. New JO initiated in Inspira to re-advertise the position for the third time. |
| Nairobi | TUA | P-4 | 50424 | Nigeria | F | | | |
| New York | UNA | P-4 | 6012 | United States of America | F | | | |
| Nairobi | QSA | P-3 | 605746 | | | | vacant since 1 July 2010 | Selection made, OHRM processing recruitment. |
| Nairobi | QSA | P-3 | 604476 | Kenya | M | | | |
| Nairobi | QSA | P-3 | 604193 | Switzerland | F | | | |
| Nairobi | QSA | P-3 | 604189 | | | | vacant since 1 July 2009 | Interview stage. |
| Nairobi | QSA | P-3 | 603804 | United Kingdom | M | | | |
| Nairobi | QSA | P-3 | 603785 | | | | vacant since 28 Feb. 2011 | Recently vacated. Blocked. |
| Vienna | QSA | P-3 | 202498 | United States of America | F | | | |
| Vienna | QSA | P-3 | 202440 | | | | VACANT sine 1 Jan 2011. | Inspira JO 18071 pending approval and posting by OHRM. |
| Vienna | QSA | P-3 | 202439 | | | | vacant since 1 July 2009 | Selection made. Selected candidate to be travelled. |
| Vienna | QSA | P-3 | 202285 | South Africa | F | | | |
| Vienna | QSA | P-3 | 202284 | Sweden | M | | | |
| Vienna | QSA | P-3 | 202283 | | | | VACANT sine 17 Dec. 2010. | Inspira JO 15921 posted on 30/08/10. |
| Vienna | QSA | P-3 | 202282 | Mongolia | M | | | |
| Vienna | UNA | P-3 | 202051 | Australia | F | | | |
| Vienna | UNA | P-3 | 202050 | Sweden | F | | | |
| Vienna | UNA | P-3 | 202049 | Italy | M | | | |
| New York | UNA | P-3 | 77991 | Ukraine | M | | | |
| New York | QSA | P-3 | 75526 | Germany | M | | | |
| New York | UNA | P-3 | 67027 | Belarus | M | | | |
| New York | UNA | P-3 | 67025 | Nepal | F | | | |
| Monrovia | QSA | P-3 | 61774 | | | | vacant since 1 Oct. 2010 | Selection made, OHRM processing recruitment. |
| New York | QSA | P-3 | 61522 | Uruguay | M | | | |
| Khartoum | QSA | P-3 | 58823 | | | | vacant since 1 Dec. 2010 | JO posted. |
| Khartoum | QSA | P-3 | 58822 | Egypt | M | | | |
| Goma | QSA | P-3 | 58819 | Switzerland | F | | | |
| Monrovia | QSA | P-3 | 58812 | Cote d Ivoire | M | | | |

## OIOS Budgetary Vacancy Table (as of 28 February 2011)

*Legend:*

posts blocked for legitimate incumbents
vacant posts
D-2 vacancies

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| Nairobi | TUA | P-3 | 50425 | | | | vacant since 1 Mar. 2010 | Selection made. On-boarding. |
| New York | UNA | P-3 | 5927 | United States of America | F | | | |
| Vienna | UNA | P-2 | 202613 | | | | vacant since 1 Nov. 2010 | ID HM reviewing P2 NCE roster candidates. |
| Vienna | UNA | P-2 | 202612 | Republic of Korea | M | | | |
| Vienna | UNA | P-2 | 202611 | Switzerland | F | | | |
| Vienna | UNA | P-2 | 202610 | Greece | M | | | |
| Goma | QSA | NGS-OL | 65649 | Congolese | M | | | |
| Monrovia | QSA | NGS-OL | 62967 | Liberia | M | | | |
| Nairobi | UNA | L-L | 603730 | | | | vacant since 14 Dec. 2010. Selection made, on-boarding. | Selection made. On-boarding. |
| Vienna | QSA | G-7 | 202452 | Austria | F | | | |
| New York | UNA | G-7 | 19574 | Canada | M | | | |
| New York | UNA | G-7 | 5943 | United States of America | F | | | |
| Nairobi | QSA | G-6 | 605598 | Kenya | F | | | |
| Nairobi | QSA | G-6 | 605597 | Kenya | F | | | |
| Nairobi | QSA | G-6 | 604465 | | | | vacant since 14 Nov. 2010 | JO posted. |
| Vienna | QSA | G-6 | 202442 | Austria | M | | | |
| Vienna | QSA | G-6 | 202286 | Croatia | F | | | |
| New York | QSA | G-6 | 65028 | Philippines | M | | | |
| New York | UNA | G-6 | 6005 | Argentina | F | | | |
| Nairobi | QSA | G-5 | 603786 | Kenya | M | | | |
| Vienna | OIA | G-5 | 202370 | United States of America | F | | | |
| Vienna | UNA | G-5 | 202052 | Sweden | F | | | |
| Vienna | UNA | G-4 | 202609 | United Kingdom | M | | | |
| New York | QSA | G-4 | 75528 | Philippines | F | | | |
| New York | QSA | G-4 | 75527 | Trinidad and Tobago | F | | | |
| New York | UNA | G-4 | 67028 | Uruguay | M | | | |
| New York | UNA | G-4 | 5916 | United States of America | F | | | |
| New York | OIA | G-3 | 68083 | United States of America | M | | | |
| Khartoum | QSA | FS-4 | 66962 | Colombia | M | | | |

**Inspection and Evaluation Division**

| Location | Fund | Level | Post No. | Nationality | Gender | Incumbency as of 28 Feb | Length of Vacancies | Remarks |
|---|---|---|---|---|---|---|---|---|

## OIOS Budgetary Vacancy Table (as of 28 February 2011)

*Legend:*

posts blocked for legitimate incumbents
vacant posts
D-2 vacancies

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| New York | UNA | **D-2** | **77769** | Singapore | M | | **Vacant since 1 Jan. 2008.** | INSPIRA JO applicants under evaluation. |
| New York | UNA | D-1 | 6000 | United States of America | F | | | |
| New York | UNA | P-5 | 30288 | United States of America | F | | | |
| New York | UNA | P-5 | 6013 | United States of America | F | | vacant since 1 June 2009 | On-boarding on-going. |
| New York | UNA | P-5 | 5997 | Norway | M | | | |
| New York | QSA | P-4 | 76119 | China | F | | | |
| New York | QSA | P-4 | 48196 | China | F | | | |
| New York | UNA | P-4 | 30297 | Germany | F | | | |
| New York | UNA | P-4 | 30289 | United States of America | F | | | |
| New York | UNA | P-4 | 19572 | India | M | | | |
| New York | UNA | P-4 | 6009 | United States of America | F | | | |
| New York | UNA | P-4 | 5993 | Bolivia | M | | vacant since 1 Jan. 2011 | blocked for s/m who will return on 1/5/2011. |
| New York | UNA | P-3 | 71348 | Mexico | F | | | |
| New York | UNA | P-3 | 71347 | Republic of Korea | F | | | |
| New York | UNA | P-3 | 71346 | Germany | F | | | |
| New York | UNA | P-3 | 5931 | Mauritius | F | | | |
| New York | UNA | P-2 | 77770 | Germany | F | | | |
| New York | UNA | P-2 | 71351 | United States of America | F | | | |
| New York | UNA | P-2 | 71350 | Viet Nam | F | | | |
| New York | UNA | P-2 | 71349 | United States of America | F | | | |
| New York | UNA | P-2 | 15936 | Albania | F | | | |
| New York | UNA | G-4 | 77768 | United States of America | M | | | |
| New York | UNA | G-4 | 13385 | Ghana | F | | | |
| New York | UNA | G-4 | 5974 | Philippines | M | | vacant since 1 Feb. 2011 | blocked. TVA applications under review. |
| New York | UNA | G-4 | 5973 | Kenya | F | | | |

**Executive Office**

| Location | Fund | Level | Post No. | Nationality | Gender | Incumbency as of 28 Feb | Length of Vacancies | Remarks |
|---|---|---|---|---|---|---|---|---|
| New York | UNA | P-5 | 19567 | United States of America | F | | | |
| New York | UNA | P-4 | 37834 | China | F | | | |

## OIOS Budgetary Vacancy Table (as of 28 February 2011)

*Legend:*

posts blocked for legitimate incumbents
vacant posts
D-2 vacancies

| | | | | | | | | |
|---|---|---|---|---|---|---|---|---|
| New York | QSA | P-3 | 48205 | Philippines | F | | | |
| New York | UNA | P-3 | 6008 | China | F | | vacant since 1 July 2010 | blocked until 31 Mar. 2011. |
| New York | QSA | G-7 | 72023 | Philippines | F | | | |
| New York | UNA | G-7 | 32489 | United States of America | F | | | |
| New York | QSA | G-6 | 66919 | United States of America | F | | | |
| New York | QSA | G-6 | 66916 | Haiti | F | | vacant since 27 Sep. 2010. | Staff member returning on 26 April 2011. |
| New York | UNA | G-6 | 37835 | United States of America | F | | | |
| New York | UNA | G-4 | 70811 | United States of America | F | | | |
| New York | UNA | G-4 | 70810 | United States of America | F | | | |
| New York | UNA | G-4 | 32490 | United States of America | M | | | |

**Office of the Under-Secretary-General**

| Location | Fund | Level | Post No. | Nationality | Gender | Incumbency as of 28 Feb | Length of Vacancies | Remarks |
|---|---|---|---|---|---|---|---|---|
| New York | UNA | USG-1 | 17712 | Canada | F | | | |
| New York | UNA | P-5 | 32492 | Republic of Korea | M | | | |
| New York | UNA | P-4 | 5939 | United States of America | F | | | |
| New York | UNA | P-3 | 37832 | France | F | | | |
| New York | UNA | G-7 | 5947 | Canada | F | | | |
| New York | UNA | G-4 | 19570 | Sri Lanka | F | | | |
| New York | UNA | G-4 | 5917 | Philippines | F | | | |

*Question.* In your remarks to the committee, you mentioned concern regarding the U.N.'s Whistleblower policy. What are the strengths and weaknesses of the current policy?

Answer. In 2005, the Secretary General issued the U.N. whistleblower protection policy (ST/SGB/2005/21). This policy was developed after months of consultation with outside experts and State Department officials. The Government Accountability Project, a public advocacy group dedicated to advancing corporate and public accountability and promoting whistleblower protections, hailed the U.N. whistleblower policy as the "benchmark for other Intergovernmental Organizations (IGOs)" to follow.

The U.N.'s whistleblower policy clearly establishes that reporting misconduct and cooperating with U.N. audits and investigations are protected activities. It also establishes a recourse mechanism for U.N. personnel who are subjected to retaliation or threatened with retaliation.

While the Secretary General's ethics framework for the U.N. funds and programs (ST/SGB/2007/11) created the U.N. Ethics Committee to unify ethical standards across organizations, whistleblower protections vary greatly across the various funds and programs. Compared to the Secretariat's policy, whistleblower protections at the funds and programs are considered weaker and less comprehensive. If confirmed, I would work to ensure the strengthening and implementation of whistleblower protections throughout the U.N. system.

*Question.* As part of your pledge to help institute oversight responsibilities, if confirmed, will you continue the policy established during the Bush administration of posting U.N. audits on the USUN Web site? If not, why not?

Answer. The Obama administration has continued the practice of posting audits by the U.N. Office of Internal Oversight Services (OIOS) on USUN's public Web site, and if confirmed I plan to continue to post U.N. audits on USUN's public Web site.

You can find these reports at: http://usun.state.gov/about/un__reform/oios/index.htm.

*Question.* The United Nations Development Program is a major implementer for the Global Fund to Fight AIDS, Malaria, and Tuberculosis. According to the UNDP, as of January 2011, UNDP is currently Principal Recipient in 27 countries, managing a total of 60 active grants amounting to more than $1.1 billion. Policies of the Executive Board of the UNDP only allow Member States, not nongovernmental organizations such as the Global Fund or World Bank, access to internal audits, even when fraud is suspected in the grants.

- What actions should the United States pursue to increase the transparency and ensure the integrity of United States taxpayer investments in the Global Fund that are managed through UNDP?

Answer. The United States is committed to ensuring Global Fund resources reach people in need and are used as effectively and efficiently as possible to save lives. We strongly support the Global Fund's Office of the Inspector General (OIG), and its ongoing efforts to strengthen the Global Fund's oversight systems. We have consistently advocated for increased transparency, accountability, and oversight over U.S. contributions to the Global Fund, including Global Fund resources managed by UNDP.

The United States has had high-level discussions with UNDP management on the importance of sharing relevant audit information with the Global Fund's OIG and cooperating with the OIG in instances of suspected fraud. While UNDP does not currently share its internal audit reports with the Global Fund, UNDP has taken several interim steps to coordinate with the Global Fund's OIG, including (1) consulting with the OIG on development of UNDP's annual audit plan; (2) sharing summaries of UNDP's Global Fund-related audits; and (3) bringing potential irregularities involving Global Fund projects to the attention of the OIG whenever and wherever they are found. These steps are helpful but not sufficient, and the United States is continuing to push for full Global Fund access to relevant UNDP audit reports.

With strong U.S. encouragement, UNDP management has agreed to present options for allowing increased access to its audit reports to the UNDP Executive Board for consideration and approval in September 2011. The United States is working to build support among UNDP Board members for amendments to UNDP's audit disclosure policies that would allow increased transparency, accountability, and oversight over resources under UNDP management.

In addition, the United States is committed to sound management and accountability within the Global Fund and strongly supports the establishment of the Global Fund Board's Comprehensive Reform Working Group and the High-Level

Panel on Global Fund Fiduciary Controls and Oversight, which is being chaired by Former Secretary for Health and Human Services, Michael Leavitt, and the former President of Botswana, Festus Mogae.

*Question.* On March 1, 2011, the United Kingdom Department for International Development issued a Multilateral Review. This report evaluated the 43 international funds and organizations to which the United Kingdom contributes on value for the money and each fund's and organization's effectiveness in combating poverty, taking in account transparency and accountability. In trying to maximize our multilateral investments, should the Department of State, in consultation with USAID and Department of Treasury conduct a similar study?

Answer. I am reviewing the DFID Multilateral Review and look forward to discussing its findings with U.N. officials, if confirmed.

A broad and standardized review of agency performance, such as the DFID Review, is a worthwhile approach that merits thorough and thoughtful consideration. If confirmed I would review the suggestion of such a study carefully, against the background of the U.S. Government's current evaluation mechanisms.

I understand that the previous U.S. Ambassador for Management and Reform established the U.N. Transparency and Accountability Initiative (UNTAI) to verify that concrete improvements in management and accountability are being made by the U.N. system. If confirmed, I look forward to reviewing the successful UNTAI initiative and possibly improving its usefulness and relevance. In the current budget environment, it is important for international organizations to show that they are having the impact that recipients and donors expect. If confirmed, one of my main tasks will be to assess the U.N.'s performance and push for improvements wherever necessary. I would keep Congress, and this committee in particular, fully informed of what I find.

# NOMINATION

**TUESDAY, MARCH 29, 2011**

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

Suzan D. Johnson Cook, of New York, to be Ambassador at Large for International Religious Freedom

The committee met, pursuant to notice, at 2:31 p.m., in room SD–19, Dirksen Senate Office Building, Hon. Barbara Boxer, presiding.

Present: Senators Boxer, Menendez, Lugar, DeMint, and Lee.

Also Present: Senator Gillibrand.

## OPENING STATEMENT OF HON. BARBARA BOXER, U.S. SENATOR FROM CALIFORNIA

Senator BOXER. Could you take your seat, and we will start.

The full Foreign Relations Committee of the Senate meets to consider the nomination of Dr. Suzan B. Johnson Cook to be Ambassador at Large for International Religious Freedom.

Last month, President Obama nominated Dr. Cook to be the Ambassador at Large for International Religious Freedom for the second time. Dr. Cook was nominated for this post in the last Congress, but the Senate did not complete action on her nomination before adjourning in December.

We hope Dr. Cook's second nomination hearing in 5 months will give all members of this committee the opportunity they need to complete questioning of Dr. Cook so that we can get her into her position as soon as possible.

This nomination is very important, particularly to Secretary of State Hillary Clinton, who specifically requested that we move on Dr. Cook's nomination when she appeared before this committee a few short weeks ago. During that hearing—hang on.

[Pause.]

Senator BOXER. During that hearing, Secretary Clinton noted that she believes Dr. Cook's professional background and demeanor are particularly well suited for the post. Dr. Cook holds a Doctor of Ministry from the United Theological Seminary and a Master of Divinity from the Union Theological Seminary, in addition to a number of other professional degrees.

From 1996 to 2009, she was the senior pastor at the Bronx Christian Fellowship Baptist Church. She also served as the first

female president of the Hampton University Ministers Conference, which brings together thousands of African-American clergy members from various denominations across the country.

You are a real pioneer here for women. You were the first female chaplain of the New York City Police Department; served as an associate dean of Harvard Divinity School at Harvard; served on the advisory board of President Bill Clinton's Initiative on Race. Most recently, she founded Wisdom Women Worldwide, which brings together women religious leaders from all over the globe.

If confirmed, Dr. Cook will serve as the principal adviser to the President and the Secretary of State on matters affecting religious freedom abroad, and we all know how important that is. She will be specifically charged with developing strategies and policies to promote religious freedom around the world, recommending appropriate responses by the United States when violations of religious freedom occur, and helping to promote reconciliation in areas where religion is a factor in conflicts. And again, we know this happens too often.

These are important responsibilities that will require tremendous dedication and persistence. In December 2009—would you just sit in any one of those chairs that you wish? In December 2009, the Pew Research Center's Forum on Religion and Public Life issued a report highlighting the fact that 64 nations in the world have high or very high restrictions on religion. Religious minorities bear the brunt of these restrictions.

The people living in these countries account for nearly 70 percent of the world's population of 6.9 billion. These figures are staggering and should serve as a reminder of why we should quickly fill this post.

As Secretary Clinton has said, "Religious freedom provides a cornerstone for every healthy society." At this time of tremendous change throughout the world, it is more important than ever that there be a strong voice from the United States to stand up for those who may be enduring brutality or seeing their rights slip away for no other reason than their religion.

And I am going to turn to Senator DeMint for any comments he may have, unless he yields to Senator Lugar. It is up to Senator DeMint.

Senator DEMINT. Senator Lugar, would you like to go first?

Senator BOXER. Either way. All right.

Then I will turn a moment and as soon as my colleagues finish, I am going to call on Senator Gillibrand because I know that she will briefly introduce Dr. Cook, and she is excited to do that. And then I know she has to depart for another commitment. But can you wait until the two Senators? OK.

Let us do it, 5 minutes each. Yes?

**OPENING STATEMENT OF HON. JIM DeMINT, U.S. SENATOR FROM SOUTH CAROLINA**

Senator DEMINT. Thank you, Madam Chairman.

Thank you, Dr. Cook. I appreciate your being here.

And thank you for your willingness to serve our country.

The Ambassador at Large for International Religious Freedom is intended to be the principal adviser to the President of the United

States and the Secretary of State regarding matters affecting religious freedom abroad. This person also advises the U.S. Government on our policies, including appropriate responses when rights are violated.

Religious freedom is a very serious issue and requires effective leadership, attention, and, when necessary, pressure. Religious freedom is a cornerstone of the foundation that makes democracy and free enterprise work worldwide. Whether in Iraq, in Afghanistan, where we are giving blood and treasure, or India, the world's largest democracy where they are on the watch list for failing to ensure the rights of religious minorities, religious freedom must be a priority of our Nation.

As you know, there have been questions raised about the long vacancy of this post, who controls the International Religious Freedom Office, and how much of a priority this office is to the State Department. Just as important, there are a number of indications that international religious freedom is not your passion, nor your area of particular expertise.

Having an Ambassador that is well respected and prepared to address the challenges we face today is important to me and vital to our country. In fact, it is one of the biggest issues that I hear about around the world from missionaries and others doing humanitarian aid is the concern that the people we have there could not even openly practice their faith because of oppressive governments or the lack of freedom of religion.

And frankly, I have found it takes a very compelling argument and a lot of pressure to even get these other governments to listen to these concerns. So I am concerned about a person in this position we are talking about having the passion, the courage, the boldness to deal with this issue.

But thank you for being here. I am interested in hearing from you and look forward to your vision, your leadership for this position.

Senator BOXER. Thank you, Senator, very, very much.

And Senator Lugar, and then followed by Senator Gillibrand.

**STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA**

Senator LUGAR. Thank you, Madam Chairman.

Today, the Foreign Relations Committee again considers the nomination of Dr. Suzan Johnson Cook to serve as Ambassador at Large for International Religious Freedom. If confirmed, the nominee would serve as principal adviser to the President and Secretary of State on religious liberty issues.

Her responsibilities would include submitting the annual report on the state of religious freedom to Congress, engaging other nations on religious freedom issues, and recommending appropriate responses to violations of religious liberty.

Before Dr. Cook's hearing in November, I submitted 37 questions for the record to her regarding the organization and mission of the Office of International Religious Freedom, as well as countries of particular concern, such as Burma, China, Iraq, Iran, North Korea, and Sudan. I appreciate Dr. Cook's answers to these questions, as well as several more that I have submitted since that time. Dr.

Cook's answers are posted on my Web site for members and the public to review.

During the last decade, the Office of International Religious Freedom has engaged numerous countries on ways to improve their religious freedom practices. For example, an agreement negotiated with Vietnam involved new laws on religion, the release of dozens of religious prisoners, and the reopening of hundreds of places of worship. The office worked extensively in Saudi Arabia to remove intolerant teachings from school books and to advocate for the right of religious minorities to hold meetings. Advances of this type require painstaking diplomacy, but I believe it is important for the U.S. Government to be seen unmistakably as an advocate for religious freedom.

Dr. Cook, if confirmed, will have a difficult challenge ahead of her. The administration waited a year and a half before making this appointment, leaving the IRF office without the leadership and institutional strength that comes with an ambassador. Inevitably, this was perceived as a signal that the administration did not place a high priority on the role of the IRF Ambassador.

At the end of the last Congress, this nomination was delayed further when the nominee did not get a vote in the Senate. I join many Members of Congress who believe that the IRF office has a vital role to play in U.S. foreign policy. The office has shown that it can produce excellent results if it enjoys institutional backing from the State Department and the White House.

It is especially important that Dr. Cook has access to the Secretary of State and other top decisionmakers; that she has hiring and supervisory authority over her staff; that the staff is allowed to focus on the core mission of international religious freedom; and that the office retains independence and has sufficient operating funds.

I welcome Dr. Cook to the Foreign Relations Committee and look forward to her insights on religious freedom priorities.

I thank you, Madam Chairman.

Senator BOXER. Thank you so much. We are very honored that you are here, both of you. We are very happy.

And Senator Gillibrand.

**STATEMENT OF HON. KIRSTEN GILLIBRAND, U.S. SENATOR FROM NEW YORK**

Senator GILLIBRAND. Thank you, Madam Chairwoman.

I am delighted to be here today to introduce Dr. Suzan Johnson Cook for the position of Ambassador at Large for International Religious Freedom.

Chairwoman Boxer, Ranking Member DeMint, I really appreciate you holding this hearing. It makes an enormous difference, and I am very grateful to be here.

Not only has Dr. Cook distinguished herself as a New Yorker, she clearly has the experience and qualities needed to be a successful Ambassador at Large. And Senator DeMint, you have asked for passion, concern, and boldness. I can assure you Dr. Cook has so much of each of those qualities, she will not only astound you, she will very much fit the bill.

She is a religious leader of high character and accomplishment, having served as the first woman senior pastor at the American Baptist Churches USA and the first female chaplain of the New York City Fire Department. Beyond her pastoral experience, she has been a leader in bridging faith and public service. She served with distinction in the Clinton White House and as a faith liaison at the U.S. Department of Housing and Urban Development.

She is also experienced working at the international level, having led delegations to critical countries, such as South Africa, Israel, Jordan, and Egypt. Additionally, she is the immediate past president of the Hampton University Ministers Conference and founder of the Wisdom Women Worldwide, the first global center for women religious leaders.

As you know, religious minorities have recently suffered from recent attacks in a number of countries, including Indonesia, Pakistan, and Egypt. It is urgent that we promptly confirm an Ambassador at Large for International Religious Freedom. It is vital that the United States has the leadership in place to work with the international community to protect the rights of religious minorities and advance the cause of religious freedom and tolerance across the globe.

I believe Dr. Cook will represent our country with great honor and distinction, and with great enthusiasm, I support this nomination as Ambassador at Large for International Religious Freedom.

And Dr. Cook, when you do give your testimony, please introduce your family.

Senator BOXER. Thank you, Senator.

Dr. Cook.

**STATEMENT OF SUZAN D. JOHNSON COOK, OF NEW YORK, TO BE AMBASSADOR AT LARGE FOR INTERNATIONAL RELIGIOUS FREEDOM**

Dr. COOK. Madam Chair, Senator Gillibrand, and members of the committee, thank you so much for the opportunity to appear before you today.

I am truly grateful for your consideration of my nomination by President Obama as United States Ambassador at Large for International Religious Freedom. I am deeply honored by the trust that President Obama and Secretary Clinton have placed in me by nominating me to serve our Nation in advancing the right for religious freedom.

I would like to thank my family and extended family, who are here with me today. This whole section here represents my family and extended family and two sons who have returned to school for premed and for law. I would like to thank them for your sacrifice, for your love, and for your endurance, and, most of all, your presence today.

As President Obama so eloquently stated in his historic speech in Cairo in 2009, "People in every country should be free to choose and live their faith based upon the persuasion of the mind and the heart and the soul."

Religious freedom is the birthright of all people everywhere. It is a foundation of civil society. It is a key to international security, and it must always be a pillar of U.S. foreign policy.

The dramatic events in the Middle East and North Africa remind us that the desire for freedom within the human spirit, that inherent desire of all people to live according to their beliefs without government interference and with government protection should be had. Secretary Clinton has also made clear that we need to do much more to stand up for the rights of religious minorities. She also said we must speak out more and hold governments accountable. If confirmed, this will be my core mission.

In my travels, I have found that my experience as an African-American woman and faith leader has enabled me to identify with other minority communities, both religious and ethnic. African-Americans, as you know, did not enjoy full religious freedom in this land for centuries, and religion was used by many to justify slavery and segregation. So I am particularly committed to this issue in the United States, for people of all faiths around the world.

Immediately following and since the attacks of 9/11, where I served on the front line as the chaplain for the New York City Police Department, I have been called upon to aid many citizens from many faiths and diverse national backgrounds. We were tragically reminded just weeks ago that the universal value of religious freedom is not embraced by all. The assassination of Shahbaz Bhatti, Pakistan's Minister for Minority Affairs and a courageous champion for religious freedom, is a painful reminder that our challenge is not easy. It requires an unwavering commitment to support those around the world who are risking their lives to stand up for religious freedom.

If confirmed, I will carry out the full congressional mandate, as established in the IRF Act, including serving as the principal adviser to the President and the Secretary of State on religious freedom. I will bring bold and passionate leadership to advance and defend religious freedom abroad. I will ensure the integrity of the annual international religious freedom report to Congress and draw on these reports, while engaging governments and societies toward safeguarding the right of individuals to believe or not to believe.

If confirmed, I will press for the timely and appropriate designation of countries of particular concern and Presidential actions, a critical tool to motivate progress on religious freedom. And I will seek to expand training projects that address systemic issues, including blasphemy, apostasy, and the right to change one's religion.

The life and professional background I offer this position is unique. My international experiences have particularly shaped my perspectives. I have brought people of different faiths together to achieve common objectives, including religious freedom and respect for people of all faiths and beliefs.

I have traveled to five continents to engage Muslims, Catholics, Orthodox Christians, Protestants, Jews, and those of other spiritual traditions. I have led interfaith delegations to Israel, Jordan, and Egypt, and the Caribbean. And I have worked with World Vision in Ruschlikon, Switzerland, in its efforts to combat global poverty.

In Zimbabwe and South Africa, I met with Zulu faith leaders to promote religious freedom and tolerance. And I have worked and lived with Operation Crossroads Africa, having participated in a

cross-cultural exchange group with spiritual groups in Ghana, Liberia, and Nigeria.

Now, if confirmed, I will also engage grassroots faith-based communities, which have enormous impact on cultivating a climate more receptive to religious freedom in difficult places. As a religious leader myself, I would bring this perspective to encourage diverse religious communities to jointly defend and advance religious freedom and foster a climate of mutual respect.

America has learned much from our experience with religious diversity. We must share our lessons, stand with the persecuted, and encourage all governments to respect and protect the universal rights of all people.

As President Obama said on Religious Freedom Day on January 14, "The United States stands with those who advocate for free religious expression and works to protect the rights of all people to follow their conscience, free from persecution and discrimination."

If confirmed, I will seek to work with all religious groups, as well as human rights organizations, think tanks, universities, media partners, foreign governments, Congress, and of course, the U.S. Commission on International Religious Freedom, or USCIRF. I will work with colleagues across our Government to assure that, together, we advance religious freedom. The mission is too important to be left to one official or one office in the U.S. Government.

If confirmed, I especially look forward to working closely with you, Congress, in advancing this agenda together on behalf of the American people, our national interests, and the values that we all hold dear.

I thank you for considering my nomination. I thank you for this opportunity for a hearing, and I look forward to answering any questions you may have.

Thank you.

And thank you for your introduction.

[The prepared statement of Dr. Cook follows:]

PREPARED STATEMENT BY SUZAN D. JOHNSON COOK

Madam Chair and members of the committee, thank you for this opportunity to appear before you today. I am truly grateful for your consideration of my nomination by President Obama as United States Ambassador at Large for International Religious Freedom. I am deeply honored by the trust that President Obama and Secretary Clinton have placed in me by nominating me to serve our nation in advancing the right to freedom of religion abroad. I would like to take this opportunity to thank my family and extended family, who are here with me, for their sacrifice, love, and endurance.

As President Obama so eloquently stated in his historic speech in Cairo in 2009, "People in every country should be free to choose and live their faith based upon the persuasion of the mind and the heart and the soul." Religious freedom is the birthright of all people everywhere; it is a foundation of civil society, it is a key to international security, and it must always be a pillar of U.S. foreign policy. I believe this in my mind, heart, and soul. Religious freedom is a universal principle, enshrined in the Universal Declaration of Human Rights and protected in the International Covenant on Civil and Political Rights (ICCPR).

The dramatic events unfolding in the Middle East and North Africa remind us that the desire for freedom lies deep within the human spirit. No greater freedom exists than the inherent desire of all people to enjoy the freedom to live according to their beliefs without government interference and with government protection. I am deeply disturbed by the increase of persecution and violence against religious minorities in this region and in many other parts of the world. These developments belie both our values and our security.

In addition to violence, Christians, Bahais, Jews, Ahmadis, and other religious minorities often face social, political, and economic exclusion or marginalization. Secretary Clinton has made clear that "We need to do much more to stand up for the rights of religious minorities" She also said we have to speak out more and to hold governments accountable. If confirmed, this will be my core mission.

In my travels around the country and around the world, I have found that my experience as an African-American woman and faith leader has enabled me to identify with other minority communities, both religious and ethnic. African-Americans did not enjoy full religious freedom in this land for centuries, and religion was used by many to justify slavery and segregation. So I am particularly committed to this issue, in the United States and for people of all faiths around the world. Immediately following and since the attacks of 9/11, as the Chaplain for the New York City Police Department, I have been called upon to aid many citizens from many faiths and diverse national backgrounds.

We were tragically reminded just weeks ago that the universal value of religious freedom is not embraced by all. The March 2 assassination of Shahbaz Bhatti, Pakistan's Minister for Minority Affairs, and a courageous champion for religious freedom, is a painful reminder that our challenge is not easy. It requires an unwavering commitment to support those around the world who are risking their lives to stand up for religious freedom. President Obama paid tribute to Minister Bhatti with these words: "Minister Bhatti fought for and sacrificed his life for the universal values that Pakistanis, Americans, and people around the world hold dear—the right to speak one's mind, to practice one's religion as one chooses, and to be free from discrimination based on one's background or beliefs."

If confirmed, I will carry out the full congressional mandate as established in the IRF Act, in letter and in spirit, including serving as the principal advisor to the President and the Secretary of State on religious freedom. I will bring bold leadership to advance and defend religious freedom abroad. I will ensure the integrity of the annual International Religious Freedom Report to Congress and draw on these reports, while engaging governments and societies on the importance of respecting and protecting religious communities and safeguarding the right of individuals to believe or not believe. If confirmed, I will press for the timely and appropriate designation of Countries of Particular Concern (CPCs) and Presidential Actions, a critical tool to motivate progress on religious freedom. I will seek to expand training of diplomats on religious freedom. I will use program resources to implement projects that address systemic issues challenging religious freedom—including blasphemy, apostasy, and the right to change one's religion.

The life and professional background I offer this position is unique. My international experiences have particularly shaped my perspectives and brought me to this point. I have been privileged to enjoy a range of experiences in bringing people of different faiths together to achieve common objectives—including religious freedom and respect for people of other faiths and beliefs. I have traveled to five continents to engage Muslims, Catholics, Orthodox Christians, Protestants, Jews, and practitioners of several other spiritual traditions. I have led interfaith delegations to Israel, Jordan, and Egypt, and throughout the Caribbean. I worked with World Vision, in Ruschlikon, Switzerland, in its efforts to combat global poverty. I have traveled to Zimbabwe and South Africa to meet with Zulu faith leaders to promote religious freedom and tolerance. As a young woman, I worked with Operation Crossroads Africa, and participated in a cross-cultural exchange with spiritual groups in Ghana.

If confirmed, I will engage government and religious leaders, as well as grassroots faith-based communities around the world, which have enormous impact on cultivating a climate more receptive to religious freedom in difficult places. As a religious leader myself, I would like to bring this perspective and use my skills and experience to encourage diverse religious communities to jointly defend and advance religious freedom and foster a climate of mutual respect.

America has learned much from its experience with religious diversity. We must share our lessons, stand with the persecuted, and encourage all governments to respect and protect the universal rights of all people. As President Obama said, on Religious Freedom Day, January 14, "The United States stands with those who advocate for free religious expression and works to protect the rights of all people to follow their conscience, free from persecution and discrimination."

I have learned important lessons and wisdom from each of my experiences. If confirmed, to serve as Ambassador at Large, I will seek to work with all religious groups. And I will work with human rights organizations, think tanks, universities, media partners, foreign governments, Congress, and, of course, the U.S. Commission on International Religious Freedom. If confirmed, I will seek appropriate resources needed both for the IRF Office and for innovative programs and other activities to

advance our priorities. I will work with colleagues at the Department, our Ambassadors overseas, and the White House to ensure that all parts of our government are working together to advance religious freedom. This mission is too important to be left to one official or one office in the U.S. Government.

I also want to acknowledge and commend the efforts of the two previous Ambassadors at Large, Robert Seiple and John Hanford. Both embraced the mandate of the IRF Act and were responsible for overseeing the Office of International Religious Freedom in the Department of State. If confirmed, I pledge to build on their efforts as faithful stewards of this congressional mandate and President Obama's vision of focusing U.S. attention on issues of religious freedom and working with persons of all faiths to pursue this critical goal.

If confirmed, I especially look forward to working closely with Congress in advancing this agenda together on behalf of the American people, our national interests and the values we hold dear. I look forward to answering any questions you may have.

Senator BOXER. Thank you so much, Dr. Cook.

And we are having this hearing because a couple of folks wanted to hear more about you. And I have got to say, I am so impressed. It is impressive.

And you speak about traveling to five continents, which I think is a tremendous education. And is it true you speak Spanish?

Dr. COOK. Yes; it is. I lived in Valencia, Spain.

Senator BOXER. That is very good, too. And that, you know, to me, you have presented just a wonderful resume and a very strong presence here.

I would like to ask those who came with you, family and extended family, just to stand for a minute. If they would stand? You don't need to introduce them all. I just feel they should be recognized because I know you traveled to be here with Dr. Cook, and I just want to thank you for that.

Because when people come before us like this, they need support, and thank you very much for being here. Really, it means a lot to her, and I know I am very impressed that you are all here.

So let me say I am convinced in terms of all that you have done in your life that you are ready for this challenge. And I so admire Secretary Clinton and Senator Gillibrand, who know you so well. And so, I am excited that you are willing to do this.

I have a couple of questions on topics that I hope you are prepared for. If not, you can just get back to me on the record.

As you know, violent attacks against Coptic Christians in Egypt have increased significantly in recent years. In January 2010, on Coptic Christmas Eve, six Coptic Christians and a Muslim security guard were killed in a driveby shooting outside a church.

On New Year's Day 2011, a suicide bomber killed 23 people in an attack on a church in Alexandria, Egypt. And just a few weeks ago, violent clashes between Muslims and Coptic Christians in the capital of Cairo left at least 13 dead and 140 wounded.

This violence against Coptic Christians, who make up 10 percent of Egypt's population, is concerning, especially now while the Egyptian people are looking forward to a new lease on life for them. In her testimony before the Tom Lantos Human Rights Commission in January, Nina Shea, a commissioner of the U.S. Commission on International Religious Freedom, stated, "The U.S. and the community of nations have a fundamental obligation to address the violence and protect those religious minorities."

If confirmed, how will you work to ensure that U.S. prioritizes the protection of religious minorities and the prosecution of violators in its discussions with Egypt about its future?

Dr. COOK. Thank you, Senator.

I share your concern certainly about the Coptic Christians and other minorities in Egypt. Having traveled there and lived there, I know many of the religious leaders. It has been disheartening to learn of all the institutions that have been forbidden to be built or be renovated. So it has been ongoing.

In this transition, it is important that there be dialogue and engagement with civil society. The U.S. Government high-level officials have had numerous occasions to have dialogue with Egypt, including Secretary Clinton. And if confirmed, I would build upon those conversations and draw on the tools that are available to me, at my disposal.

One of the keys that is happening is that religious leaders are emerging as voices, and it would be important, if confirmed, to sit down with all sectors and begin a dialogue that would include protection for Coptic Christians and others.

Senator BOXER. So you would agree that this is a moment in time that we shouldn't waste when it comes to religious freedom——

Dr. COOK. Without question.

Senator BOXER [continuing]. In Egypt particularly, and these other countries that are going through this dramatic revolution, some peaceful, some not. I would say in that vein, and this would not be your portfolio, but I think this is really a moment in history where we should look at religious freedom and also equality for women because, you know, this is a rare moment.

The other question I have, and then I will yield to Senator DeMint. I have questions for the record on the Congo. If I don't have a chance to answer it and some others, but this one I thought I would ask you.

The spiritual leader of many of my constituents and hundreds of millions of Orthodox Christians around the globe is His Holiness Ecumenical Patriarch Bartholomew. As you know, his nearly 2,000-year-old sacred see is in Istanbul, Turkey, has faced tremendous discrimination at the hands of the Turkish Government over the better part of the past century.

Fortunately, Turkey has taken some steps regarding the religious freedom of the Ecumenical Patriarch in recent months, including providing Turkish citizenship to potential successors of the patriarch and returning important property to the church. But much remains to be done, including reopening an important orthodox seminary that was closed by the Turkish Government in 1971 and recognizing the title of Ecumenical Patriarch.

If confirmed, how would you work to significantly improve religious freedom and human rights for the Ecumenical Patriarch and for ethnic Greeks living in Turkey?

Dr. COOK. Thank you for your question.

A large part of my constituency is also Greek Orthodox. I had the pleasure of serving with Father John Poulos in Astoria, Queens, as a police chaplain. And so, for many years, that issue has been a highlight of my priorities.

I have also had the pleasure of serving with Father Alex and Archbishop Demetrios in the New York region. And just Friday at the White House, I celebrated Greek Independence Day with them. So I am very attuned to the subject matter.

If confirmed, I would continue to press the government to recognize the Ecumenical Patriarch. We are pleased that 12 metropolitans were confirmed as citizens, which broadens the pool for the next Ecumenical Patriarch. But that would be one of the first trips in my priorities that I would like to take, to visit and see the Ecumenical Patriarch. Long overdue.

Senator BOXER. Well, it is music to my ears. I thank you.

Senator DeMint, the floor is yours.

Senator DEMINT. Thank you, Madam Chairman.

I am sure the State Department would take exception to my comments. But over several administrations, I have seen an unwillingness at the State Department to address seriously religious freedom and religious persecution issues. I think, when pressed, they tend to pat you on the head, and I am speaking of my head at this point, and saying, "That is important," rhetorically. But it is, frankly, too messy to compromise a political or economic relationship.

And that is why I mentioned the importance of a real passion and boldness because I don't expect this administration or the next within the State Department culture to really take these issues as seriously as they should. Because one of the things that I know is important and true, that we are not going to have economic and political freedom where no religious freedom exists.

I just would like to ask your response. As we look at violations in Afghanistan, where we have Americans of all faiths fighting, giving their lives, billions of dollars being spent, an Afghani who converted to Christianity was sentenced to death, effectively. And fortunately, because of I think a lot of political pressure, that is not going to happen, but that person no longer can live in their home country.

What would you do? How would you deal with this? Because it is not just Afghanistan. It is Iraq. It is other places where American blood has been shed, and now we are faced with governments we have helped install who are not supporting religious freedom. What would you do in Afghanistan?

Dr. COOK. Thank you for your question, Senator.

I share the concern deeply because there is a lot of violence and persecution, and there are many laws that are written totally against those who are religious minorities. If confirmed, I will work together with partners, international partners who have been working on religious freedom issues for a long time.

We are heartened by the release of Said Musa, who, although he is not able to live any longer in his country, it was the U.S. Government, as well as many of my partners, NGO partners, who have worked for his release and his reuniting with his family. So we are concerned. And if confirmed, I would continue to press the Afghan Government for protection of all of its citizens and to also work with them in terms of promoting religious freedom.

Senator DEMINT. Would you be willing to do that publicly, to speak to the media, or I know is the State Department will tell me and you, let us do this under the radar. Let us not make any

waves. And so, the international pressure that we would like to be there is often not present.

And I am not saying that some of the behind the scenes work does not pay dividends. As in Afghanistan, we did not establish religious freedom, but we saved the person's life. Frankly, for what we are fighting for, I am not sure that that should be our end goal.

But you have mentioned working with our partners, or I mean, can you be more specific? We have that very real situation right now where countries where our troops are on the ground, where religious freedom does not exist. How would you work with our Government and those governments? How would you exert the pressure that is needed to get the attention here as well as there?

Dr. COOK. Thank you for your question.

The beginning of your question was would I certainly use public diplomacy as one of the tools? I would use all of the tools that are available to me to elevate religious freedom to the highest level, both in our Government and around the world.

There are times situationally that public pressure and the headlines is important, and there are times, in the case of Said Musa, situationally that you need to do it more quietly. And Afghan is a very complicated situation, and there are times that you have to move quietly for the saving of a person's life and for the reunification of his family.

So one of the tools that I am strong at is public diplomacy, and when appropriate, certainly I will use that and all the tools that are available to me.

Senator DEMINT. OK. Just one final question. It appears from what we see that this position has kind of been lowered in status at the State Department. Yet we expect you to be the primary adviser to the President on religious issues, which means, again, probably in the pecking order, you would have to use strong personality and a lot of push in order to get some attention. And again, that is very important.

How do you anticipate dealing with that inside the structure there at the State Department?

Dr. COOK. Well, thank you again for your question.

I bring a 30-year, three-decade-long experience. You asked initially in your opening statement for boldness, courage, and passion, and those are three qualities that I have. But I don't see the position as lowered. I see it as being a premier bureau, the DRL bureau. I see a team of 20 wonderful full-time civil servants and also Foreign Service officers who are really on their game, their A game, and have worked very hard.

They are just missing an Ambassador at Large to complete a strong team. And so, if confirmed, I would join that team, and we would elevate, again, religious freedom to the highest levels possible.

Senator DEMINT. Thank you, Dr. Cook.

Senator BOXER. Senator DeMint, thank you for those excellent questions.

Senator Menendez, welcome.

Senator MENENDEZ. Thank you, Madam Chair.

Reverend Cook, thank you for coming again. I was ready to vote for you the last time you were here.

Dr. COOK. Thank you, Senator.

Senator MENENDEZ. And I, having heard some of your answers that were preempted by the chair that I had to the questions of the Ecumenical Patriarch and the Ecumenical Patriarchate, which is something that I am passionate about. Senator Snowe and I, in a bipartisan effort, are circulating a letter to the President on this issue, which we expect many Senators to join us on.

And we are concerned that while we have made some progress with Turkey on this issue, especially with regard to objecting to referring to his All Holiness as ecumenical and proving some aspects of patriarchal succession, but there is a lot more that needs to be done. And you and I have had the opportunities in your visits before your nomination or as you were nominated, but before you were in the committee, in your responses to me the last time.

And from what I have heard of your responses to Senator Boxer that are in line with the type of advocacy that I would want someone in this position to have, not only as it relates to the Ecumenical Patriarchate, but to religious freedom internationally. And I know one thing. That until we get someone in this position, there will be no advocacy in the world for the religious freedom that we all believe in and espouse passionately. And so, I think it is incredibly important to get someone into this position as the Ambassador at Large for International Religious Freedom.

Let me ask you, since I know some of my colleagues have the concern about the nature of the position and the structure of it and what not, before you took this nomination, I am sure you wanted to have a role to be effective.

Dr. COOK. Yes.

Senator MENENDEZ. So what understandings did you come to in terms of what is going to be your ability, both individually and within the State Department and beyond, to be able to be that voice and make that case and to have the ear of those who can shape policy?

Dr. COOK. Thank you for your question, Senator. It is good to see you again.

As I came to this position, I read very carefully the IRF Act and understand critically that I would be the principal adviser to both the Secretary of State and the President of the United States, and I would carry out the IRF mandate as it is written fully to its potential. I have no problem doing that. The structure that is in place still allows me to do that.

Again, I share we have a tremendous team of Foreign Service officers and civil service workers who make up or comprise about 20. I would head the IRF office and would do that to my full ability. I don't feel the position is diminished whatsoever. What is lacking is the person in the post of Ambassador at Large for Religious Freedom.

So I am prepared to do that. I am ready to do that. And certainly, visiting the Ecumenical Patriarch and the Vatican is something this office has not done, and that would be one of my priorities when assuming the post, if confirmed.

Senator MENENDEZ. I appreciate that. Now do you know Secretary Clinton?

Dr. COOK. I know her very well, and I would have access to the Secretary.

Senator MENENDEZ. You have known her since before she was the Secretary of State?

Dr. COOK. I knew her before. I was in the Clinton White House when she was the first lady. Also, she was the Senator for my very famous State, New York.

Senator MENENDEZ. And she must have known you during that period of time?

Dr. COOK. Very much so and very closely.

Senator MENENDEZ. And so, therefore, you know the Secretary in a way that maybe some other nominee would not know the Secretary and be able to get her ear. Is that fair to say?

Dr. COOK. That is very fair to say, sir.

Senator MENENDEZ. OK. Do you know President Obama?

Dr. COOK. I know President Obama as well, thank you. And I could have his ear also.

Senator MENENDEZ. Do you know him well enough that you will have the wherewithal to be able to, when you feel that it is fitting and appropriate and necessary on some issue of religious freedom in the world, to be able to make your case to him?

Dr. COOK. Yes, sir. I do.

Senator MENENDEZ. Well, that is ultimately the two main opportunities that we want, for this person who would have this position to be able to speak to the Secretary of State and to the President of the United States when they feel that it is important, appropriate, fitting, and necessary to promote religious freedom in the world and to have the ears of those individuals.

So I am once again ready and willing to vote for your confirmation. I believe from my conversations with you, not only as it relates to the Ecumenical Patriarch, but other concerns I have in the world, that you will be a strong advocate and not a shrinking violet in this respect.

And so, thank you very much for coming once again before the committee.

Dr. COOK. You are welcome, and thank you.

Senator BOXER. Thank you, Senator.

Senator Lugar.

Senator LUGAR. Dr. Cook, my colleagues have tried to help us all define your role as Ambassador at Large, and of course, you have related responses to questions from Senator Menendez your relationship with the President and the Secretary of State.

Let me ask a question this way. A Pew Foundation study from December 2009 indicated that approximately 70 percent of the population of the world lives in areas where religious freedom is severely restricted. Now I suppose whether it is your own initiative, that of the 20 talented persons who are working with you, or even on occasion a thought from the President or the Secretary of State, how do you go about prioritizing what exactly you are going to do, and which countries you will be visiting?

I ask this question because if you have two-thirds of the world where restrictions on religious freedom are very substantial, there is, of course, a long list of possibilities. How do you plan to occupy your time most profitably? Or, is this a situation where you wait

for a crisis to occur and then head out to the front and see what you can do?

Dr. COOK. OK. Thank you, sir, for your question, Senator Lugar.

The Pew study goes on to say that not only 70 percent are persecuted daily, but also more than 200,000 million Christians each day are persecuted and discriminated against. And in the 20th and 21st centuries, more people have been killed because of their faith than in the other 19 centuries combined. So I am very concerned about the lack of this office being filled.

My priorities would be such that we can't cover all the 198 countries, but we are mandated by the IRF Act to give a report on those countries. I would sit down with our staff and our team and our wider partners, NGOs and academy and others who have been working on religious freedom, and determine those priorities.

Certainly the Middle East right now is urgent, and that cannot be ignored. I would want to travel immediately to Egypt and to Iraq. In Asia, I would love to travel to Vietnam and to Afghanistan and Pakistan and certainly China, where we are developing relationships. And then, in sub-Saharan Africa, would love to go to Nigeria, which is also of urgent concern, as well as stopping by Liberia, which is having the same conflict as Nigeria. But they are one of what we call a "promising practice," and I would use that as a model perhaps for Nigeria and other countries that are experiencing religious freedom issues.

So those would be my priorities immediately. Certainly sitting down domestically with people who have been working on religious freedom for issues. Just as when religious freedom, the IRF Act was developed, there was a summit called of the academy scholars, NGOs, who were working on religious freedom, I would want to have those conversations as well. But those would be my priorities.

Certainly a visit to the Ecumenical Patriarch and to the Vatican, which this office has not done for the last decade, I think, out of respect and as a priority.

Senator LUGAR. Well, you have named some very excellent priorities. But now how do you conduct yourself when you arrive? You come on the scene. You have already made a study indicating that things are not going well in terms of religious freedom.

In a concrete sense, what do you actually propose? A plan for better conduct by that government, by the society? In other words, specifically what action does an Ambassador at Large take that makes any particular difference in the minds of those leaders?

Dr. COOK. Thank you for your question.

Certainly the tools that are available to me, first of all, is getting, securing the report and reporting on religious persecution in the 198 countries. But the second tool is diplomacy. We would work with the embassies and posts where we have a post on the ground as my first point of entry, and then also with the NGOs and civil society in those societies.

Where there are diplomatic relations that are lacking, I would work with multilateral fora and also partners who are related to those countries. So there will be a strategic plan. I would not go without a plan. I would move strategically, not emotionally, and certainly work with those partners that are already on the ground.

But wherever we have embassies, we would secure that relationship first.

Senator LUGAR. How do your responsibilities interact with those of the U.S. Commission on International Religious Freedom? Where do they fit into the picture?

Dr. COOK. Oh, they fit very complementarily. We have not had a chance to sit down, but that would be part of the conversations I would have initially if I am confirmed. That would be one of the first conversations with the commissioners, and I would be an ex officio member of USCIRF. And so, part of that would be to have presence.

One of the acronyms—this is a city of acronyms, and so I have had to learn a new language coming before you. So I have developed one, which is MAP, putting religious freedom on the MAP. And the M is for multilateral relationships and meetings that matter. A is for accessibility and availability of the Ambassador. And P is for policy, partnerships, and presence and using those tools that are available to me.

So USCIRF would be one of those entities that I would sit with, that we, together, would put religious freedom on the map and work in a complementary collaborative relationship.

Senator LUGAR. Thank you very much.

Dr. COOK. You are welcome.

Senator BOXER. Thank you very much, Senator Lugar.

Senator Lee.

Senator LEE. Thank you for joining us today, Ms. Cook.

Dr. COOK. Thank you.

Senator LEE. I wanted to talk to you for a minute about Iraq's indigenous Christian population. Do you have any thoughts that you could share with us about what you would do to help Iraq's Christians?

Dr. COOK. Yes; thank you, sir, for your question, and welcome.

It is good to—there has certainly been a lot of violence and a lot of discrimination against Iraq's Christian population. There has been a shift certainly in military action there, and so part of what is going to be necessary is to also have conversations with General Petraeus and the military chaplains who are there.

Being a religious leader, I also bring that camaraderie of relationship with the chaplains who are on the ground. But also we have Ambassador Bodde, who has been assigned to Iraq, and there also is Deputy Assistant Secretary Corbin, who has been assigned to Iraq. Those would be conversations that I would need to have with them as well, because they have been doing the work, and also partner with them and build upon the relationships that they have built in Iraq.

Senator LEE. OK. What about in Pakistan, defamation laws? Those have proven problematic for religious liberty, as I suspect you would agree. Have you given any thought to those and how you might deal with those in this capacity?

Dr. COOK. Well, yes. Pakistan is very complicated. It has some societal issues, as well as religious freedom issues. But we are thankful that on last Thursday, the antidefamation resolution, an alternative was presented by Pakistan, and defamation is no longer in the title. The United Nations Human Rights Council met in Ge-

neva, and an alternative resolution was passed unanimously so that it will protect religious minorities.

We are very concerned certainly about the Ahmadi communities there and the Christian communities and other religious minorities. And in our wider group of friends and partners, I have a wonderful friendship with an Ahmadi family, Mr. Nasir Ahmad. And so, talking with those persons from those communities which have been oppressed is certainly something that we want to continue to do.

But Pakistan represents many complexities, and we will continue to work forward. We will certainly—our condolences certainly went out to Prime Minister Bhatti's family and to Governor Taseer's family, and we would hope that as we continue that they will have a new champion for religious freedom. But in the meantime, we certainly have to build upon the work that they did.

Senator LEE. Do you feel well equipped to come into a role that is still in the process of being defined?

Dr. COOK. I think the role is very defined, and I feel very equipped and compatible with this role. So I think that I am very prepared. Courageous and boldness and passion is what Senator DeMint asked for, and I bring those qualities to it, as well as a wealth of experience.

Senator LEE. Thank you.

Senator BOXER. Thank you very much, Senator.

Well, Dr. Cook, I want to thank you and all of your family and extended family who came today. I speak for myself in saying you are an incredible witness before this committee. You have acquitted yourself, I think, magnificently. You have answered every question in detail. You never ducked a question.

And I think you have shown, I hope—I hope—this committee that you are ready. I think you are more than ready for this job. So I thank you.

I know Senator DeMint has a few questions. I have a couple of questions. Others may. So we will leave the record open for 24 hours. So stay close to us, and get those answers back.

Senator BOXER. And then we will work with the Foreign Relations Committee to have your nomination moved forward.

Again, thank you so very much.

And this hearing stands adjourned. Thank you, colleagues.

Dr. COOK. Thank you, Senator.

[Whereupon, at 3:16 p.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF SUZAN JOHNSON COOK TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* What level of input will you have in the administration of the Human Rights and Democracy Fund (HRDF)? How would you ensure that religious freedom considerations are taken into account during the programming of HRDF funds?

Answer. Established under President Clinton, the HRDF has funded such projects as promoting the rule of law, advancing democratic values, and supporting religious freedom efforts and worker rights in over 50 countries. Over the last 3 years, more than $10 million of the HRDF has been committed to religious freedom programming. As Ambassador at Large, if confirmed, I would be directly involved in the review and selection process on all proposals related to religious freedom.

Religious freedom programming currently supports such areas as: (1) training religious groups, civil society, and lawmakers to develop legal and policy protections for religious freedom, (2) addressing expressions of intolerance, antidefamation, anticonversion, and antiblasphemy laws that restrict religious expression; (3) increasing public awareness of religious freedom through media outlets and opinion makers; and (4) strengthening capacity of religious leaders to promote faith-based cooperation across religious and sectarian lines.

If confirmed, I will collaborate closely with DRL's programming office, on HRDF programs that are reviewed and approved generally under DRL authority, paying particular attention to those proposals where religious freedom is integrated with the larger promotion of freedom of expression. For example, programming on Internet freedom has direct and significant benefits for the advancement of freedom of religion.

*Question.* The forces of change in the Middle East may pose a risk to religious minorities, particularly in those countries experiencing violent turmoil. What steps would you take to protect the religious freedom of minority communities in that region? How would you support moderate voices and encourage dialogue on religious freedom among representatives of different faiths?

Answer. If confirmed as a principal advisor to the President and Secretary of State on international religious freedom issues, I look forward to promoting religious freedom as a core objective of U.S. foreign policy. Religious freedom is a fundamental human right and a pillar of a democratic society. The Middle East must be a top priority for promoting religious freedom, especially given recent attacks on religious minorities in the region. I am deeply disturbed by the increase of persecution and violence against religious minorities in this region and in many other parts of the world. I will impress upon governments that religious freedom enhances stability, and that restrictions on religious communities only serve to encourage more sectarian tensions and violence.

The changes that we are seeing in the Middle East have been dramatic and often inspiring, yet violence and intolerance remain sources of concern—particularly for religious minorities in this region. We are observing a mixed picture in the region, and I would encourage those voices promoting religious freedom among the emerging political leadership and strengthened minority-community voices. Minority religious communities in Middle Eastern countries where they had previously been repressed should have new opportunities for engagement with governments, interfaith dialogue, and progress toward greater religious tolerance and religious freedom. It will be one of my top priorities to support those voices inside the region using these opportunities to increase respect for religious freedom and interfaith dialogue.

If confirmed, I will lead the U.S. Government's efforts to press for reform with governments that violate religious freedom, work with governments that share our views, and reach out to religious leaders worldwide to urge them to work with the United States in this region to promote religious tolerance and freedom. The Secretary is deeply engaged on religious freedom issues, and the first line of defense on religious freedom is our hard-working embassies and missions worldwide. The IRF Act provides many tools to advance this agenda. I will use all the tools of diplomacy and engagement, including public and private messaging, pressure, and programs.

I will work with my colleagues in the State Department and with civil society to advocate for a change in the Egyptian law to remove severe restrictions on building and renovating Christian places of worship. I would also press the Iraqi Government to protect vulnerable religious minorities by taking effective measures to prevent future attacks and to bring to justice the perpetrators of attacks on Christians and other minorities.

If confirmed, I also look forward to engaging political and civic leaders directly to encourage greater reforms and protection of religious minorities. I specifically hope to travel to Egypt and Iraq soon to meet with my counterparts in the governments to urge them to fulfill their international obligations to respect freedom of religion and ensure the safety of its religious minorities. I will work more broadly with communities around the region to advance religious freedom by engaging religious leaders and civil society; through programming and exchanges; and by promoting interfaith dialogue, tolerance, and mutual respect through education.

*Question.* In Uzbekistan, government restrictions on religious freedom have led to the arrest and imprisonment of thousands of persons, including many Muslim individuals and registered and unregistered religious groups. What strategy would you employ to encourage the Government of Uzbekistan to abide by its international commitments on religious freedom, including its commitments under the International Covenant on Civil and Political Rights?

Answer. I am deeply concerned about the Uzbekistan Government's restrictions on and abuses of religious freedom. If confirmed, I intend to build on the important work of State Department colleagues and press the Government of Uzbekistan to take specific actions to support religious freedom. Uzbekistan has been designated a Country of Particular Concern (CPC) since 2006. Since the CPC designation, State Department officials have met numerous times with Uzbek officials, both in Uzbekistan and in Washington, most recently during the Annual Bilateral Consultations in Tashkent in February 2011. Secretary Clinton also raised religious freedom, among other human rights issues, with President Karimov during her December 2010 visit to Tashkent following the OSCE summit.

If confirmed, I would work with U.S. colleagues, key international partners, USCIRF, and NGOs to advocate for progress and help Uzbekistan improve its practices and legislation. If confirmed, I plan to travel to Uzbekistan to reinvigorate and elevate our dialogue on religious freedom. I will press hard for the Uzbek Government to simplify the registration process for religious groups and reduce the requirements for registration, and will also urge the Uzbeks to reduce or eliminate the civil and criminal penalties for unregistered religious activity. I will work to ensure that advocacy for religious freedom continues to be an integral part of future Annual Bilateral Consultations and will work with my colleagues to utilize all diplomatic tools to motivate and persuade the Uzbek Government to make improvements. I would use appropriate public diplomacy and program assistance toward that goal.

*Question.* The status of the Rohingya in Burma, Bangladesh, Thailand, and other Southeast Asian countries remains precarious. Lacking citizenship, they often face restrictions on access to education and other basic services, live in deplorable conditions, and do not enjoy the right to certain fundamental human freedoms, including rights to freedom of religion, association, and movement. What role would your office play in encouraging greater protections for the Rohingya against policies that discriminate on the basis of religion?

Answer. I am very concerned about the plight of the Rohingya, particularly in Burma where the government continues to refuse to recognize them as citizens, rendering them stateless, and imposes restrictions on their movement and marriage. I am also concerned about the treatment of Rohingya refugees in Thailand and Bangladesh. If confirmed, I will work with our embassies in the region as well as the Bureau of Population, Refugees and Migration to continue to press for the rights of Rohingya in Burma and throughout the region. I will follow this issue closely, highlight Rohingya human rights problems in our annual reports, engage governments in the region to end discrimination against the Rohingya, and work toward developing regional solutions to address their plight.

Burma is designated a Country of Particular Concern for its ongoing violations of religious freedom. The U.S. Government has a wide array of financial and trade sanctions in place against Burma for its violations of human rights. Our Embassies also offer support to local NGOs and religious leaders and exchange information with otherwise isolated human rights NGOs and religious leaders.

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RESPONSES OF SUZAN JOHNSON COOK TO QUESTIONS SUBMITTED BY SENATOR BARBARA BOXER

*Question.* As you may know, DRC has been called the "rape capital of the world." The United Nations estimates that 200,000 women and girls have been raped in the DRC over the past 12 years, and that 15,000 women were raped in eastern DRC in 2009 alone. This level of brutality is simply incomprehensible and it must be stopped once and for all. According to the U.S. State Department's 2010 Report on International Religious Freedom, "Nearly 90 percent of the population" of DRC "attends religious services each week." Given that the vast majority of Congolese citizens regularly attend religious services, what, in your opinion, is the role of religious communities in raising awareness about violence against women? If confirmed, how will you work to encourage religious communities to take a leadership role in stopping violence against women in DRC?

Answer. I know your staff visited the Democratic Republic of the Congo recently and applaud your efforts to raise awareness of these human rights issues. I share your concern about the broader human rights issues in the country, particularly the horrific widespread violence against women. As a religious leader myself, I believe that communities of faith, working in concert with traditional leaders, can and should play an important role in raising awareness to combat violence against women and elevating the role and status of women in society.

If confirmed, I would strongly encourage churches and all religious communities to use their combined influence to address this horrific problem. Communities of faith can and should have a voice in reducing violence against women. If confirmed, I hope to travel to the DRC to help bring together these communities and urge them to demonstrate leadership in this important issue.

*Question.* On Thursday, March 24, the United Nations Human Rights Council (UNHRC) passed a resolution on "Combating Intolerance and Violence Against Persons Based on Religion or Belief." This was widely hailed by many religious groups and religious freedom advocates as a victory over a "defamation of religions" resolution that has long been championed by the Organization of the Islamic Conference (OIC). Many feared that the "defamation of religions" resolution would be used to further criminalize peaceful criticism of religion, including reinforcing blasphemy laws in countries such as Pakistan where violations carry the risk of death. As noted by the U.S. Commission on International Religious Freedom, the new resolution "properly focuses on protecting individuals from discrimination or violence, instead of protecting religions from criticism."

- If confirmed, how will you work to build on this resolution? And how will you work to encourage countries to eliminate blasphemy laws, particularly those that carry the death penalty such as in Pakistan and Afghanistan?

Answer. The consensus resolution adopted by the U.N. Human Rights Council (UNHRC) represents a significant step forward in the global dialogue on countering intolerance, discrimination, and violence against persons based on religion or belief. The State Department, including staff from the Office of International Religious Freedom, worked intensively on developing this new approach.

If confirmed, working with member states from the Organization of the Islamic Conference and the European Union, I will urge robust implementation of the concrete measures outlined in the resolution such as education, awareness building, government outreach, service projects, dialogue, and countering offensive speech with more speech. I will also partner with governments, civil society, and religious leaders on constructive joint initiatives to combat intolerance, discrimination, and violence against persons based on religion or belief.

In countries such as Pakistan and Afghanistan, I am deeply concerned about abuses under the blasphemy laws. In Pakistan, the implementation of these laws has resulted in the arrest of, and attacks on, hundreds of Pakistani citizens, both Muslim and non-Muslim. If confirmed, I will urge the Government of Pakistan to address these problematic laws. I will also actively engage with the country's religious leadership and civil society actors advocating for tolerance and interfaith efforts. Our message is simple: we need to work together to reduce interfaith tensions and violence; blasphemy laws have actually contributed to violence and are thus counterproductive to their stated aims.

In Afghanistan, although in recent years the death penalty has not been carried out either by local or national authorities, these kind of discriminatory laws and practices are rooted in intolerance that governments should combat. If confirmed, I will urge the Government of Afghanistan to uphold its international obligations to freedoms of religion and expression, and also work in coordination with the international community, including our European partners, the United Nations Assistance Mission in Afghanistan (UNAMA), and other like-minded partners to reinforce the importance of freedom of religion, tolerance, and respect. This will be a long process and progress will be measured in increments. If confirmed, I will use all of the tools at my disposal to engage with religious leaders and civil society—like the Afghan Independent Human Rights Commission (AIHRC), and I will help develop programs and exchanges to support these policies.

*Question.* The Government of Vietnam has a long history of intolerance to religious freedom despite provisions contained within the Vietnamese Constitution that provide for individual belief.

The government is especially harsh to individuals associated with religious groups that are not officially recognized. However, even members of churches that are acknowledged by the government, such as the Catholic Church, suffer persecution. Security officials interfere with religious gatherings, confiscate religious literature, and harass religious leaders with frequent interrogation.

In some instances, government officials have destroyed churches and religious structures. Religious groups and activists are threatened, harassed, and even sometimes imprisoned, such as in the case of former prisoner of conscience, Father Nguyen Van Ly, who was sentenced to 8 years in prison in 2007. He was released last year on medical parole; an order that expired on March 15, 2011. As a result, Father Ly faces possible rearrest by the government.

- If confirmed, how would you personally work to protect individuals who are at risk of harassment and detainment as a result of their religious activities?
- How will you work to more broadly to advance religious freedom in Vietnam?

Answer. If confirmed, Vietnam will be one of my top priorities, and I will use all the tools at my disposal to promote true religious freedom there, including reporting, diplomatic engagement, public diplomacy, and targeted programming. While there has been some overall progress in religious freedom over the last decade, Protestant minorities in the Central and Northwest Highlands, the Catholic Church, and individual religious believers of a variety of faiths still face serious problems. The State Department already engages regularly with the Government of Vietnam in Hanoi and in Washington, including at our annual Human Rights Dialogue, the most recent of which was led by Democracy, Human Rights, and Labor Assistant Secretary Michael Posner in December 2010 in Hanoi.

If confirmed, I will travel to Vietnam to meet with religious freedom activists and with the families of imprisoned activists to consult on how best to advocate for them. I will advocate with the Vietnamese Government in Hanoi, and I will engage the Embassy of Vietnam in Washington. If confirmed, I will raise individual cases and I will address the broad institutional and societal issues that obstruct full freedom of religion. I will also work with my colleagues in the State Department, the United States Commission on International Religious Freedom and other NGOs in the United States working on these issues, with Members of Congress, Vietnamese civil society, and the Vietnamese diaspora in the United States to bring about positive improvement toward full religious freedom in Vietnam.

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RESPONSES OF SUZAN JOHNSON COOK TO QUESTIONS SUBMITTED BY SENATOR JIM DEMINT

*Question.* Do you believe the international standard for religious freedom protects the right of individuals to share their faith publicly (proselytism) and to change their faith (conversion)? If so, how will you work with foreign governments that have laws that criminalize the peaceful expression, teaching, or sharing of religion? Please be specific on how you intend to work with the most egregious government violators.

Answer. It is clear to me that international human rights standards protect the ability of individuals to change their beliefs and to share their beliefs in public. These rights are protected under the freedoms of religion, of expression, and of associations as stated in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights. If confirmed, I will address this issue directly through communications with governments that place restrictions on the ability to proselytize or convert. The State Department has closely followed the development and implementation of anticonversion laws, blasphemy laws, and apostasy laws in South Asia, East Asia, and the Middle East. These laws generally violate human rights law. Moreover, they can often lead to increased societal tensions and violence.

Therefore, in addition to directly pressing governments to bring their laws into conformity with international law, I will also engage civil society and religious leaders to hear their concerns and to engage them in building cultures of religious tolerance. I will also engage like-minded partners in the international community and raise these issues in regional and international human rights fora.

In countries such as Pakistan and Afghanistan, I am particularly concerned about abuses under the blasphemy laws. In Pakistan, the implementation of these laws has resulted in the arrest of and attacks against hundreds of Pakistani citizens, both Muslim and non-Muslim. Last fall these laws led to a death sentence for a Christian convert, Aasia Bibi. If confirmed, I will urge the Government of Pakistan to address these problematic laws. I will also actively engage with the country's religious leadership and civil society advocates for tolerance and interfaith efforts.

In Afghanistan, although in recent years the death penalty has not been carried out either by local or national authorities, discriminatory laws and practices that ban conversion are rooted in societal intolerance. If confirmed, I will urge the Government of Afghanistan to uphold its international obligations and commitments to respect freedom of religion and freedom of expression, and I will also work in coordination with the international community, including our European partners, the United Nations Assistance Mission in Afghanistan (UNAMA), and other like-minded partners to reinforce the importance of freedom of religion, tolerance, and respect. This will be a long process and progress will be measured in increments. If confirmed, I will use all of the tools at my disposal, such as engaging religious leaders and civil society, like the Afghan Independent Human Rights Commission (AIHRC).

I will also rely on programming and exchanges, and will promote interfaith efforts, tolerance, and mutual respect through education.

*Question.* Will you recommend sanctions for the most egregious violators? What actions will you recommend for Countries of Particular Concern (CPCs) for the most egregious violators?

Answer. The IRF Act mandates a Presidential Action for all CPCs, and provides specific examples of sanctions. If confirmed, I will recommend for consideration by the Secretary sanctions against egregious violators of religious freedom as appropriate to motivate improvement of the country's respect for religious freedom. The President also has the authority to waive the action only if the waiver would "further the purposes of the Act," or if "an important national interest" is at stake. The CPC status remains, even if a waiver is granted.

Presidential Actions are a critical tool in an effort to push a CPC toward improving conditions of religious freedom. For the most egregious violators, any sanction listed in the section 405 (9)–(15) of the IRF Act, or a commensurate action is appropriate. Sanctions are one of a number of tools under the IRF Act. To expect real progress on religious freedom, they should be part of a broader engagement strategy to address restrictions on religious freedom. The ultimate goal underlying the CPC designation process is to realize actual progress and improvements in religious freedom. If confirmed, I will seek as many opportunities and use as many tools as possible to achieve this goal.

*Question.* Please explain how the Human Rights and Democracy Fund (HRDF) operates. You stated that roughly $4 million in HRDF funding would be at your disposal. Is that figure correct? For what purpose do you intend to use the HRDF? What measurable outcomes have there been, related directly to religious freedom, as a result of this funding?

Answer. The HRDF supports the U.S. foreign policy goals of defending human rights and strengthening democratic institutions. The Bureau of Democracy, Human Rights and Labor (DRL) has administered the HRDF to implement innovative projects in over 50 countries since the HRDF was established. The HRDF supports projects that advance U.S. foreign policy goals such as promoting the rule of law, strengthening democratic institutions, and defending religious freedom and worker rights.

Over the last 3 years, more than $10 million of the HRDF has been committed to religious freedom programming. These programs support: (1) training religious groups, civil society, and lawmakers to develop legal and policy protections for religious freedom; (2) addressing expressions of intolerance, antidefamation, anticonversion, and antiblasphemy laws that restrict religious expression; (3) increasing public awareness of religious freedom through media outlets and opinion makers; and (4) strengthening capacity of civil society leaders to promote interfaith cooperation.

For example, the HRDF has funded a group of experts to analyze, identify, and eliminate hateful language in textbooks and increase content on tolerance in Israeli and Palestinian schools. In Vietnam and Laos, HRDF funds have supported joint trainings on religious freedom for government officials and religious leaders from diverse backgrounds. HRDF religious freedom programs are in place to increase discourse on religious freedom in the Middle East, Indonesia, and Pakistan in a wide variety of media, through print programming.

If confirmed, I will work with my colleagues in the International Religious Freedom office, DRL, and throughout the State Department to strengthen the creative development, monitoring, and evaluation of this programming.

*Question.* Will you be responsible for hiring and other employment decisions for the Office of International Religious Freedom? Please explain.

Answer. If confirmed as Ambassador at Large, under the mandate of the IRF Act, I will head the Office of International Religious Freedom. This mandate includes overseeing hiring and employment for the office, within U.S. Government guidelines. The Office Director and the Deputy Director, in their supervisory capacities, handle the day-to-day responsibilities of personnel management.

*Question.* Do you intend to meet with all new Ambassadors before they leave for their posts? Do you believe that the level of current training is sufficient?

Answer. If confirmed, I would make it a priority to meet with ambassadors appointed to serve in countries where we have concerns about religious freedom. In some cases, I would also want to meet with ambassadors going to countries or missions with whom we collaborate to advocate for religious freedom. I will seek opportunities in my travel and when Chiefs of Mission are in Washington to promote

collaborative strategic initiatives to promote religious freedom. Ambassadors and their staffs are the critical front line in advancing U.S. religious freedom policy. It is crucial that we work together to pursue common goals. If confirmed, my priority will be to cultivate constructive working relationships with our embassies.

If confirmed, I look forward to participating in the new courses being developed at the Foreign Service Institute, our National Foreign Affairs Training Center, to help officers in Washington and abroad promote human rights and religious freedom. Much of the current training for ambassadors and other State Department officers is excellent in focusing on the challenges in the field of promoting religious freedom.

The Bureau of Democracy, Human Rights, and Labor—including the Office of International Religious Freedom—together with the National Foreign Affairs Training Center (FSI), are working to create new courses dealing with religious freedom issues, for both senior and working levels, and including interagency courses. In a recently developed course, religious freedom has been a significant part of training on human rights. A new 3-day course in June will be offered with a specific focus on Religion and Foreign Policy, and the Office of International Religious Freedom is providing significant input on course design. I understand demand for all these courses is very high. If confirmed, I will also personally work with FSI, to ensure they have the resources and expertise they need on religious freedom issues to prepare diplomats to engage boldly and constructively on issues of religious freedom.

*Question.* What is the Muslim Brotherhood?

Answer. The Muslim Brotherhood is a transnational Islamic organization founded in Egypt in 1928 by Hassan al-Banna as a religious, political, and social movement. It was established to advocate the centrality of Islam to all facets of life—including politics—and it argued for the creation of an Islamic state in Egypt based on Islamic law (Sharia). In modern times, the organization seeks to implement Islamic law in Egypt. Offshoots of the Muslim Brotherhood have spread throughout Egypt, Sudan, Syria, Palestinian Territories, Lebanon, and North Africa. The Muslim Brotherhood in Egypt renounced domestic violence in the early 1970s, although it has defended the right to armed jihad in some cases, such as for Palestinians.

The Brotherhood can also be seen as a broad ideological movement that has given birth to political parties in several countries, such as the Islamic Action Front in Jordan and Hamas in Gaza and the West Bank. These parties liaise and sometimes receive support from the Egyptian Brotherhood but today generally remain operationally independent from Cairo. In Egypt under Mubarak, the group was the frequent target of large-scale campaigns of arrest and intimidation by the government and was not allowed to participate legally in the political process, although "independent" candidates aligned with the Muslim Brotherhood were occasionally elected to Parliament, most notably in 2005.

The stated goal of the Egyptian Brotherhood's current leader or General Guide, Muhammad Badie, is to "show the world the true Islam, the Islam of moderation and forgiveness that respects pluralism in the whole world." However, in 2008, Muhammad Madhi Akef, then the Brotherhood's General Guide, said his organization supports democracy, but only the "right kind . . . one that honors Sharia." While the Brotherhood continues to eschew violence and has consistently condemned al-Qaeda, its leadership has generally viewed attacks by groups such as Hamas and Hezbollah as legitimate because the Muslim Brotherhood views attacks by Hamas and Hezbollah as being categorically distinct from al-Qaeda violence. In their mind, Hamas and Hezbollah are using violence in pursuit of legitimate national liberation goals in the face of foreign occupation. They view al-Qaeda attacks as indiscriminate, disconnected from any achievable political goals, and guilty of killing too many Muslims. In 2007 it released a draft political party platform statement that indicated a broad commitment to democratic norms, although some elements suggested ongoing ambiguity regarding universal civil rights and the status of Sharia. The movement's youth wing, which took part in the demonstrations in Tahrir Square, has expressed interest in reforming the Muslim Brotherhood by elevating the role of women within the organization, incorporating religious minorities, and placing less emphasis on the direct implementation of Islamic law.

The Muslim Brotherhood has expressed its intention to participate in the post-Mubarak political process in Egypt and supported the constitutional amendments. A number of other Islamic parties have emerged since Mubarak's fall, some of which have come out of the Brotherhood itself. This reflects the variety of agendas and generational differences found today within this broad movement.

*Question.* Do you believe that past actions by the United States against countries labeled by the Department of State as Countries of Particular Concern (CPCs) have been effective? If so, how? Please give examples.

Answer. The effectiveness of past actions against CPCs has varied between countries. I am committed to the use of CPC designations and will use Presidential Actions as appropriate. The range of CPCs, the diversity of the abuses and restrictions on religious freedom, and in some cases the restrictions on direct engagement (such as North Korea and Iran), require evaluation on a case-by-case basis and targeted strategies. Past actions have yielded significant results in some countries. For example, an agreement in 2006 with the Government of Vietnam led to enactment of a new legal framework that opened the door to recognition of new religious groups and increased registration of Protestant churches. Despite this progress, significant issues remain, and, if confirmed, I will focus on Vietnam as a priority country. Even when CPC designation leads to progress toward religious freedom, we must remain vigilant and continue our diplomatic engagement.

Actions taken by the United States against a country of particular concern must be part of a broader engagement strategy with that country to truly realize progress. If confirmed, I will develop broad engagement strategies—tailored to each country—that complement the important tool of a Presidential Action under the IRF Act. This engagement is critical to the IRF Act mandate for the Ambassador at Large "to advance the right to freedom of religion abroad." For example, we can complement the threat or use of a Presidential Action through a range of tools, including diplomatic advocacy, working directly with religious and other civil society leaders, consulting with diaspora communities in the United States, funding effective and creative programs on the ground, and collaborating with other governments and NGOs to advance religious freedom.

*Question.* What tools will you use other than public diplomacy?

Answer. If confirmed, I will lead the U.S. Government's efforts to press governments that violate religious freedom, engage governments that share our views, and reach out to religious leaders and civil society worldwide to urge them to work with me on an agenda in their countries and regions to promote religious tolerance and freedom. I would work with my colleagues throughout the U.S. Government, particularly our ambassadors overseas, to develop robust strategies to monitor, promote, and report on religious freedom around the world. The IRF Act provides many tools to help advance these goals, including sanctions and other Presidential Actions when appropriate.

We must also leverage multilateral efforts, especially in collaboration with like-minded partners, to reinforce the importance of freedom of religion. I would also work with religious leaders and other civil society groups in an effort to increase their influence on government policies and assist their efforts to confront societal pressures that cause religious persecution. Exchanges are also an important tool, bringing government and religious leaders to the United States to experience first-hand our policies on religious freedom and sending speakers from the United States to promote religious freedom abroad. In multireligious societies, there are many opportunities for creative programs such as training religious groups, civil society, lawmakers, and government officials to develop legal and policy protections for religious freedom; increasing public awareness of restrictions on religious freedom and international rights; and promoting interfaith tolerance and mutual respect through education, training, and media tools. Each country presents unique challenges and opportunities, and almost always will require a multi-faceted approach.

*Question.* Given the recent unrest in Middle East, what new opportunities for involvement do you see that did not previously exist? Please outline in detail your strategy for the region.

Answer. The Middle East must be a top priority for promoting religious freedom, especially given recent attacks on religious minorities in the region. I am deeply disturbed by the increase of persecution and violence against religious minorities in this region and in many other parts of the world. I will impress upon governments that religious freedom enhances stability, and that restrictions on religious communities only serve to encourage more sectarian tensions and violence.

The changes that we are seeing in the Middle East have been dramatic and often inspiring, yet violence and intolerance remain sources of concern—particularly for religious minorities in this region. We are observing a mixed picture in the region, and I would encourage those voices promoting religious freedom among the emerging political leadership and strengthened minority community voices. Minority religious communities in Middle Eastern countries where they had previously been repressed should have new opportunities for engagement with governments, interfaith dialogue, and progress toward greater religious tolerance and religious freedom. It will be one of my top priorities to support those voices inside the region using these opportunities to increase respect for religious freedom and interfaith dialogue.

If confirmed, I will lead the U.S. Government's efforts to press for reform with governments that violate religious freedom, work with governments that share our views, and reach out to religious leaders worldwide to urge them to work with the United States in this region to promote religious tolerance and freedom. The Secretary is deeply engaged on religious freedom issues, and the first line of defense on religious freedom is our hard-working embassies and missions worldwide. The IRF act provides many tools to advance this agenda. I will use all the tools of diplomacy and engagement, including public and private messaging, pressure, and programs.

In Egypt, if confirmed, I would lead U.S. efforts to foster strategic dialogue between Muslims and minority groups who desire a civil state where all people, irrespective of religious identity, share equal rights, duties, and opportunities. I will work with my colleagues in the State Department and with civil society to advocate for a change in the Egyptian law to remove severe restrictions on building and renovating Christian places of worship. In Iraq, I would work with other U.S. officials to continue to press the Iraqi Government to protect vulnerable religious minorities by taking effective measures to prevent future attacks and to bring to justice the perpetrators of attacks on Christians and other minorities. I would also focus on Saudi Arabia, in particular pressing for meaningful reform of educational curriculum, which continue to incite hatred and intolerance toward non-Muslims and certain Muslims. I will seek to reinvigorate our dialogue with the Saudis to reduce systemic restrictions on religious freedom for all Saudis, including Shia Muslims.

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RESPONSES OF SUZAN JOHNSON COOK TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* The International Religious Freedom Act of 1998 established the United States Commission on International Religious Freedom (USCIRF) to review annually the state of international religious freedom and to make policy recommendations to the President, Secretary of State, and Congress. The Commission's mandate is set to expire September 30, 2011. Does the administration support the reauthorization of the Commission? Why or why not?

Answer. USCIRF has played and continues to play an important and positive role in advocating for religious freedom throughout the world. The respective roles of the Department of State and USCIRF under the International Religious Freedom Act (IRF Act) are complementary. Each continues to focus on the mutual goal of promoting religious freedom while fulfilling their statutory mandates, which include publishing annual reports. If confirmed I will seek out USCIRF's input and will welcome their recommendations. I will increase collaboration between USCIRF and the Department of States' Office of International Religious Freedom (IRF Office) toward our shared goal of ending religious persecution and advancing freedom of religious belief and practice around the world. With regard to a reauthorization, I understand that the legislation that has not yet been introduced. Since I am not confirmed, I am not yet in a position to speak on legislative matters.

When enacted 13 years ago, the IRF Act envisioned clear and distinct roles for the Ambassador at Large as head of the IRF Office, and USCIRF as an independent congressionally funded Commission. Passage of the IRF Act brought heightened emphasis to the cause of religious freedom as a central component in U.S. human rights policy and U.S. foreign policy generally. In 1998, as evidenced by the structure of the IRF Act itself, Congress created USCIRF as an additional voice on religious freedom, and to evaluate progress on U.S. religious freedom policy and make recommendations accordingly.

*Question.* In Pakistan, a Christian government official, and the first-ever Federal Minister for Minorities, Shahbaz Bhatti, was shot and killed after advocating the reformation of local blasphemy laws. This assassination followed on the heels of the assassination of Punjab Governor, Salman Taseer in January 2011 who also called for the reformation of these laws. What strategy would you employ to combat such religious intolerance?

Answer. I am very concerned about the attacks on religious minorities in Pakistan, including abuses under the blasphemy laws; the treatment of Christians, Ahmadis, and reform-minded Muslims; and the increase in the number and severity of reported high-profile cases against members of religious minorities.

I am deeply saddened by the brutal killing of Minister Bhatti and Governor Taseer and condemn the killings in the strongest possible terms. My deepest sympathies are with their families and friends. Both men gave their lives to defend the principles of religious freedom, equality, and human rights for all Pakistanis. The

assassination of Minister Bhatti, merely 2 months after the assassination of Governor Taseer, emphasizes the need for aggressive advocacy of religious freedom and tolerance in Pakistan.

I am committed to the same principles Minister Bhatti and Governor Taseer fought for, and, if confirmed, I will prioritize and elevate U.S. efforts to promote freedom of religion in Pakistan. I will work with Government officials to urge them to take the necessary measures to address the serious religious freedom problems in the country and to address discriminatory and repressive blasphemy and anti-Ahmadi laws. These laws have been exploited to harass religious minorities, sectarian opponents, and Muslims, and to retaliate in personal disputes. I will also work with civil society, including religious leaders, to encourage voices of tolerance and to support their efforts to promote religious freedom and interfaith respect and understanding in Pakistan.

*Question.* A New Year's Day car bombing in Alexandria, Egypt killed 21 worshippers at a local Coptic church and marked one of the deadliest terrorist attacks in Egypt since 2006. Many Coptic Christians worry that religious persecution will escalate given the uncertain political landscape in Egypt at this time. What role, if any, would your office play in addressing religious violence in the region and protecting religious minorities?

Answer. The Middle East must be a top priority in promoting religious freedom, now more than ever, given both the attacks on members of religious minorities in the region and opportunities to build upon the common purpose that emerged as Muslims and Christians supported each other in Cairo's Tahrir Square. If confirmed, I will work with my colleagues in the U.S. Government to support those in Egypt and throughout the region who seek meaningful progress on religious freedom. If confirmed, I will encourage opportunities that have emerged from calls for political reform. I will join forces with my colleagues to combat efforts to exploit sectarian tensions. I remain very concerned about longstanding violence and discrimination against members of religious minorities in Egypt and elsewhere in the region.

If confirmed, I would plan to visit this region soon and press the governments to protect religious freedom, and to discourage sectarian violence and societal intolerance. Governments that justify restricting religious freedom out of security and stability concerns only encourage impunity and often lead to more sectarian violence. I would emphasize that point to governments in the region. I would work with my USG colleagues to press governments to protect members of vulnerable religious minorities by taking effective measures to prevent future attacks and to bring to justice the perpetrators of attacks on Christians, Jews, and members of other religious minorities.

I will also work to strengthen civil society that promotes religious tolerance, and programs that promote tolerance and mutual respect between different religious communities. If confirmed, I will advocate for increasing U.S. programs and activities to support initiatives in several areas directly related to religious freedom, such as funding for programs that work with Coptic and Muslim community groups, reform of official curricula to remove religious bias, as well as support for NGOs that monitor the country's media for occurrences of sectarian bias.

Regarding Egypt in particular, if confirmed, I will work closely with our Ambassador and other USG officials to advocate for an end to acts of sectarian violence, for greater protection of religious freedom and equal rights under the law for persons of all faiths. I will advocate for the removal of laws that discriminate against religious minorities and for the adoption of a unified law on places of worship. I will also work with the Government of Egypt in its efforts to address concerns of the Coptic community. I am heartened to see that the Egyptian Prime Minister has met with the leadership of the Coptic community following the recent destruction of a Coptic church in Sol.

I have also been encouraged by calls for unity and mutual respect among Egypt's various religious groups. If confirmed, I will support and encourage our Embassy in Cairo in its continuous efforts to promote religious freedom values with government officials, civil society, and political and religious leaders. I will also strongly support our Embassy's efforts to maintain and broaden an active dialogue with leaders of the Jewish, Christian, Muslim, and Baha'i religious communities, human rights groups, and other activists.

*Question.* While religious minorities in Iran face constant persecution and harassment, many members of the Baha'i community have been arrested for proselytizing in Tehran, Bam, and Kerman, and seven Baha'i leaders who were sentenced to 20 years in prison in August 2010. Given the lack of diplomatic relations the United

States has with Iran, what strategies, if any, would your office employ to foster religious freedom in Iran?

Answer. I have been following the persecution of Baha'is and other religious communities in Iran with great concern. I understand that the State Department is working closely with representatives of these communities and other like-minded countries to develop best strategies for improving both religious freedom in Iran and the morale of the persecuted populations. President Obama's criticism of the Iranian Government's persecution of the Baha'i and Sufis in his March 20 remarks marking the Persian holiday Nowruz, got the attention of the Iranian Government and was enthusiastically received by Baha'is and other religious minorities in and outside of Iran.

If confirmed, I will continue these efforts of targeted and effective statements, partner with like-minded governments and the newly created U.N. Special Rapporteur for Human Rights in Iran, and develop additional opportunities to sanction those who continue to persecute Baha'is because of their faith.

Under the Comprehensive Iran Sanctions, Accountability, and Divestment Act of 2010, the U.S. Government has applied targeted sanctions against Iranian officials for serious human rights abuses. Just last month, the Prosecutor General of Tehran—who among his many actions against minorities and others, ordered the arrest of seven Baha'i—was added to the sanctions list.

# NOMINATIONS

**TUESDAY, APRIL 5, 2011**

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

Mara E. Rudman, of Massachusetts, to be an Assistant Administrator of the United States Agency for International Development

Robert Patterson, of New York, a Career Member of the Senior Foreign Service, Class of Counselor, to be Ambassador to Turkmenistan

The committee met, pursuant to notice, at 10:15 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Robert P. Casey Jr., presiding.

Present: Senator Casey.

Also Present: Senator Reed.

## OPENING STATEMENT OF HON. ROBERT P. CASEY JR., U.S. SENATOR FROM PENNSYLVANIA

Senator CASEY. The hearing will come to order.

I want to thank everyone for being here this morning.

The way we will proceed is, I will present an opening statement. I will turn to my colleague Senator Reed of Rhode Island. We are grateful he is here with us. And then, of course, we will turn to our nominees and go from there.

But first of all, I want to thank everyone for being here. Today, the Senate Foreign Relations Committee, meets to examine the nominations of Mr. Robert E. Patterson to be Ambassador to Turkmenistan and Ms. Mara Rudman to be the Assistant Administrator for the Middle East at the U.S. Agency for International Development.

First, with regard to Turkmenistan, the United States has not had an Ambassador in Turkmenistan for nearly 5 years. As the country begins to open up to the outside world, it is critical that the United States is fully represented to pursue a range of interests, including human rights, energy, and security interests.

The human rights situation remains of serious concern in Turkmenistan. Last May, I signed a letter, led by Senators Durbin and Brownback, to Secretary Clinton on behalf of three prisoners of conscience detained in Turkmenistan. Just last week, Turkmen authorities confined a Radio Free Europe contributor to a psy-

chiatric hospital after he criticized a local government official of corruption. This Soviet-era practice of committing political dissidents to psychiatric facilities, unfortunately, continues in Turkmenistan.

As Turkmenistan continues to open more to the outside world, it is important for the United States, working with the Organization for Security and Cooperation in Europe, to take an active role in advancing our interests and our values. I know that Mr. Patterson shares these concerns, and I look forward to hearing how he will address human rights issues amid our other important interests in Turkmenistan.

Many in the Senate have concerns about Turkmenistan's energy resources and their export abroad. I understand that Turkmenistan shares a desire to diversify its energy export routes and has indicated that participating in the Nabucco Project is a possibility, and I look forward to hearing from Mr. Patterson on how he will encourage this diversification of Turkmenistan's energy export routes and how this important market can become more open to U.S. companies.

Turkmenistan has played a positive role with respect to its neighbor Afghanistan. The Government of Turkmenistan has built hospitals and schools in parts of Afghanistan inhabited by Turkmen. We should be working to further encourage this kind of activity.

Recognizing the deep historic ties between Afghanistan and the countries of Central Asia, some have expressed concern about the level of coordination among our diplomatic assets in the region. As the importance of the Northern Distribution Network through Central Asia to Afghanistan has grown, regular coordination among our diplomats in South and Central Asia will become even more important. I hope that communication and coordination among the posts in these countries will be a top priority for the State Department.

Mr. Patterson is a career Foreign Service officer who has served in challenging posts around the world. He currently serves as the senior adviser for the Somali diaspora and has served in our embassies in Kenya, Russia, Hungary, Ukraine, and Armenia. His experience in the former Soviet Union will especially serve him well in this post, if confirmed. Mr. Patterson has served the United States in the U.S. Air Force.

Mr. Patterson, I want to thank you for your longstanding service to the country and for your willingness to take on another challenging assignment. We are grateful.

Next, to the Middle East. The Middle East is right now experiencing change of historic proportions. That is a dramatic understatement. There is almost no way to capture what we are seeing playing out every day in the Middle East on television news or in so many other ways that we get information.

And if confirmed, Mara Rudman will assume a very challenging assignment in overseeing USAID's programs in the Middle East. As countries in the region continue to experience unrest, the work of USAID will be essential in helping to ensure political transitions based upon democratic institutions and economic reforms.

USAID has missions in seven countries and two regional missions in the Middle East, for a total FY 2010 budget of $1.6 billion. These programs are targeted toward health, education, good governance, and economic development.

But more important than these statistics is how we calibrate our approach to development in a region where the United States foreign assistance has been historically criticized for supporting undemocratic governments. In this new environment, USAID will need to be more agile, responsive, and able to engage directly with more citizens in places like Egypt, Tunisia, Yemen, and Syria, more so than it has in the past.

How we implement these programs and America's profile in supporting civil society and democratic governance is just as important as the programs themselves. During this seminal period in history and in the history of the Middle East, the developmental challenges in the region seem to grow by the day. I would like to touch on just a few.

As we have transitioned responsibility for enforcing U.N. Security Council Resolution 1973 to NATO, the United States will continue to play an active role in providing humanitarian relief to the people of Libya. The President has declared as U.S. policy that Gaddafi must go. But he has also said that we will not use our military to effect this change.

In this environment, the tools of USAID are all the more essential. Humanitarian and medical support for Libya's people and democratic institution-building for an emerging political class will be necessary in preparation for a democratic Libya.

In Egypt, a political transition continues that will soon produce new leadership. Without improvements in Egypt's economic prospects, the accomplishments of those courageous people who marched and demonstrated in Tahrir Square, those activists' progress and accomplishments will be jeopardized.

The United States has an important role to play in Egypt's economic development and must also encourage political reforms that reflect the democratic aspirations of the Egyptian people.

Next, to Yemen. Yemen, the poorest country in the region, has faced severe development problems ranging from water shortages to debilitating poverty. USAID's ability to conduct assistance in this country is critically important, and the deadly protests against the government have already had an impact on our ability to do that.

Maintaining our ability to deliver assistance to the people of countries like Yemen amid the political turmoil will be increasingly important in the months to come. All of this takes place amid a challenging budget climate here in Washington.

Administrator Raj Shah has made serious efforts to reform USAID and assure accountability and programmatic efficiency to the American taxpayer. And it is important that he is doing that, and it is important that we support him in doing that. Dr. Shah takes on this task not only in the name of fiscal responsibility, but also because our assistance needs to be strategic and targeted in order to best take advantage of these transformational openings and opportunities in the region.

Events in the region demand a smart development approach by the United States that takes a long-term view. President Obama's nominee, Mara Rudman, has the experience to fulfill this strategic vision for the region. We are fortunate that she has accepted the President's appointment, and if confirmed, she will be a true asset during this historic period of change in the region.

She currently serves as the Chief of Staff for Presidential Envoy for Middle East Peace, former Senator George Mitchell, where she has a unique perspective on the formulation of United States foreign policy in the region. Her public service at the State Department, at the National Security Council, and here on Capitol Hill will serve her well in her new position.

And because today we don't have a ranking member with us for the hearing, I will turn immediately to our witnesses. But first, to my colleague, Senator Jack Reed of Rhode Island. We are honored he is here. He is someone that was a mentor to young Senators like me when I got here in 2007.

And I am always grateful that he is with us to provide his perspective on so many important foreign policy challenges we have. He is here today in a more limited sense, unless he wants to expound upon his comments about Mara Rudman. But we are grateful, Senator Reed, that you are here, and you have the floor.

**STATEMENT OF HON. JACK REED,**
**U.S. SENATOR FROM RHODE ISLAND**

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

It is a great pleasure and privilege to have the opportunity to introduce Mara Rudman, the President's nominee to be the United States Agency for International Development's Assistant Administrator for the Middle East.

No one is as superbly qualified as Mara to address the critical challenges you have laid out, Mr. Chairman. She has an extraordinary background, extraordinary intellect, and extraordinary dedication.

I first had the privilege to work with her about 15 years ago, when Lee Hamilton, the chairman of the House Foreign Relations Committee, detailed her to the Task Force on National Security organized by our leader, Dick Gephardt. I was part of that task force and extraordinarily impressed by her intellect, by her contribution, and by her sincere and absolute dedication to advancing our ideals and also good public policy.

She has an extensive background, as you laid out, in terms of the Middle East. It began a long time ago at Dartmouth University, and continued at Harvard Law School. Then she went on to clerk for Judge Stanley Marcus in the Southern District of Florida, and was an associate in a Washington law firm.

But really, it was on Capitol Hill where she found not only her niche, but also had so much of a profound and meaningful impact, working first for Gerry Studds and then as chief counsel to Lee Hamilton on the House Foreign Affairs Committee.

She also served on the National Security Council, under both President Clinton and President Obama. So she has the experience of both the executive, and the legislative, and all of it, indeed, in the context principally of Middle East policy. And as you pointed

out, she has served the last few years as the Chief of Staff to George Mitchell in his extraordinarily important work as Special Envoy in the Middle East.

She has also been in the private sector. She has worked with our former Secretary of Defense, Bill Cohen and the Cohen Group. All of this experience underscores how well prepared she is for the most challenging assignment I can think of, trying to provide the soft power in a region that requires that.

She is a pragmatist, and a problem-solver. She is going to do a great job, and I would urge your immediate consideration and favorable consideration.

And thank you, Mr. Chairman.

Senator CASEY. Senator Reed, thank you very much.

We are honored that you are here today, and that is quite a significant testimony about a nominee. We are grateful you are able to provide that. You are welcome at the Foreign Relations Committee anytime.

Thank you, everyone, and we will go right to our witnesses now.

Mr. Patterson, you have the floor. Of course, if you want to submit your statement for the record, both of your statements, will be made part of the record in full.

And of course, if you want to go through your statement, that is fine. We will try to keep it roughly to about 5 minutes, if you can. Or if you want to just summarize that would be fine also.

**STATEMENT OF ROBERT PATTERSON, OF NEW YORK, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR TO TURKMENISTAN**

Mr. PATTERSON. Thank you, Mr. Chairman.

Mr. Chairman, I am honored to appear before you as President Obama's nominee to become U.S. Ambassador to Turkmenistan. I am grateful to the President and to Secretary Clinton for their trust in me. If confirmed, I will work with you to advance America's interests in Turkmenistan.

The United States recognized Turkmenistan in February 1992 and since that time has supported its development as a stable, secure, democratic, and prosperous Central Asian state. However, Turkmenistan lies in a tough neighborhood bordering Iran and Afghanistan and faces many challenges in building democratic institutions and in fighting corruption.

A key U.S. priority in Central Asia is to encourage efforts to aid in the stabilization of Afghanistan. Turkmenistan shares a long border with Afghanistan and is aware of the danger that continuing instability there poses to itself and to other countries in the region.

Turkmenistan has acted in accordance with its policy of positive neutrality to provide discounted electricity, housing, hospitals, and other forms of humanitarian aid to its Afghan neighbors. President Berdimuhamedov's recent announcement of the intention to increase electricity supplies fivefold to Afghanistan is a welcome sign of continued engagement in that important effort. If confirmed, I will encourage Turkmenistan to continue to provide all possible support to Afghanistan.

Turkmenistan has significant natural gas reserves and is seeking to diversify their distribution. President Berdimuhamedov has expressed Turkmen interest in supplying gas to Europe through a Trans-Caspian Pipeline. We continue to strongly encourage Turkmenistan to send its gas across the Caspian to Europe via the Southern corridor.

Another potential project is the Turkmenistan-Afghanistan-Pakistan-India, or TAPI, pipeline, which President Berdimuhamedov has taken a leading role in promoting. If built, TAPI would strengthen economic ties between Central and South Asia by sending needed resources to growing markets.

U.S. firms have the experience and a demonstrated track record in major energy projects. And if confirmed, I would work hard to support their efforts to invest in Turkmenistan.

Of course, our commercial relationship with Turkmenistan goes beyond energy. U.S. companies are active in various sectors of the Turkmen economy, from agriculture to civil aviation. If confirmed, I will actively support U.S. firms and seek to expand economic ties with Turkmenistan, particularly in light of the President's National Export Initiative.

As recent events have yet again demonstrated, respect for human rights, the rule of law, and transparent and accountable governmental institutions are essential to peace and long-term stability in any country. If confirmed, I will energetically engage the Government of Turkmenistan on the full range of human rights issues, including arbitrary detentions and arrests, limitations on freedom of movement and expression, allegations of torture and prisoner abuse, and human trafficking.

A frank and detailed discussion of human rights concerns already has a prominent place in our Annual Bilateral Consultations with high-ranking Turkmenistan Government representatives. These consultations began in June 2010, and I am certain that we will use future such meetings and other contacts to discuss important human rights issues.

Turkmenistan's border with Afghanistan and its outlet to the Caspian Sea have made it a significant drug transit corridor. In recent years, the United States has had some success in increasing cooperation with Turkmenistan on counternarcotics programs, including improved control of its borders and ports.

Much remains to be done, and if confirmed, I will seek opportunities to strengthen our emerging counternarcotics and border security cooperation with Turkmenistan, with the goal of improving regional stability. A better capacity to combat the drug trade at its source ultimately contributes to the well-being of the United States.

Much of my 25 years in the State Department has been spent at U.S. missions overseas, and I have come to believe that we make our greatest impact on a country through engagement with its people in their own communities. Some of these contacts fall under the formal heading of public diplomacy, but much happens when you simply get out and live life in the country to which you are assigned.

In Turkmenistan, the small number of foreign visitors and residents makes such incidental contacts all the more important. And

if confirmed, I will encourage colleagues in our mission to demonstrate American values in their daily interactions with citizens of Turkmenistan.

Finally, I know that, if confirmed, I will ultimately be responsible for the welfare of the U.S. mission, my U.S. mission colleagues, and their families in a fairly remote part of the world. Their well-being and that of other Americans in Turkmenistan will be a top priority.

Thank you. I look forward to answering your questions.

[The prepared statement of Robert Patterson follows:]

PREPARED STATEMENT OF ROBERT E. PATTERSON

Mr. Chairman and members of the committee, I am honored to appear before you as President Obama's nominee to become U.S. Ambassador to Turkmenistan. I am grateful to the President and to Secretary Clinton for their trust in me. If confirmed, I will work with you to advance America's interests in Turkmenistan.

The United States recognized Turkmenistan in February 1992 and since that time has supported its development as a stable, secure, democratic, and prosperous Central Asian state. Turkmenistan lies in a tough neighborhood bordering Iran and Afghanistan, and faces external and internal challenges in building democratic institutions and civil society, open media, and in fighting corruption.

A key U.S. priority in Central Asia is to encourage efforts to aid in the stabilization of Afghanistan. Turkmenistan shares a long border with Afghanistan and is aware of the danger that continuing instability there poses to itself and to other countries in the region. Turkmenistan has acted in accordance with its policy of "positive neutrality" to provide discounted electricity, housing, hospitals, and other forms of humanitarian aid to its Afghan neighbors. President Berdimuhamedov's recent announcement of the intention to increase electricity supplies fivefold to Afghanistan is a welcome sign of Turkmenistan's continued engagement in that important effort. If confirmed, I will encourage Turkmenistan to continue to provide all possible support to Afghanistan.

Turkmenistan has significant natural gas reserves and is seeking to diversify their distribution. In recent statements, President Berdimuhamedov has expressed Turkmen interest in supplying gas to Europe through a Trans-Caspian Pipeline. We continue to strongly encourage Turkmenistan to send its gas across the Caspian to Europe via the Southern Corridor. Another potential project is the Turkmenistan-Afghanistan-Pakistan-India, or TAPI, pipeline, which President Berdimuhamedov has taken a leading role in promoting. If built, TAPI could strengthen economic ties between Central and South Asia by sending needed resources to growing markets. U.S. firms have the experience and a demonstrated track record in major energy projects, and, if confirmed, I would work hard to support their efforts to invest in projects in Turkmenistan, including projects like the Trans-Caspian Pipeline and TAPI.

Our commercial relationship with Turkmenistan goes beyond its prominent energy sector, however. U.S. companies are active in various sectors of the Turkmen economy—ranging from agriculture to civil aviation. If confirmed, I will actively support U.S. firms and seek to expand economic ties with Turkmenistan, particularly in light of the President's National Export Initiative.

As recent events have yet again demonstrated, respect for human rights, the rule of law, and transparent and accountable governmental institutions are essential to peace and long-term stability in any country. If confirmed, I will energetically engage the Government of Turkmenistan on the full range of human rights issues, including arbitrary detentions and arrests, limitations on freedom of movement and expression, allegations of torture and prisoner abuse, and human trafficking. A frank and detailed discussion of human rights concerns already has a prominent place in our Annual Bilateral Consultations with high-ranking Turkmenistan Government representatives. Those consultations began in June 2010, and I am certain that we will use such meetings and other contacts with the Turkmen Government in the future, to discuss important human rights issues.

Turkmenistan's border with Afghanistan and outlet to the Caspian Sea have made it a significant drug transit corridor. In recent years, the United States has had some success in increasing cooperation with Turkmenistan on counternarcotics programs, including improved control of its borders and ports. Much remains to be done, and if confirmed I will seek opportunities to strengthen our emerging counternarcotics and border security cooperation with Turkmenistan with the goal of im-

proving regional stability. A better capacity to combat the drug trade at its source ultimately contributes to the well-being of the United States.

Much of my 25 years in the State Department has been spent at U.S. missions overseas, and I have come to believe that we make our greatest impact on a country through engagement with its people in their own communities. Some of these contacts fall under the formal heading of "public diplomacy," but much happens when you simply get out and live life in the country to which you are assigned. In Turkmenistan, the small number of foreign visitors and residents makes such incidental contacts all the more important, and, if confirmed, I will encourage colleagues in our mission to demonstrate American values in their daily interactions with citizens of Turkmenistan. I believe that "public diplomacy," promoting more official people-to-people exchanges, should also be a major priority. More than 740 Peace Corps Volunteers have been actively engaged in this effort in Turkmenistan since the start of the program there in 1993, teaching English and promoting health education in remote parts of the country.

Finally, I know that, if confirmed, I will ultimately be responsible for the welfare of my U.S. mission colleagues and their families in a fairly remote part of the world. Their welfare will be my top priority, as will the well-being and interests of other American citizens living in Turkmenistan.

Thank you. I look forward to answering your questions.

Senator CASEY. Thank you, Mr. Patterson.

Ms. Rudman.

**STATEMENT OF MARA E. RUDMAN, OF MASSACHUSETTS, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT**

Ms. RUDMAN. Mr. Chairman, it is an honor to appear before you today.

I want to express my appreciation for the trust and confidence that President Obama and Administrator Shah have placed in me through this nomination. And I am grateful to have the strong support of Secretary Clinton.

It is difficult to conceive of a more challenging time to be considered for this portfolio. In country after country, the people of the region have, in a word, inspired. As the President said last week, "We must stand alongside those who believe in the same core principles that have guided us through many storms."

If confirmed, I look forward to working with the dedicated women and men of USAID and colleagues throughout the U.S. Government, laying the foundation for diplomatic and development strategies that will serve us and the peoples and countries of the Middle East in the months and years ahead. I want especially to recognize the dedicated public service of George Laudato, who has led the Bureau for the past 3 years.

This transition and period of regional change are providing a rapid-fire chance to operationalize Secretary Clinton and Administrator Shah's shared goal—to modernize and strengthen USAID, reaffirming its status as the premier development agency in the world. If confirmed, I can assure you that no one will work harder to see that we are responding effectively to the great challenges and historic opportunities that we face.

In that regard, my objectives for the Middle East Bureau go to areas that I believe are critical to the sustainability, growth, and success of our policy missions. If confirmed, I would focus on managing our relationships with key countries so as to move from assistance to cooperation and partnership.

I would work to ensure that the best and most innovative initiatives are not only developed, but implemented effectively. And I

would coordinate closely with colleagues at State, Treasury, and the White House and Defense to see that we are truly practicing smart diplomacy, using development, diplomacy, and defense as mutually reinforcing policy platforms to make the objectives of the QDDR come alive.

I focus on the pragmatic, on the details of how to get things done and bridge the gaps with a range of actors, across cultures internationally and domestically. I recognize that it is important to have a political horizon, a strategic vision. But once we have it, we must be able to maintain the vision while we implement programs and projects with maximum effectiveness.

Under the leadership of Administrator Shah, USAID is implementing an aggressive agenda to streamline development work, the USAID Forward agenda, which you mentioned. In this context, I am excited that the Middle East Bureau is already brokering new approaches to development.

I appreciate the enormity of tasks ahead in this region and in this position. I also recognize how fortunate I am to have worked with and for people who helped me prepare to take this challenge. I would like to specifically thank Representatives Lee Hamilton, Howard Berman, and Sam Gejdenson, leaders on the House Foreign Affairs Committee, for the investment they have made in guiding me.

I also owe much to Senator Reed and Senator Shaheen, who have been gracious with their counsel to me over the years, and to Chairman Kerry. Among other things, Chairman Kerry showed me how, by example, to conference a bill in my early days as HFAC's chief counsel.

I have spent much time deeply involved in the Middle East, from my first position as a legislative assistant for my hometown Congressman to my current work as a deputy to Senator Mitchell, where, among other things, I coordinate United States efforts to support Palestinian institution-building.

Through my time in Government, I have learned to appreciate the dynamics among and between the agencies and actors that play a role on foreign assistance and foreign policy. To implement programs effectively and meet foreign policy objectives, it is critical to navigate smoothly in this environment. I also value the time I have spent working on both ends of Pennsylvania Avenue, in different parts of the executive and with the judiciary.

When working on governance challenges in other parts of the world, it has made a huge difference for me to be able to draw upon the experience I have had in our own Government—a contentious floor debate, an intricate conference bill negotiation, a complex set of jury instructions to be drafted, advising a President, working out budget differences with a legislature controlled by the opposition party.

I discovered the magic of how quickly this makes the world a much smaller place when I found myself explaining the House Rules Committee operations to a group of villagers in a remote part of the West Bank when the Palestinian Legislative Council had just run its first election in the mid-1990s, and rules that would govern its proceedings were at the time heavily debated among its citizenry.

This is because, as President Obama described in Cairo nearly 2 years ago, "All people yearn for certain things—the ability to speak your mind and have a say in how you are governed, confidence in the rule of law and the equal administration of justice, government that is transparent and doesn't steal from the people, the freedom to live as you choose."

As President Obama, Secretary Clinton, and Administrator Shah believe, we have the power to create the world we seek if we have the courage to embrace opportunity and the willingness to do things smartly, sometimes differently, and together.

I am honored to be considered for this position and fully appreciate the responsibility and challenges it entails. I am deeply committed to the mission of USAID and the role it plays in advancing our national security, promoting economic opportunity, and embodying our core American values.

Thank you for the opportunity to appear before you today. I welcome any questions you might have.

[The prepared statement of Mara E. Rudman follows:]

PREPARED STATEMENT OF MARA E. RUDMAN

Mr. Chairman, ranking member, distinguished members of the committee, it is an honor to appear before you today as President Obama's nominee to be the next Assistant Administrator for the Middle East at the U.S. Agency for International Development.

I want to express my appreciation for the trust and confidence that President Obama and Administrator Shah have placed in me through this nomination. And I am grateful to have the strong support of Secretary Clinton.

It is difficult to conceive of a more challenging time to be considered for this portfolio. In country after country the people of the region have, in a word, inspired. As the President said last week, "we must stand alongside those who believe in the same core principles that have guided us through many storms: our opposition to violence directed against one's own citizens, our support for a set of universal rights . . . [and] our support for governments that are ultimately responsive to the aspirations of the people."

If confirmed, I look forward to working with the dedicated women and men of USAID, and colleagues throughout the U.S. Government, laying the foundation for diplomatic and development strategies that will serve us and the peoples and countries of the Middle East in the months and years ahead. I want especially to recognize the dedicated public service of George Laudato, who has led the Bureau for the past 3 years, having been called back to USAID from retirement to do so.

This transition and period of regional change are providing a rapid-fire chance to operationalize Secretary Clinton and Administrator Shah's shared goal: to modernize and strengthen USAID, reaffirming its status as the premier development agency in the world. If confirmed, I look forward to picking up the baton as my colleagues are working to make important progress. I can assure you that no one will work harder to see that we are responding most effectively to the great challenges and historic opportunities that we face.

In that regard, my objectives for the Middle East Bureau go to areas that I believe are critical to the sustainability, growth, and success of our policy missions. If confirmed, I would:

- Focus on managing our relationships with key countries so as to move from "assistance" to "cooperation and partnership."
- Work to ensure that the best and most innovative initiatives are not only developed, but implemented effectively; that we evaluate the results, and learn from and apply those lessons going forward.
- Coordinate closely with colleagues at State, Defense, Treasury, and the White House to see that we are truly practicing smart diplomacy, using development, diplomacy, and defense as mutually reinforcing policy platforms to make the objectives of the Quadrennial Diplomacy and Development Review (QDDR) come alive.

I believe in the importance of focusing on the pragmatic—on the details of how to get things done and "bridge the gaps" with a range of actors, across cultures

internationally and domestically. I recognize that it is important to have a political horizon, a policy objective, a strategic vision. But once we have it, we must be able to maintain the vision while we implement programs and projects with maximum effectiveness.

Under the leadership of Administrator Shah, USAID is implementing an aggressive agenda to streamline development work, the "USAID Forward" agenda, which builds on Secretary Clinton's QDDR and the Presidential Policy Directive on Global Development. In this context, I am excited that the Middle East Bureau is already brokering new approaches to development.

I appreciate the enormity of tasks ahead in this region and position. I also recognize how fortunate I am to have worked with and for people who have helped prepare me to take on this challenge. I would like to specifically thank Representatives Lee Hamilton, Howard Berman, and Sam Gejdenson, leaders on the House Foreign Affairs Committee, for the investment they have made in guiding me. I also owe much to Senators Jack Reed and Jeanne Shaheen, who have been gracious with their counsel, and to Chairman Kerry. Among other things, he showed me by example what it really meant to conference a bill in my early days as HFAC's chief counsel.

I have spent much time deeply involved in the Middle East, from my first position as a legislative assistant for my hometown Congressman, who served on the House Foreign Affairs Committee; to a research fellowship in the region; to work as chief counsel at the House Foreign Affairs Committee, where I focused among other matters on rule of law efforts and programs.

When I served President Clinton as a deputy national security advisor and Chief of Staff at the National Security Council, I helped to coordinate strategic and budget aspects of the Middle East peace negotiations efforts. I explored yet another aspect of these issues in my work in the private sector, where I assisted in creating the nonprofit economic development oriented Middle East Investment Initiative. Now, as a deputy to Senator Mitchell, I have spent the majority of my time focusing on coordinating U.S. efforts to support the Palestinian institution-building program, across U.S. agencies, in Washington and in the field, and among Palestinian Authority, Israeli, and international actors.

Through my time in government, I have learned to appreciate the dynamics among and between the agencies and actors that play a role on foreign assistance and foreign policy matters. To implement programs effectively, and meet policy objectives, it is critical to navigate smoothly in this environment.

I also value the time I have spent working on both ends of Pennsylvania Avenue, in different parts of the executive, and with the judiciary. Given the critical role of the legislative branch in funding and overseeing foreign assistance programs and policy, the executive branch in setting and developing policy, and the powerful balancing role of our judiciary, having an insider's familiarity with these institutions has served me well, and will continue to do so in this role, if confirmed.

When working on governance challenges in other parts of the world, it has made a huge difference for me to be able to draw upon experience I have had in our own government: a contentious floor debate, an intricate conference bill negotiation, a complex set of jury instructions to be drafted, advising a President, or working out budget differences with a legislature controlled by the opposition party. I discovered this firsthand when I found myself explaining the House Rules Committee operations to a group of villagers in a remote part of the West Bank when the Palestinian Legislative Council had just run its first election in the mid 1990s and rules that would govern its proceedings were at the time heavily debated among the citizenry.

Indeed, as President Obama described articulated in Cairo nearly 2 years ago, "[A]ll people yearn for certain things: the ability to speak your mind and have a say in how you are governed; confidence in the rule of law and the equal administration of justice; government that is transparent and doesn't steal from the people; the freedom to live as you choose."

In presenting the foreign assistance budget request recently, Secretary Clinton noted "Generations of Americans . . . have grown up successful and safe because we chose to lead the world in tackling the greatest challenges. We invested the resources to build up democratic allies and vibrant trading partners. And we did not shy away from defending our values, promoting our interests, and seizing the opportunities of each new era . . . the world has never been in greater need of the qualities that distinguish us: our openness and innovation, our determination, our devotion to universal values."

As President Obama, Secretary Clinton, and Administrator Shah believe, we have the power to create the world we seek if we have the courage to embrace opportunity and the willingness to do things smartly, sometimes differently, and together.

I am honored to be considered for this position and fully appreciate the responsibilities and challenges it entails. I am deeply committed to the mission of USAID and the role it plays in advancing our national security, promoting economic opportunity, and advancing our embodying our core American values.

Thank you again for the opportunity to appear before you today. I welcome any questions you might have.

Senator CASEY. Thank you very much.

I wanted to, for the record, just read the heading of a statement for the record that Senator Shaheen made available to us. This is a statement for the record for today's nomination hearing in support of the nomination of Mara Rudman to be Assistant Administrator for the Middle East, U.S. Agency for International Development. And that is, of course, dated today.

I wanted to make sure that Senator Shaheen's statement was made part of the record.

[The prepared statement of Senator Shaheen follows:]

PREPARED STATEMENT OF HON. JEANNE SHAHEEN,
U.S. SENATOR FROM NEW HAMPSHIRE

Chairman Casey and Ranking Member Risch, thank you for holding this important nomination hearing.

I am pleased today to speak in strong support of Mara Rudman's nomination as the next Assistant Administrator for the Middle East at the U.S. Agency for International Development (USAID). At a critical time in the volatile and dangerous Middle East region, President Obama and USAID Administrator Shah have made an exceptional choice in nominating Mara to fill this important role.

I had the great pleasure of traveling with Mara to the Palestinian West Bank on NDI election monitoring missions during the historic elections in both 2005 and 2006. During these missions, I had the opportunity to witness firsthand Mara's impressive grasp and understanding of this complex region, as well as her sharp intellect and her focused commitment to peace for the people of the Middle East. Mara has remained a good friend to my office, and her valued counsel over the years has been insightful, prudent, and sound.

Mara's impressive background and experience in Middle East issues is substantive and wide-ranging. She is currently the Deputy Envoy and Chief of Staff to one of our country's most prominent and capable diplomats, Senator George Mitchell, the current Special Envoy for Middle East Peace at the State Department. Under President Clinton, as a Deputy National Security Advisor, she helped to coordinate U.S. efforts to negotiate Middle East peace.

Mara has served in distinguished positions throughout government and the private sector—including stints on Capitol Hill, on the National Security Council staff, and at the Cohen Group. Her degree from New Hampshire's own Dartmouth College further adds to her impressive resume. Mara will face daunting challenges and enormous opportunities, should she be confirmed, but I am confident that Mara's experiences and background have prepared her well to take on these new responsibilities and to succeed at USAID.

In today's complex international environment, it is critical for USAID and the State Department to recruit and retain America's best and brightest if we are to overcome the difficult security challenges of the 21st century. Mara Rudman is clearly one of our Nation's more capable and experienced foreign policy minds, and I am proud to fully support Mara's nomination for this important position at USAID.

I would urge my colleagues to quickly and positively act on her nomination. I want to thank the committee for your time and consideration, and thank you to Mara for again returning to public service. I look forward to working with her in her new endeavor.

Senator Casey. I want to thank you both for your willingness to serve again and again in difficult assignments, and I have a number of questions. I will try to alternate. I will start with Mr. Patterson, just by way of the order of speaking.

First of all, I wanted to focus on Iran. As much as we have had a focus in the region, it seems like every other week, there is a new

country that comes into sharper focus in the region, and that is understandable. We have, I think, an ongoing challenge presented by the Iranian regime. And I know that this Sunday, the New York Times had a review on that, and I thought it was very helpful.

One of the strategies that we have employed with regard to Iran, and I think it is the right strategy—is to do everything we can to isolate the regime. And I think we have made some good progress on that, especially as it relates to sanctions.

As we move down the pathway to further implementation of that particular part of our strategy of isolation, we know that the assignment you are about to undertake upon confirmation will have some tension with that. Based upon both geography and history, Turkmenistan has longstanding ties with Iran, and I guess I would ask you, as Ambassador, how you help to manage that in your own work, where one of our policy objectives is isolation as it relates to the regime. How are you supporting that policy, while not discouraging Turkmen investment and also the cooperation that takes place with Iran's energy sector?

How do you manage all that in the context of a difficult assignment?

Mr. PATTERSON. Mr. Chairman, thanks for that question.

One of the key issues, obviously, is the sanctions regime that is in place with Iran. And the State Department, the administration has gone out of its way to make sure that the Government of Turkmenistan is aware of the sanctions that are currently in place. There have been demarches from our Embassy in Ashgabat on a number of occasions to the Turkmenistan Government to keep them aware of sanctions in place and as they change.

Last week, a small delegation from the State Department traveled to Ashgabat and met there with American companies that are represented in Turkmenistan to brief them on sanctions regimes as well and to make sure that in the course of doing business with the Government of Turkmenistan and in the region, that they didn't, inadvertently do anything that would contravene the sanction regime in place.

If confirmed as Ambassador, I would work very hard to make sure that the government is aware. I am aware, as are you, Mr. Chairman, that Turkmenistan shares a border with Iran, and there is a trading relationship in place. Part of it is as the result of people of the same nationality on both sides of the border, and this has been going on for centuries.

But certainly our concerns would be first and foremost in my mind as I take up this post, if confirmed, and I would make sure that the Government of Turkmenistan was aware of them.

Thank you.

Senator CASEY. No, thank you. And I know that probably one of the challenges is to be able to encourage leaders to be able to compartmentalize, to be able to understand and appreciate a strategic objective we have, but also knowing that we can also have a constructive relationship with Turkmenistan.

I have another question that relates to energy and, of course, natural gas is central to that. I would ask you, if you are confirmed, what efforts would you make to encourage Turkmenistan to pursue alternative routes with regard to natural gas exports?

Mr. PATTERSON. Thank you, Mr. Chairman.

Turkmenistan has already taken a few steps in diversifying its markets. As you know, it has a relationship with China, and a pipeline was built and inaugurated in December 2009 that ships significant amounts of natural gas to China. In place at the time that the Soviet Union fell apart in 1991 were routes that took natural gas to Russia, of course.

The administration has been encouraged by President Berdimuhamedov and the Turkmen Government's interest in aggressively exploring the possibility of the TAPI pipeline that I mentioned in my testimony. If built, and there are many challenges in building this pipeline, that pipeline would bring natural gas to India and to Afghanistan and to Pakistan.

Much remains to be done, but we have made it clear to the Government of Turkmenistan that American companies are able and have the skills necessary to help the government overcome technical challenges as it considers going forward with that project. We have also been encouraged by recent statements that have been made supporting the Trans-Caspian pipeline, the Southern corridor that I mention in my testimony.

Again, we believe that there are challenges to completing the construction of that pipeline, but American companies are in place in Ashgabat, as I mentioned earlier, and are more than eager to get involved in that kind of a project. So, if confirmed, I would work hard to make sure that this process of diversification that has already begun continues.

Thank you.

Senator CASEY. I have one more question, and then I do want to turn to the Middle East. One question I have is just based upon your own review of the data and to the extent to which you can get a good sense of the economy in Turkmenistan. What is your assessment of their economic situation now?

Because we know that throughout the world, we have lived through a couple of years of pretty fragile economies in many places. And of course, energy plays a big role in that. But how would you assess the strengths and the challenges in their economy?

Mr. PATTERSON. Thank you, Mr. Chairman.

Turkmenistan remains heavily dependent on natural gas resources. Attempts are being made to diversify, but at this point, much of the income that comes into the country comes from the distribution of natural gas and other such resources.

It is difficult to find authoritative economic statistics on Turkmenistan. The statistics that we do have seem to show a major growth in the economy. Much of the basic purchases of the population are subsidized in one form or another by the government as a result of these natural gas and other incomes.

But it seems that since coming to office in 2007, President Berdimuhamedov has understood the need to do more than just rely on natural gas and has begun looking for other opportunities for the economy. This includes in agriculture to a much lesser extent, of course, and manufacturing.

American companies, again—and I see this as part of my mandate, if confirmed—have played a role in some of the sectors of the

economy that have been explored by the Government of Turkmenistan. Agriculture, there are companies like Case, Caterpillar, and construction and others that are in place there. And if confirmed as Ambassador, I would make an effort to make sure that the expertise that U.S. companies have can help expand this process of diversification of the economy.

Thank you.

Senator CASEY. Thank you.

I want to turn to the Middle East for a couple of minutes. Ms. Rudman, thank you for your testimony, and I know when we were talking yesterday, one of the challenges that we discussed was how you do your job and how USAID approaches the region in light of this remarkable change.

And again, it is hard in a few words to be able to summarize or fully encapsulate what has happened in the Middle East and what will happen yet ahead of us. For anyone who has any exposure at all to the challenges within the region, that is a difficult assignment. But how do you approach it in terms of rebalancing our priorities and our approach to the region?

And I realize that you cannot simply think of it as one region, as one jurisdiction. You have to approach each country individually, in addition to having a regional strategic vision. But how do you approach that as you start down this road?

Ms. RUDMAN. Mr. Chairman, thank you for the question.

I appreciate the opportunity to look at these issues. I am, obviously, at this point in the position of looking at this from an "if confirmed" perspective, and I have had the opportunity, through the briefings I have been going through, to be looking at these issues prospectively.

And so, in responding in that way, I would say that you, Mr. Chairman, brought up a number of points in your opening statement that I think are consistent with an approach that would be a sensible one here. In other words, to look at the region in a way that takes into account both, as you said, a country-by-country perspective, but also requires the U.S. Government as a whole, as well as the Agency for International Development, to be agile, to be more agile perhaps than the agency has been to date but is getting more so.

To be agile, to be responsive, and to look carefully at how we respond, how the Agency for International Development responds and not just where the agency responds going forward as well. I would say that USAID has been going through a very thorough review of all of its programs across the board in the region, as well as a very significant country-by-country review, and has shown a significant degree of flexibility in terms of what it is able to do to respond with, I believe, a significant degree of flexibility. I think we have seen that.

You mentioned Libya, for example, and what has been happening there in terms of humanitarian response. I know there has been a great deal of briefing on Egypt to date. And again, that is a whole of government response.

And so, there is both a need to look at this in a—and we talked about this yesterday—in a country-by-country way. There is a need to look at it in terms of regional strategic approach, and there is

a need to look at it in terms of a response to other countries in the region, consistent with some of the questions that you asked of my colleague here at the table as well.

And in each of these cases, we are going to need to apply a variety of filters. We, the U.S. Government, as well as those specifically within the Agency for International Development, must be able to, from the soft development perspective, do our part for the whole of government response and be as agile as possible in doing so.

Senator CASEY. Yes; I guess in a region like the Middle East where you always have tension, that is one of the realities that will persist, even in this new environment. You probably have more instability now than you did before, but there are also some opportunities. Because prior to this, depending on the country, USAID might have been, in a sense, more limited, because you were dealing with a very strong, authoritarian government that would only let you do so much. Now you have opportunities.

You have a fervor for change and for helping folks on the ground, and support for democratic change and human rights and development. These are all positive developments, I think. So you have both opportunities, but you also have some uncertainty about the institutions you are dealing with—who will be the leader, and how you will deliver that aid.

So in a word, you have to be nimble, and you won't have as much predictability as you might have had before. And I don't underestimate the change.

One of the difficulties that USAID will have, is a set of budget constraints and, I think, a focus on results and a heightened degree of scrutiny on the work that USAID does in this context. Because I think that the American people are paying much closer attention to the Middle East and to these developments in the context of not just what is happening there, but also in the context of budget constraints.

I mentioned in our meeting yesterday that I was in the region in July. And it is just remarkable the difference between then and now. We were in Egypt and had a meeting at the Embassy with civil society leaders, and their the major focus was on fairness in the monitoring of elections. That was the extent, that was the full ambit of what they were thinking of at that time and focused on.

I would have a much different meeting and much different visit now. We wouldn't even be meeting with the same government officials. And I think that is true of other places in the region.

One of the places we visited was Lebanon. As I mentioned yesterday, the overwhelming and predominant presence of Hezbollah and the influence that Hezbollah has in that country is just extraordinary, at least from my own experience. I have never been in a place where there was that kind of predominant presence of one organization, in this case a terrorist organization.

The Lebanese Government officials, as well as the leaders of their Armed Forces, were very grateful to the American people for helping train their army and their police, and I was happy that they recognized that. But of course, now the situation has changed in Lebanon as well. And with that change, with the ascendancy of Hezbollah and the greater impact and influence that Hezbollah will

have, we have to consider whether or not our strategy will change with regard to aid, military and otherwise.

I know that we have provided that kind of assistance, and the President requested $100 million in assistance for Lebanon for fiscal year 2012, the budget that we have not quite begun to debate here on Capitol Hill. But given the influence that Hezbollah has, I am worried about how we will approach this assistance.

How do you deal with that as it relates to your work, upon confirmation, at USAID? How do you assess that in the context of all the changes, even apart from the region, just within Lebanon itself? Because we want to, obviously, continue to be helpful, but how do you approach that in your work?

Ms. RUDMAN. Sure, Mr. Chairman, I appreciate the question. I appreciate your concerns about it.

I know that you raised the question with Secretary Clinton as well. So I know the depth of your concern on this issue.

As you know, the government, of course, is still being formed in Lebanon. We are watching that very closely, and we will review, are in the process of reviewing our assistance closely and are continuing, however, to plan our assistance program so that we can be prepared for a variety of different outcomes and possibilities.

So that for exactly I think what you observed when you were over there, that we are prepared to be able to have an impact in a variety of different circumstances so that we can have the greatest possible impact, understanding, of course, that we can't, won't, do not engage with Hezbollah under any circumstances. And so, we are watching very closely, obviously, the development of that government.

That said, the USAID portfolio has been one that has had, we believe, a significant and useful impact in the country. USAID works in a number of low-income areas in that country, has worked in microenterprise, has created jobs, in significant ways has also worked in civil society. And so, USAID has had impact in some significant ways and has the opportunity to continue to have and build upon that kind of impact going forward, again, nongovernmental opportunities.

And so, USAID has the ability to continue to do that kind of work, and the agency would look to, going forward, do that kind of work. And if confirmed, I would hope to have the opportunity to engage with you as we see what happens with the development of the government as we go forward.

And we certainly know, are quite cognizant both of the budget situation and of the need to consult. We have heard loud and clear what your concerns are, and we would share those concerns as we see how that government develops.

Senator CASEY. I should say, are there lines, bright lines, redlines, whatever phrase you use? But I guess I would ask this. Do you think the lines will change in terms of how we deal with Hezbollah, or is there a kind of standard that you would use to approach how USAID deals with Lebanon with regard to Hezbollah?

Is there a standard in place now, or is that something that would have to develop or be altered based upon the changed circumstances? Because the American people understand that when

we provide aid to a country, sometimes there are figures within the government that cause us real concern.

Hezbollah has, as you know, controlled ministries, and I want to get a sense of whether or not you would have to develop new standards or whether you would apply the same set of standards even in the aftermath of this change?

Ms. RUDMAN. Mr. Chairman, the standards that are in place in terms of the rules that govern USAID and, in fact, the rest of our Government with respect to lack of contact and lack of assistance, it would be hard for me to imagine those changing under any circumstances.

Senator CASEY. I know the President's fiscal year 2012 budget request includes $400.4 million in economic assistance to the West Bank and Gaza to strengthen the Palestinian Authority, and I am quoting here, "To strengthen the Palestinian Authority as a credible partner in Middle East peace and security efforts and continue to respond to humanitarian needs in Gaza."

And the request also states that the assistance will "provide significant resources to support Palestinian Authority reform efforts," and it goes on from there about what that entails.

Based on your own significant experience and on what you see ahead of us in terms of support for those efforts in the West Bank, in regard to the Palestinian Authority. In July, myself, Senator Shaheen and Senator Kaufman delivered a message on behalf of our government to our counterparts in Saudi Arabia encouraging Saudi Arabia, among others, to pay its dues, so to speak, to help the Palestinian Authority as we have done.

But tell us a little a bit about that, and then I will move back to Mr. Patterson.

Ms. RUDMAN. Thank you, Mr. Chairman.

My challenge in responding to this question is being brief. So I will try to take that into account.

Senator CASEY. We do have a lot of time because I am not going to call on anybody unless the staff wants to do some questions.

Ms. RUDMAN. The effort for the United States Government with respect to Palestinian state-building is one where we have a real partnership with the Palestinian leadership with respect to President Abbas and Prime Minister Fayyad and also with respect to the Israeli side. And I say this from a position of, as I said in my opening statement, in the coordination role that I currently work in.

I work on a regular basis both across our Government with a whole of government approach and with the Palestinian leadership and the Israeli leadership on a daily, if not sometimes an hourly, basis in moving forward with these programs. And so, in this case, we have a Palestinian leadership vision in a number of key areas from governance to health, education, infrastructure, which focuses on water issues; where we are very much focused point right now for both the West Bank and Gaza and working in close coordination, again, with the Israeli Water Authority and the Israeli Defense Ministry in moving forward on those key issues, as well as road infrastructure, and then also on economic development issues.

And without close cooperation, again, with the Israeli side, we would not be able to advance in any of those issues. And we work

very closely with key leaders of the international community as well.

On all of these issues, I have often said it is a privilege to work with the doers, and often it is the doers more than the talkers on the state-building, institution-building side of things. And so that I do believe a number of real results have been achieved.

Folks here may hear less about those results than you do, frankly, on the negotiating track side of things, and the United States has a dual track approach, on institution-building and on the negotiating side of things. The institution-building side of things has been able to achieve a little bit more of late than the negotiating side has. We certainly very much hope that the negotiating side is able to pick up.

But both sides are mutually reinforcing. And what we have said all along is that they need to be mutually reinforcing, and one ultimately cannot succeed without the other. And both are necessary for both Israelis and Palestinians and for the United States ultimately and for our interests in the region.

And so, to get back to your initial question, the $400.4 million request is one that folks should have every confidence is funding that is well spent, is money that is going toward tangible benefits on the ground for Palestinian people and for Israelis to be able to see the results of how that funding is spent.

Senator CASEY. On our trip, we had a chance to spend some time on the West Bank and we sat down with Prime Minister Fayyad. He was very focused on specific projects, literally hundreds, if not thousands of them. And so, the aid that our Government and a lot of governments have provided is bearing fruit.

I do want to move back to Mr. Patterson for a few questions. I wanted to raise a question that I referred to in my opening statement about political prisoners in Turkmenistan. If confirmed, what steps would you take to persuade the government to free these prisoners, in the interim, to allow for free access for independent monitors to include the International Committee of the Red Cross?

I realize that these kinds of challenges don't have a textbook that is prepared for you, but can you give us a sense of the kind of the steps you would take as you begin?

Mr. PATTERSON. Thank you, Mr. Chairman. It is an important question.

We have in place some mechanisms for discussing human rights issues, including those with specific prisoners like the ones you mentioned in your opening statement. We compile reports every year, as you know, that get the best possible information. Both our religious freedom report and our human rights report and our trafficking in persons report cover human rights practices in Turkmenistan.

And we take the information from those and from other sources and meet at our newly inaugurated Annual Bilateral Consultations where human rights plays a prominent role. The first meeting of the ABC was in June 2010. We recently, in February, had a review. And at both of those meetings, high-level U.S. Government officials discussed with their Turkmen Government counterparts specific cases and specific practices and the challenges that they pose.

We saw today perhaps a little bit of very modest progress on that agenda. We received—our Embassy in Ashgabat received information from the government about the status of two of the prisoners that you mentioned that you had signed a letter about, Mr. Amanklychev and Mr. Khadzhiev. The Turkmen Government provided us information about the medical care that they have received, visits they have had from their families, et cetera.

So this is modest, as I said. But it is, perhaps, a sign that the kind of dialogue that we have is beginning to bear some fruit. If confirmed, I would hope to go to Ashgabat, build a constructive relationship with Turkmen Government representatives, and use that constructive relationship to make human rights an important part of the interactions that I have there.

You mentioned visits to prisoners and the problem with the ICRC. It is a difficult nut to crack. The ICRC has felt that the conditions that have been offered it aren't acceptable. I would do what I can to ensure that some access to prisons is made available. It is not clear to me at this juncture, to be honest, how I will proceed. But certainly, it will be one of my major concerns when I am there.

Thank you.

Senator CASEY. And of course, the earlier that you can raise it, the earlier you can implement a strategy, the better. But I realize as well sometimes we have expectations that can exceed the reality. Upon confirmation, you will be walking into an assignment that hasn't been filled in quite a while, and you will have to develop relationships and build some confidence and trust. But obviously, the earlier that you can move on that, the better.

Also one question about nongovernmental organizations, NGOs, and the restrictions that the government places on them. Can you tell us anything about how you will approach that issue?

Mr. PATTERSON. Yes, Mr. Chairman. Again, a very good question.

The Mejlis, the Turkmen Parliament, has been considering changes to the public organizations law. We will have to see what those changes might produce. Some changes that are contemplated, if implemented, might mean a somewhat better environment for nongovernmental organizations to operate in.

In the meantime——

Senator CASEY. Statutory change of some type?

Mr. PATTERSON. These would be, if implemented, statutory changes. Again, adopting the law and implementing the law, as I understand it, are two different things. But perhaps there is a possibility here.

As I mentioned in my opening statement, I would like to focus a lot on people-to-people exchanges. I think we have had some modest success in building a degree of trust with the Turkmen Government about those exchanges, about bringing students and others to the United States. I am for having representatives from Fulbright programs and other programs go to Turkmenistan.

I didn't mention in my statement, but in the part that is for the record, we have a Peace Corps that is in place with 31 members throughout Turkmenistan. And from what I have heard, their presence has done a good deal toward perhaps trying to erase stereotypes about the United States and giving people some firsthand contact with Americans.

So I would foresee an incremental approach to this difficult problem, hope for changes in the law that will create a better environment, but in the meantime, work on the people-to-people front. And of course, talk to the Turkmen Government about how more opportunities for participation among more of its citizens ultimately is in the interests and engendering stability in the country.

Thank you.

Senator CASEY. I will ask you one broad question. If you had to point to one or more experiences you have had around the world in different places and different assignments, is there one or a combination of experiences you had that you think will be particularly helpful in this assignment if you are confirmed?

Mr. PATTERSON. Thank you, Mr. Chairman.

I wouldn't point to one specific experience. Much of my career was spent in what was then the Soviet Union, and I had a good deal of experience at the times that I was there in working with NGOs that were attempting to move their agendas forward in a difficult environment.

I feel that I understand, although this may be a little bit too optimistic before going there, the kind of environment that awaits me in Turkmenistan. I hope that some of the experiences that I had in the Soviet Union during the Perestroika period and before and also experiences that I had in Russia after the Soviet Union fell apart will come to my aid as I attempt to grapple with these problems.

To be sure, Turkmenistan is not Russia, and I don't mean to imply that it is. But it was part of the Soviet Union for some time, and there is a certain legacy that it shares. That legacy is fading with time, as all things do. But I think, nevertheless, that some of the ideas that I had in working with people there and some of the practices that I saw might be useful as I approach this new assignment, if confirmed.

Senator CASEY. Thank you.

Along those same lines, Ms. Rudman, as you have the experience of working with Democrats and Republicans in the House and the Senate, you are probably prepared for just about anything. And I know that experience will help you enormously.

One of the places that we hear most about when it relates to al-Qaeda in the Arabian Peninsula, or when President Saleh might be moving to a different chapter in his life, is Yemen. And this is true of a lot of countries in the Middle East; we hear most about them when there are stories that relate to violence. We hear a lot about Yemen in those contexts, but we don't hear nearly enough about the poverty, the water shortage, the human misery that sometimes creates the foundation or the wellspring of a lot of the difficulties that that country is having.

In some ways, a place like Yemen is almost ready-made for all that USAID does well. And I wanted to get your sense of that in light of not just the problems, the horrific poverty and the challenges there, but also in light of both those problems juxtaposed with substantial unrest and change at the highest levels of the government. How do you approach that?

What was a difficult set of circumstances before, but maybe now even more difficult in light of what you would be trying to do with

USAID there. What is your sense of that? And I know it is kind of a broad, difficult question. But as you know, we have some time here.

Ms. RUDMAN. Thank you, Mr. Chairman. I appreciate the question.

And USAID has been looking, not surprisingly, at the situation in Yemen. It has been working there, USAID, for some time. It has been doing capacity-building work in Yemen. It continues to work in Yemen, even now with the situation as it is, and has been able to continue working there, even with the difficult situation.

It has been looking at changing some of its programming, obviously, with the situation on the ground. And the work that it has been doing in the capacity-building context, some of that work has been at the level of technocrats in the government. So it is not that all work is—there is a transitional element to it, even with, as you say, President Saleh, with some transition going on there, there is a level within the bureaucracy that would continue to benefit from the types of capacity-building work that has been ongoing.

But more broadly, the type of negotiation and dialogue and discussion that is very important within Yemen and that has been opening up more broadly across a greater part of the population is something that USAID has been involved in, continue to be involved in, and is looking help to foster more of and to be able to support in broader ways, in addition to the type of economic support with the very poor parts of that population, as you pointed out, and in ways that USAID is well situated to be able to do with a number of its partner organizations.

And so, it has—USAID has that kind of outreach within the country and will continue to look for opportunities to be able to do that work, again through this transition period.

Senator CASEY. And USAID, like every part of our Government now, is under budget constraints and is somewhat limited. In a place like Yemen, and I will ask another question because I know it is in the news today even more so than it has been in the last couple of weeks. But there is certainly a water shortage issue, and part of the problem there is true of other countries in the region. Regardless of who is in charge, there seems to be an institution-building challenge.

When you come into a country that has issues of poverty and instability and that kind of turmoil, the institutions often need to be either built up or reformed. If you are in Yemen today, where would you start in terms of making progress on the institutions?

I am assuming that the challenges are almost across the board. But are there places in Yemen's Government where the most attention would be warranted, or do you have a sense of that yet?

Ms. RUDMAN. Well, Mr. Chairman, it is a fair question, and it is a good question.

Where I think that USAID has some opportunities here is the fact that there are programs in place that USAID has been working on. So there is the ability to know who different players are, and I say this without myself personally having that information. But what I would do, if confirmed, is to go and talk to the folks who have been running those programs for USAID in the mission

to understand who the technocrats are who have been working the different programs.

So to get a feel for whom USAID has worked with effectively and who has been less effective in the different ministries. And again, this is at the technocrat working level. But in my experience in other places, you can get a pretty good feel pretty quickly about who runs programs well and who doesn't from your partner organizations. And when you have people at missions who are in the field, you get that kind of direct information very quickly.

That is very useful, and you also obviously have an embassy and your ambassador and your DCM, and you get a mix of that type of information. It helps to inform, obviously, your policy judgments, but also your ability to use your precious assistance resources carefully.

You want to make sure. You have limited dollars to use. You want to put it toward the programs that are going to use those dollars most effectively, and you want to make good judgments about it.

And that is where, even if you are going to be shifting those resources, the fact that you have had a mission and that that mission has experience, and even if some of the players in that government are shifting, you have been working with some of them for a while. And so, you should be using the judgments from your people in the field to make some of the assessments about how you are going to be shifting things.

I don't have that data at my fingertips, but I have some sense about how to go about getting that data to be able to come back and talk with you all and be making those assessments going forward.

Senator CASEY. Some of the biggest challenges you have involve working with and coordinating among the various departments of our Government. I know that in your testimony, when you focus on your approach, your third bullet point was "coordinate closely with colleagues at State, Defense, Treasury, and the White House to see we are truly practicing smart diplomacy using development, diplomacy."

Just that coordination alone is difficult. I think that both of our nominees will run into that kind of challenge in managing within the boundaries of our own Government and our own institutions.

Well, I think we are coming almost to the close of our hearing. I don't know if there is any further statement either of you would want to make or any point you would want to amplify? We won't take audience questions today. [Laughter.]

But I wanted to give you an opportunity if you had any further statement or further information you wanted to give to the committee. And of course, we may send questions that will be for the record that you would submit answers to in writing. But if there is anything that either of you wanted to add to the record now, I can certainly give you that opportunity.

We don't need a closing statement, but if there is something you wanted to add?

Ms. RUDMAN. Mr. Chairman, I would just thank you, obviously, for the opportunity to appear before you.

And on your last point, as with any challenge, including the challenge of coordinating with the rest of my colleagues in Government, I actually really do see it as an opportunity because you don't get to solve any problems if you don't get to use the resources of everyone all together.

And so, if there is anything I think I have had experience with, it is figuring out how to kind of work together with everyone on the team. And I fully appreciate that it is not always easy, but if you don't get process right, you don't get policy right.

And so, I recognize the challenges, but I really do see it as an opportunity to try to get it right in the whole of government way of doing things.

So thank you. Thank you.

Senator CASEY. Well, thank you. And I appreciate both of you putting yourself forward for further and challenging service, especially at this time.

And as I think I have shared with Ms. Rudman, I could also apply to you, Mr. Patterson. You could be doing other things in the private sector and making a lot of money, I am sure, and you have chosen to serve your country. And we appreciate both of you putting yourself forward for that kind of service, and we are particularly grateful.

We hope that we can move your nominations as expeditiously as possible through the committee and then through the Senate. I will never make a prediction or a promise about that because there is a great deal of uncertainty about the process here. And we are going to try to move it as fast as we can.

But we are grateful for your service, for your testimony, and for your willingness to take on these difficult assignments.

Thank you very much.

And we are adjourned.

[Whereupon, at 11:30 a.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF MARA RUDMAN TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY AND SENATOR RICHARD G. LUGAR

*Question.* Please describe your responsibilities as an officer for International Commission for Holocaust Era Insurance Claims (ICHEIC) and the ICHEIC Trust from 2002–09. Please indicate, in particular, what role, if any, you played in the following areas:

- Developing or implementing policies or procedures for identifying relevant insurance policy records and publishing names of policyholders;
- Developing standards of proof or providing guidance to claims arbitrators on criteria to be used in making decisions on or related to claims; and
- Developing or implementing policies or procedures for responding to requests for information from the U.S. Department of State pursuant to Section 704 of the Foreign Affairs Authorization Act of 2003 (Public Law 107–228).

Answer.

INTRODUCTION TO ICHEIC AND MY RESPONSIBILITIES AS CHIEF OPERATING OFFICER

I was the Chief Operating Officer (COO) for ICHEIC from 2002 to 2007 (former Secretary of State Lawrence Eagleburger was the Chairman/Chief Executive). As COO, my primary responsibility was to do everything possible to carry out the mission of the organization, that is, to help ICHEIC to find previously uncompensated claimants and pay them.

ICHEIC was created several years earlier, in August 1998. By the late 1990s, the question of Holocaust-era asset restitution had reemerged and numerous class action lawsuits were filed. U.S. insurance regulators recognized that given the understandable challenge of documentation, the length of time that had passed, and the effort and costs involved, the path of litigation presented significant difficulties. Working through state insurance regulators, the National Association of Insurance Commissioners (NAIC), identified the companies most likely affected and worked with these companies to arrive at a means of resolving the issues presented. These issues were identified working with Holocaust survivors, by conducting interviews, researching the historical background, and organizing informational hearings across the country. ICHEIC was the result.

I began working with ICHEIC 4 years into this pioneering startup's efforts. It faced many bumps in the road in its early years, with initial high administrative costs combined with a lengthy development period for claims forms that led to slower initial outreach and claims processing and awards. In April 2003, several months after I had joined, 59,117 claims had been submitted to date, only $38 million had been paid to claimants, and a low percentage of claims had been decided overall. Critics said ICHEIC would run out of funds long before its member companies made decisions on the claims that had been submitted, and that the Commission would never make the completion deadlines it had set.

Four years later, when ICHEIC closed its doors, we had moved more than $500 million in total for Holocaust-related work. More than $306 million had been paid to more than 48,000 Holocaust victims or their heirs for previously unpaid insurance policies (of a total of 91,558 claims submitted and decided), along with nearly $200 million distributed for humanitarian purposes. Of the $306 million paid out directly to claimants, more than half went to individuals with so little information about their potential claim that they were unable to identify even the company that may have issued the policy.

Upon joining ICHEIC, my team and I worked hard to make sure that ICHEIC's mission could be implemented effectively and expeditiously. At Chairman Eagleburger's direct instruction, we were charged with addressing concerns that had been raised about the Commission's operations prior to our coming on board. We increased its transparency and outreach; we succeeded in reaching terms of agreement among Commission members with respect to the German Foundation, and the French and Swiss insurance companies (AXA, Winterthur, and Zurich) that were critical to implement claims decisionmaking timelines and funding structures; and we reduced administrative costs, ensuring that overall operating expenses would absorb less than 18 percent of the overall ICHEIC budget.

Additionally, as COO, my work, with my staff, included:

- Transparency/Accessibility:
  - Redesigning the ICHEIC Web site to make it user friendly and make available information including the final valuation guidelines as well as committee structures, claims processing statistics, audit reports, quarterly reports, a guide to how the process worked, and annual meeting presentations;
  - Working to publicize ICHEIC mission and no-cost procedures to make sure potential claimants worldwide knew how to file a claim;
- Costs/Service Quality:
  - Moving international call center operations (for claimants) from a for-profit contractor to the nonprofit Claims Conference, with operators trained by my staff, to lower costs and improve quality of service;
  - Instituting measures to reduce administrative costs including changing locations for the annual meeting, instituting and strictly enforcing member and staff travel reimbursement policies, etc.;
- Service Quality/Effectiveness:
  - Using the agreed upon audit process to examine insurance company files, and ensuring database built which was constructed from research in archives across Europe;
  - Establishing systems to process the more than 90,000 claims submitted from all over the world;
  - Administering an independent appeals system presided over by jurists who, over the life of the process, reviewed hundreds of appeals that provided every claim that named a company the opportunity for review. The relatively small percentage of reversals on original decisions underscored the strength of the initial system of checks and balances my team constructed. This included internal ICHEIC staff verification of every company decision, as well as outside

independent audits of companies' records and decisionmaking practices, to make sure they complied with ICHEIC rules and guidelines.

*I. Developing/ implementing policies or procedures for identifying relevant insurance policy records and publishing names of policyholders*

In addition to these tasks, when I started working with ICHEIC, my team and I built upon the work that had been underway since the late 1990s with respect to archival research and building a research database and lists of possible policyholders.

*I.A. Research and matching*

Working closely with European insurance companies, I accelerated implementation of the protocols developed by ICHEIC committees prior to my arrival to make sure that information provided by claimants was matched to all available and relevant surviving records in the companies' possession. Since many claimants had little or no information about specific insurance policies, ICHEIC also conducted archival research to locate documents that were relevant to Holocaust-era life insurance claims. I ensured that where necessary, we commissioned experts to conduct additional research in public archives and repositories in Central and Eastern Europe, Israel, and the United States to collect as much relevant information as possible. These efforts augmented the database ICHEIC created that provided a critical tool used by companies and ICHEIC to further enhance information provided by claimants and thus the chances of identifying policies on submitted claims.

Our research spanned 15 countries and included over 80 archives. Researchers reviewed three types of records. The first, representing the bulk of the material reviewed, consisted of Nazi-era asset registration and confiscation records. Files pertaining to the post-war registration of losses made up the second category. The third category was comprised of insurance company records located in public and regulatory archives. ICHEIC researchers located almost 78,000 policy specific records. This research augmented the often limited information provided with claims. This research effort had a significant positive impact on the disposition of claims. More than half of the total amount awarded to claimants was based on this archival research and went to individuals who were unable to identify a policy or name a company that was the source of their claim.

*I.B. Publishing potential policyholders' lists*

In my role as COO, I participated in ICHEIC's work to develop and publish these lists, and to maintain the lists on the Yad Vashem Web site after ICHEIC ceased operations. Development of lists of potential policyholders' names was a by-product, however, of our efforts to match claim form information with relevant policy information discovered through archival research or in companies' records. Finding one's name on a list published by the Commission was never intended as necessary to file a claim. Our extensive outreach efforts made that clear.

Consistent with the Commission's mission of reaching out to the broadest possible universe of interested parties, ICHEIC published on its Web site its research and the 519,009 potential Holocaust-era policyholder names who were thought likely to have suffered any form of racial, religious, or political persecution during the Holocaust.[1] In so doing, however, the Web site also carried a clear warning that finding a name on the Web site was not evidence of the existence of a compensable policy. There were many similar names with spelling variations, policies that might have been surrendered or paid out prior to the Holocaust, and some policies that had already been the subject of previous government compensation programs, making them ineligible for further payments under the ICHEIC process. The list remains accessible through the Yad Vashem Web site (www1.yadvashem.org/pheip).[2]

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[1] The number of policies issued during the period (1920–1945) would be considerable and in many cases, records, when available, would not be in a database but on microfiche, film, and paper. The prewar proportion of the persecuted population (as determined by ICHEIC's research) was only a fractional part of the prewar insurance market.

[2] ICHEIC's published lists—as components of ICHEIC's research database—result from working closely with archival experts in Germany, Israel, the United States, and elsewhere, and drawing on information from company policyholder records. During the ICHEIC process, companies had to identify which policyholders might potentially fit the definition of Holocaust victim. For companies with many surviving records, this presents a considerable challenge, because in most instances, insurance companies did not identify policyholders based on racial, religious, political, or ideological factors. Nor was it possible to filter solely on the basis of "Jewish"-sounding last names: the name Rosenberg, for example, often believed to be a typical Jewish name, was also the name of one of the Nazi party's highest ranking ideologues. Similarly, Anne Frank shares her last name with the notorious governor-general of occupied Poland, Hans Frank, who was hanged at Nuremberg.

*II. Developing standards of proof or providing guidance to claims arbitrators on criteria to be used in making decisions on or related to claims*

I was able to implement ICHEIC's relaxed standards of proof as criteria to be used in making decisions on or related to claims among companies and ICHEIC's claims verification team. I also ensured the distribution of the relaxed standards of proof, and all ICHEIC's rules and guidelines, through all available routes, including to claims arbitrators.[3] I could do so because these relaxed standards of proof were developed by ICHEIC prior to my arrival. Very early on as claims were coming into ICHEIC, it became clear that the bulk of the claim forms contained little detailed information, that policy documentation was the exception rather than the rule, and that many claims did not name a specific company, or named a company that ceased to exist before 1945. So ICHEIC worked, through its committee structure—with Jewish organization representatives, insurance regulators, and companies—to establish relaxed standards of proof and create valuation standards that could be calculated without the usual policy documentation. This is also when decisions were made to develop an extensive research database and matching system.

Under my tenure, my staff and I created and instituted the separate but related humanitarian claims payment process for unnamed unmatched claims, and for Eastern European claims on companies that had been liquidated, nationalized, or for which there were no known successors.[4] All these elements became part of the critical architecture of the Commission. The audits to which all companies were subjected, conducted by outside independent auditors, proved the effectiveness of this architecture; and our ability to carry out our mission depended on it.

With respect specifically to relaxed standards of proof: during its existence, the Commission directly or through its member companies/partner entities offered payment to more than 48,000 of the 91,558 who made inquiries. As noted, only a small percent of all the claim forms the Commission received named a specific company and far fewer contained policy documents. Survivors who had attempted to recover the proceeds of insurance policies during the immediate postwar period had been frustrated by companies' demands for death certificates and proof of entitlement that they could not provide. Understanding that expecting such documentation was both insensitive and in most cases impossible, the relaxed standards of proof adopted by the Commission did not require claimants to submit such evidence to make a claim.

Under ICHEIC's relaxed standards of proof, the claimant produced whatever evidence the claimant had available. Individuals filling out claim forms were asked to provide all information available to them, including copies of existing documents in their possession that might be relevant. Sometimes claimants had actual copies of policies, but there was no expectation that such would be the case. The relaxed standards of proof allowed claimants to provide nondocumentary and unofficial documentary evidence for assessment.

Companies were similarly required to produce the evidence they had, with the objective of helping claimants to establish sufficient evidence of a contractual relationship. Once the existence of a policy was substantiated, the burden shifted to the company to show the status of the contract or to prove the value of the contract had been adjusted or the contract had been paid. All parties agreed, however, that the relaxed standards of proof were to be interpreted liberally in favor of the claimant.

ICHEIC established independent third party audits for the claims review process for each participating company to assess the status of existing records, and to ensure that records were appropriately searched and matched, in accordance with ICHEIC rules and guidelines. The ground rules for these audits were dictated by written agreements ICHEIC entered with its participating companies and partner

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The Commission considered all these factors, and culled out from an overall list of policyholder names that are those most likely to have been persecuted during the Holocaust. The Commission's list also contained many more names of policyholders likely to have been previously compensated on their policies because the majority of policies issued in Germany had already been subject to prior postwar compensation programs.

[3] Appeals process judges (arbitrators) were to be provided copies of ICHEIC rules and guidelines as part of their initial training; though part of that training also included informing them that while they had the use of legal advisors to staff them and help with researching and drafting their decisions, they had absolute discretion and independence in the ultimate determination of decision outcome.

[4] "ICHEIC not only facilitated the payments of claims against existing companies, it also paid out claims against now defunct companies and funded survivor assistance programs." Eric Fusfield, Director, Legislative Affairs, B'nai B'rith International, Letter to Chairman Barney Frank and Ranking Member Spencer Bachus, House Financial Services Committee, February 6, 2008.

entities such as the German Insurance Association and the German Foundation, reviewed and ultimately approved by ICHEIC's Audit Mandate Support Group, a committee on which regulators and Jewish organization representatives served.

The relaxed standards of proof adopted by the Commission aimed to ensure that every claim, no matter what evidence the claimant could produce, would be reviewed to identify whether evidence could be located sufficient to substantiate the existence of a contract.

Finally, during my tenure we instituted an in-house verification team to cross-check every company decision. The verification team also conducted a series of large-scale exercises to review decisions made by member companies. Discrepancies were reported back to the companies for reassessment and, where appropriate, remedial action. At the conclusion of ICHEIC's work, the verification team also carried out major reconciliation exercises, to make sure that all research information in ICHEIC's database conformed to and had been matched against companies' policyholder information, and that all claims filed had been checked against all companies' decisions.

*III. Developing/implementing policies or procedures for responding to requests for information from the U.S. Department of State pursuant to Section 704 of the Foreign Affairs Authorization Act of 2003 (Public Law 107–228)*

I worked with staff to make as much information as possible publicly available on the ICHEIC Web site at www.icheic.org. ICHEIC also provided the State Department an observer position on the Commission, in addition to the public information to which the State Department had easy access. Through ongoing consultation with State Department representatives, my team at ICHEIC viewed this cooperative approach as an effective way to ensure that the Department had the most extensive possible array of information to report to the Congress pursuant to the obligations of the State Department under section 704. In addition, we provided U.S. state insurance regulators with regular updates on claims submitted by claimants residing in their states, both through electronic statistical reports and participation in NAIC International Holocaust Commission Task Force quarterly meetings and monthly teleconference calls.

*IV. Responsibilities as an officer for the ICHEIC Trust*

The final meeting of the ICHEIC board of directors and members on March 20, 2007, decided that ICHEIC would cease its legal existence at a time to be determined by Chairman Eagleburger. This occurred on July 17, 2007, at which point a trust, which became the ICHEIC Trust, undertook the final closedown of ICHEIC's operations. Lawrence Eagleburger, Pat Bowditch, (formerly ICHEIC's Chief Financial Officer), and I served as the Trust's officers; I resigned my position early in the administration.

The responsibilities of officers of the ICHEIC Trust include: paying all outstanding obligations and liabilities of ICHEIC as they become due; preparing the final financial audit of ICHEIC and causing it to be posted on ICHEIC's Web site; preparing, signing, and filing ICHEIC's wholly owned U.S. subsidiary, ICHEIC LLC's, final U.S. tax return and other tax reporting; overseeing and controlling defense and disposition, including litigation and settlement, of all claims, lawsuits, and other forms of litigation, if any, asserted against ICHEIC, its officers or directors, or any person who has been indemnified by ICHEIC, serving as the notice party in all outstanding contracts to which ICHEIC is a party, signing all required documents, including tax returns, on behalf of ICHEIC, and providing all required administrative functions on behalf of ICHEIC after its legal termination.

*Question.* Some have questioned the work of ICHEIC, for which you served as CEO. It has been reported in the press that, in response to such criticisms, you explained that: "Everybody expected too much. . . . We at ICHEIC have had a lot of ground to make up." (Tom Tugend, Jewish Telegraphic Agency, "ICHEIC Hit By New Broadside," available at http://www.jta.org/news/article/2004/06/15/11639/Inbroadsideoffici2004.) Please provide any additional information concerning this statement that you believe would be helpful to the committee in considering your nomination.

Answer. I was asked to respond to criticism that we were not going to complete our mission, would still be deciding claims in 2011, and would run out of funds. I felt confident that we were going to get done in time, though I recognized we had considerable work ahead. Events proved me right. In the interview, I explained my view that while the critics' assertions would not prove correct, I also appreciated the basis for concern that had led to some of the statements. I understood that when the Commission was in its early years, those involved were pioneers. All involved had acknowledged to me that they had underestimated the complexity and time-

frame for carrying out the centerpiece of ICHEIC's mission: finding previously uncompensated claimants and paying them. This makes me particularly proud to report that by 2007, when ICHEIC closed its doors, we had moved over $500 million directly supporting Holocaust-related purposes. We had processed (decided and verified) decisions on more than 91,000 claims, more than $306 million in claims had been paid, and we distributed nearly $200 million for humanitarian purposes.

*Question.* Information has come to the committee's attention that in 2007, you, as ICHEIC CEO, may have announced that certain of ICHEIC's records would be sealed for several decades, or no longer retained. Please provide any additional information concerning this matter that you believe would be helpful to the committee in considering your nomination.

Answer. The goal was and remains preserving important historical information, making everything publicly available that we possibly could, while appropriately protecting the privacy rights of individuals.

There is evidently confusion with respect to ICHEIC records that were provided to the U.S. Holocaust Memorial Museum and are publicly available there, and personal files of individuals who filed claims with ICHEIC, which were archived at the Museum. The terms of the agreement between ICHEIC and the museum were proposed and explained generally at ICHEIC's concluding meeting on March 20, 2007, and are available on the ICHEIC Web site. Under this agreement, the museum maintains and hosts the ICHEIC Web site (www.icheic.org); it maintains ICHEIC key documents, including all relevant historical and research database in its library, and makes them available to visitors to the library. These documents include key policy decision memoranda as well as meeting minutes produced over the lifetime of the organization, as well as the research information that ICHEIC culled from its work in archives across Europe.

With respect to individual claimants' files, applications and appeals, the museum maintains these in its archives. Given that these documents contain personal and sensitive information, this material must be closed to research by third parties for a period of 50 years. In reaching this agreement, ICHEIC sought legal guidance from privacy law experts, who reviewed the releases that individuals signed when they filed with ICHEIC and recommended that based on the strong commitments made by ICHEIC regarding data confidentiality and use of data only for the limited purpose of investigation/claims processing, combined with relevant data protection laws, ICHEIC would need to obtain specific consent from claimants prior to sharing of any claimant data with a third party. Given ICHEIC's 90,000+ claimants, the costs in March 2007 of obtaining such specific consent were estimated in the millions, and the more prudent outcome was deemed to be restricting access to this data for the 50-year period (recommended given range of ages of individuals filing.)

There was also a reference made at the March 2007 ICHEIC meeting to ICHEIC's routine financial and administrative records, which would be maintained in storage for a period of 5 years; I have been told that the ICHEIC Trust has since determined that those will be maintained for a period of 10 years, consistent with Swiss law for corporate entities (since ICHEIC was an unincorporated Swiss verein).

*Question.* Your 2007 Lobbying Disclosure Form describes certain work that you performed on behalf of the American Insurance Association (AIA) as "supporting work done by International Commission on Holocaust Era Insurance Claims (ICHEIC), including defending against legislative attacks on its efforts and ability to carry out its mission."

- a. Please provide additional information concerning the nature and scope of the lobbying work you performed on behalf of AIA.

Answer. Once ICHEIC closed, there was no one available to do work for the organization. In the transition period after it closed but when it was subject to an organized public attack, I was asked by its members, including European insurance companies, to continue my work for a transitional period. This transitional year was the practical next step to ensure that our previous several years' efforts at ICHEIC were not rolled back or undone. I registered under the Lobbying Disclosure Act when these efforts involved advocacy on behalf of ICHEIC. ICHEIC's members believed it was important to maintain a clear record on the work it had done, through participation in congressional hearings, briefings, and the like, and responding to ongoing inquiries regarding ICHEIC (including those from Congress and survivor groups). The AIA was a membership association for several European insurance companies who were ICHEIC participants. It was the available mechanism because ICHEIC was no longer in existence.

This work included preparing draft written testimony for Secretary Lawrence Eagleburger to submit to the House Foreign Affairs Europe Subcommittee; pre-

paring Diane Koken, Vice Chairman of ICHEIC, former Pennsylvania Insurance Commissioner and former President of the NAIC, for testimony before the House Financial Services Committee and helping with subsequent followup communications; preparing Ms. Koken and Secretary Eagleburger for testimony before the Senate Foreign Relations Committee, and helping to prepare Anna Rubin, of the Holocaust Claims Processing Office of New York, and Stuart Eizenstat, for testimony before the Senate Foreign Relations Committee on the same day, as well as helping Secretary Eagleburger with drafting initial responses to follow up questions for the record from that hearing. I also worked through the latter half of 2007, with Diane Koken and Anna Rubin particularly, in following up with European companies to gain their written commitments to what they had previously pledged orally at the closing ICHEIC meeting: to continue to process individual claims consistent with ICHEIC rules and guidelines. We also discussed the extent to which the New York Holocaust Claims Processing Office had the capacity to monitor informally the ongoing claims decisionmaking by companies, and communicated with congressional staff on these matters.

- b. Please describe the extent, if any, to which you had any responsibility for or involvement in matters relating to ICHEIC, Holocaust-era insurance claims, and any legislation or litigation related thereto, during your employment by the Department of State from 2009 to the present.

Answer. I had neither responsibility for nor involvement in matters related to ICHEIC, Holocaust-era insurance claims, and any legislation or litigation related thereto, during my employment by the Department of State from 2009 to the present.

- c. Please describe the extent to which, if any, you expect to have responsibility for or involvement in matters relating to ICHEIC, Holocaust-era insurance claims, and any legislation or litigation related thereto, if you are confirmed as USAID Assistant Administrator for the Middle East.

Answer. I would not expect to have any responsibility for or involvement in any matters related to ICHEIC, Holocaust-era insurance claims, or any legislation or litigation related thereto, if I am confirmed as USAID Assistant Administrator for the Middle East.

*Question.* Please provide any further information on your work for ICHEIC or AIA that would be useful to the committee in considering your nomination.

Answer. In closing, I appreciate the time and care you have taken in putting together these questions. I have tried to respond with the same attention to detail in response. I was and remain committed to the work that the Commission accomplished. Putting together these responses have made me reflect, with some pride, at the mission ICHEIC developed in 1998, the disparate stakeholders who were brought together, the hurdles that were overcome. It was an organization that almost necessarily was going to be confronted with constant challenges. I knew when I stepped in to take on the responsibilities of COO, 4 years into its operations that I was taking on a troubled but worthy organization. I am comfortable that my team and I were able to accelerate significantly ICHEIC's ability to achieve its mission.

In 5 years, we moved more than $500 million in Holocaust-related funds to those who deserved them. In the process, we made the organization more transparent and accessible to people worldwide. After the organization closed, I made what I considered a practical decision, at the urging of ICHEIC members, to see that the work of the organization was not undone. The European insurance companies had provided ICHEIC's operating funds as well as the funds to compensate claimants and for humanitarian purposes. I did this work fully anticipating that I would operate in the same manner as I did as ICHEIC's COO—I would provide my best and most forthright advice and guidance on what was most important and necessary to fulfill the effort at hand: to support the work done by ICHEIC, and defend it against efforts that we viewed as undermining its mission.

Again, I thank you for your efforts to understand ICHEIC's work and mission, and the work that I did with and for it. As always, I stand ready to respond to any additional questions you may have.

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RESPONSES OF MARA RUDMAN TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* With dramatic change taking place in countries throughout the Middle East on almost a daily basis, what is your view on how USAID programs in these countries should be reviewed and recalibrated in order to most effectively promote

democratic principles? How will you lead in promoting increased flexibility of USAID programs to respond to these changes? How do you plan to work with Mission Directors in these countries in your decisionmaking process for responding to these changes?

Answer. If confirmed, I will ensure that every USAID mission in the region is maintaining a close watch on local political conditions, engaging in scenario planning and reviewing existing and projected resource flows to anticipate and rapidly respond to changing conditions, as well as short and medium opportunities, as they arise. This is an unprecedented moment of opportunity for political reform in the region—reform necessary for longer term regional stability. Missions need to ensure they are agile, so they can work with the broad range of civil society groups that are defining and leading the popular movements in each of these countries, consistent with U.S. law and policy. If confirmed, I will work aggressively to ensure that USAID utilizes the necessary procurement and personnel instruments to act quickly in support of openings in the political environment, including utilizing centrally based rapid response mechanisms.

It is my understanding that USAID is working to provide assistance as needed and requested—to pursue credible transitions to democracy and to meet expressed social and economic needs throughout the Middle East. These transition programs will be demand-driven, but are expected to cover needs related to the political transition, youth engagement, economic recovery, and rebuilding social networks and support institutions.

If confirmed, I would seek to build on these efforts, specifically by:

- Redirecting ongoing programs and putting in place new programs to respond to the rapidly unfolding situations in Egypt, Tunisia, and Yemen and to be prepared to meet new needs as they emerge;
- Utilizing contacts with implementing partners and civil society to significantly increase direct engagement with a wide range of critical actors, including civil society organizations, youth, political party representatives, labor, and others who have been mobilized by recent events.
- Reviewing previous commitments and identifying new ways of partnering through a renewed focus on implementation by those most engaged in their own transition, while tapping an extensive network of existing programs and relationships.

As for my approach vis-a-vis the Mission Directors, if confirmed, I will maintain regular communication with USAID's Mission Directors to benefit from their on-the-ground analysis and deep knowledge of local conditions. As we move forward, it will also be critical to consult regularly with interagency partners and with Congress.

USAID is hosting a forum in Morocco later this spring to discuss how missions can best support the historic trend toward political liberalization underway in the region. I understand that this meeting will be both a brainstorming and a practical discussion generating actionable recommendations. It should provide help in revising mission strategies to reflect the evolving environment. If confirmed, I would consider this Morocco discussion a starting point for (1) my ongoing dialogue with Mission Directors; (2) readjustments and reinvigoration as needed on existing programs; and (3) implementation of new efforts.

*Question.* As you are testifying, the U.S. Government's support for Yemen President Ali Abdullah Saleh has begun to shift. What do you believe should be the highest priority investment for U.S. development assistance in the country at this time?

Answer. Al-Qaeda in the Arabian Peninsula remains a major threat not only to the U.S. homeland, but also to Yemen's stability and that of the region. AQAP has taken advantage of insecurity and poor governance in regions of Yemen that suffer from ongoing internal conflicts, resource challenges, insufficient delivery of services, and an ineffective security architecture. For this reason, the United States has adopted a two-pronged strategy for Yemen—helping the Yemeni Government confront its security concerns in the near term, and mitigating the serious political, economic, and governance issues that the country faces over the long term.

USAID, in conjunction with Embassy Sanaa, supports a peaceful political solution. Existing programs are being reviewed based on their ability to respond to current needs and the extent to which they can take advantage of new openings and future opportunities. Since the programs were designed as stabilization projects, there is considerable flexibility consistent with the "stabilization" objective.

Elections and political process reform are clearly a priority at this time of political transition. Economic stability programming and fiscal reform will also be necessary to address severe economic challenges facing the country. It is my understanding that USAID is currently analyzing needs in this regard, and will continue to rigor-

ously test the hypothesis that meeting the development needs of underserved communities is causally related to improving political and social stability. If confirmed, I would look forward to seeking the Congress' counsel on USAID's overall approach to development assistance in Yemen.

*Question.* In addition to significant funding through the new Overseas Contingency Operations (OCO) Account at the State Department, the administration is proposing over $300 million again in FY12 for continued funding for Iraq through the Economic Support Fund. What kinds of programs will USAID promote in developing Iraq's agriculture sector and in building its private sector economy? What examples can you provide? What programs will be ending/discontinued? With the transition to a civilian-led mission, will the Joint Campaign Plan still be the guiding document? Are there any sectors that, despite their problems, will not receive funding from USAID?

- a. What kinds of programs will USAID promote in developing Iraq's agriculture sector and in building its private sector economy?

Answer. USAID is not receiving funding through the OCO account in the FY12 Iraq request. Rather, USAID's requested ESF funds are accounted for in the base request. USAID/Iraq will implement three existing programs focusing on economic growth and agriculture and may consider new programs focused on private sector competitiveness contingent on funding and interest from potential Iraqi beneficiaries. The current programs are:

i. The Provincial Economic Governance program, which supports microfinance, small business development centers, access to credit for small and medium size enterprises, and technical assistance to the Iraqi Government on trade and investment reforms leading to possible WTO Accession.

ii. The Financial Sector Development program, which improves the soundness of Iraqi private financial institutions by establishing and developing a credit bureau, a financial sector training institute, a payments system and modern centralized data Repository System, and enhancing the sectors' ability to advocate for private sector investment, growth and development.

iii. The Agribusiness program, which works to improve the value chain of existing Iraqi agribusinesses, farmers, and marketers to improve productivity and marketing, increasing agricultural revenues, incomes, and employment.

Since the inception of USAID-supported microfinance institutions in Iraq since 2004, the Provincial Economic Growth program has disbursed more than 257,200 microloans worth a combined value of $593 million, with the average loan valued at $1,400 at 15–18 percent annual interest rates with a repayment rate of over 98 percent. For the period of April 2008 to February 2011, USAID-sponsored programs have generated 206,456 jobs through sustainable microfinance, SME Bank lending, its youth initiative and Small Business Development services.

USAID's FY12 request for Iraq, as reported in the Congressional Budget Justification, contains a line item on Private Sector Competitiveness intended for a new program to assist the Government of Iraq in leveraging private sector resources to improve the delivery of electricity. Effective electricity delivery is critical to Iraq's economic growth and development.

The Financial Sector Development program started in the summer of 2010. It is implementing USAID's Memorandum of Understanding with the Central Bank of Iraq to build its capacity to oversee and promote the private financial sector in Iraq.

- b. What programs will be ending/discontinued? Are there any sectors that, despite their problems, will not receive funding from USAID?

Answer. USAID is no longer engaged in counterinsurgency (COIN) programming in Iraq. Programs such as the Community Stabilization Program (CSP) have ended. CSP was vital in helping stabilize urban communities in priority areas by creating employment opportunities for insurgent-prone Iraqis. However, as conditions have improved and with the drawdown of the U.S. military, it is my understanding that USAID is now focused on development programs that will help bolster Iraq's economy, create jobs, restore essential services, and build Iraq's institutional capacity.

- c. With the transition to a civilian-led mission, will the Joint Campaign Plan (JCP) still be the guiding document?

Answer. After the U.S. military departs by December 31, 2011, my understanding is that there will be no JCP and all American citizens will be under Chief of Mission authority. This means that 2012 will be the first critical year of full civilian leadership of the U.S. bilateral relationship with Iraq. Provincial Reconstruction Teams will be fully demobilized and replaced by at least two consulates and two Embassy Branch Offices.

Additionally, USAID will have at least one regional representative and one locally employed specialist in each of the two consulates in Erbil and Basrah. USAID is currently determining how security requirements may change for its development programs in the absence of a U.S. military presence.

*Question.* The State Department's Middle East Partnership Initiative (MEPI) has a mission of developing more pluralistic, participatory, and prosperous societies throughout this region through economic and political empowerment. How do you plan to work with MEPI during this historic time in the region? How do you plan to work to prevent duplication in your efforts in individual countries?

Answer. I have a longstanding and excellent working relationship with Tamara Wittes, the Deputy Assistant Secretary at the State Department with responsibility for MEPI. We have worked together closely in our current responsibilities, and if confirmed, I have every expectation that cooperative partnership would continue into my next role at USAID.

MEPI and USAID have worked together since MEPI's establishment in 2002. Their work is both complementary and should be well-coordinated at embassies and in Washington. USAID maintains a mission and field presence in seven countries in the region, while MEPI operates, in some capacity, in every country in the region, except Iran. This allows MEPI and USAID to play to their respective strengths and comparative advantages.

Each NEA embassy has an internal coordination committee chaired by the Deputy Chief of Mission. The committee's core responsibility is to coordinate all USG foreign assistance programming in the host country. Broad representation from embassy sections, including coordination with public diplomacy and representational activities, assures maximum possible cross-fertilization among programs and projects, whether USAID, MEPI, or DRL.

The committee looks to each embassy's Mission Strategic Resource Plan (MSRP) and to its Democracy Strategy for overarching guidance as it responds to queries and proposals from Washington agencies and offices. USAID, DRL, and MEPI participate in the annual review process for each embassy's MSRP, providing an additional feedback loop in the coordination process.

MEPI, DRL, and all embassies receiving foreign assistance are required to submit an Operational Plan, which is a budget and programmatic proposal for the use of new foreign assistance resources. The operational plan contains detailed information on how foreign assistance resources are coordinated by various implementers in each country. After an interagency review designed to resolve any areas of conflict or overlap, each operational plan is approved by the Director of U.S. Foreign Assistance.

Again, if confirmed, I look forward to working closely with the MEPI office, and discussing with Mission Directors as well, how the current system is functioning and where there may be room for improvement.

*Question.* Please put U.S. Assistance to the Palestinian Authority into the broader political context. With Israeli-Palestinian political negotiations frozen, is U.S. budget support for the Palestinian Authority and development assistance in the West Bank and Gaza building trust between the parties? Are projects designed to increase cooperation, in trade, private sector development, infrastructure, etc? If so, please provide examples. Also, please provide current trade figures through the Jalameh crossing in the northern West Bank, as compared to the period prior to USG reconstruction of that facility.

- a. With Israeli-Palestinian political negotiations frozen, is U.S. budget support for the Palestinian Authority and development assistance in the West Bank and Gaza building trust between the parties?

Answer. The United States Government is committed to achieving a two-state solution to the Israeli-Palestinian conflict as part of the administration's comprehensive regional peace between Israel and its Arab neighbors. U.S. policy is premised on the assumption that establishing sustainable peace requires forward movement on two simultaneous and mutually reinforcing tracks: political negotiations and the hard work of building institutions and the capacities of the future Palestinian state.

While the political negotiations track is outside the purview of USAID, USAID's efforts with respect to supporting Palestinian Authority (PA) capacity-building and institutional reform and economic development efforts regularly show results with respect to building trust between the parties. I have seen these results in ways small and large: most recently in the resumption of bilateral working-level discussions between Ministries of Finance, similarly in productive working level discussions between justice officials, and with respect to ongoing cooperation on immediate and long-term needs on the difficult issues surrounding water resources.

USAID programs are designed and implemented to help the PA to become more effective and credible partners with respect to governance and institutional capacity. Budget support to the PA is the most tangible and direct means of helping the PA to build the foundations of a viable, peaceful Palestinian state. U.S. budget assistance helps ensure that the PA remains solvent and thus can be an effective and credible partner in Middle East peace efforts and continue progress on reforms and capacity-building.

The United States has made it clear that we will work only with a PA government that unambiguously and explicitly accepts the Quartet's principles: a commitment to nonviolence, recognition of the State of Israel, and acceptance of previous agreements and obligations.

- b. Are projects designed to increase cooperation, in trade, private sector development, infrastructure, etc? If so, please provide examples.

Answer. Facilitating trade into and out of the West Bank and Gaza is critical to improving Palestinian economic growth, and it must occur consistent with Israeli security needs. More than 240,000 truckloads of imports and exports crossed through the three main West Bank commercial cargo crossings last year; USAID provided scanning equipment and other assistance to the Government of Israel to expand the capacity of the crossings while addressing Israeli security concerns.

USAID has supported the tourism sector in Bethlehem by setting up festivals and concerts to attract local and international tourists; and is working with the Government of Israel to open up Bethlehem's three checkpoints for tourist buses, ensuring that the Arab-Israeli communities had transport to Bethlehem during the high-volume Christmas period. All three checkpoints are now open for tourist buses and the long waiting lines in front of the previously lone access point to Bethlehem have disappeared.

USAID has partnered with international information technology (IT) firms such as HP, Apple, Microsoft, and Cisco to help to develop Palestinian IT firms in particular and the IT sector in general to be able to provide world-class services. USAID introduced many Israeli high-tech firms to Palestinian counterparts, and the Israeli firms have signed several contracts for Palestinians to provide IT services.

In response to both Israeli and Palestinian Water Authority (PWA) concerns that groundwater quality is deteriorating due to the lack of wastewater treatment, the United States will focus significant energy and resources in coordinating donor efforts to respond. USAID completed an assessment of 10 small-sized wastewater treatment plants for several villages in the northern West Bank. Design of these facilities began in October 2010 and is expected to be completed by November 2011, with permitting and land acquisition to begin once design is complete.

- c. Also, please provide current trade figures through the Jalameh crossing in the northern West Bank, as compared to the period prior to USG reconstruction of that facility.

Answer. Facilitating trade into and out of the West Bank and Gaza is critical to improving Palestinian economic growth. USAID's assistance helped to reopen the Jalameh vehicle crossing between Israel and the northern West Bank. What was previously a closed facility without traffic is now a busy crossing with an average of more than 8,000 cars and buses entering the West Bank every week. USAID's investment of less than $2 million for upgrades at the crossing has had important impacts on commerce, trade, and investment in Jenin and the northern West Bank. Last year, Arab-Israeli visitors through the crossing made over $40 million in purchases in Jenin.

*Question.* There are concerns about anti-Semitic and anti-Israeli incitement in Palestinian Authority textbooks. Please provide the latest assessment of the textbooks used by the Palestinian Authority and describe any USG involvement in their development or implementation.

Answer. USAID supports the Palestinian Ministry of Education and Higher Education in its efforts to provide quality education for Palestinian youth. USAID assistance in education focuses on improvements in teaching methodologies, introducing contemporary approaches to teaching and learning, integrating information technology into the classroom, and expanding the impact of early childhood programming throughout the West Bank and Gaza.

Since 2000, when the Palestinian Authority (PA) began introducing new textbooks that included many references to promoting values of reconciliation, human rights, religious tolerance, and respect of law, diversity and environmental awareness, a succession of studies has found that the new textbooks represent a significant improvement and constitute a valuable contribution to the education of young Palestinians.

Although not a USAID-funded program, UNRWA has developed an expanded human rights curriculum for use in all UNRWA regional schools based on the history and content of the 30 articles that comprise the 1948 Universal Declaration of Human Rights. Despite opposition from Hamas in Gaza, the new curriculum is being taught in grades 1–6, with plans to roll out a more advanced set of lessons for grades 7–9.

Additionally, the State Department/MEPI's My Arabic Library program works with the PA Ministry of Education to deliver libraries to schools in the West Bank, organize teacher training sessions, and provide after-school programming. This program encourages independent reading, thinking, and analytical skills in young readers.

The Palestinian curriculum is transparent, and all textbooks are available for review in Arabic on the Web site of the official Palestinian Curriculum Development Center at http://www.pcdc.edu.ps/.

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RESPONSE OF ROBERT PATTERSON TO QUESTION SUBMITTED BY SENATOR BENJAMIN L. CARDIN

*Question.* As cochairman of the Helsinki Commission, I remain deeply concerned over the dismal human rights situation in Turkmenistan. Over the weekend, we received a report that an elderly gentleman of 80 years old, Mr. Shapudakov, has been detained by Turkmen authorities and confined to a psychiatric facility. Reportedly, his activities in uncovering and reporting on corruption may have prompted this apparent reprisal by local officials.

- Has the State Department looked into this case and raised it with Turkmen officials?

Answer. The U.S. Government has received reports from RFE/RL and other sources that civic activist Amangelen Shapudakov was recently detained and committed to a psychiatric hospital. According to some of these reports, Mr. Shapudakov's confinement may be linked to a family dispute over property.

Our Turkmenistan Desk officer in Washington and the Public Affairs Office at Embassy Ashgabat are in daily contact with RFE/RL headquarters in Prague regarding the Shapudakov case. We are following the situation surrounding Mr. Shapudakov's detention. DAS Susan Elliott raised Mr. Shapudakov's case with the Turkmenistan Ambassador to the United States and our Embassy is also raising his case with Turkmen officials. We have asked the Turkmen government to verify the circumstances surrounding the case in order to ensure that it was handled appropriately by local officials, and that Mr. Shapudakov is afforded access to any legal counsel or proceedings, consistent with Turkmen law.

The State Department remains actively engaged with the Government of Turkmenistan on human rights through the Annual Bilateral Consultations (ABC) process, launched in June 2010 by Assistant Secretary Robert Blake. At the 6-month ABC review in Ashgabat on February 16, A/S Blake raised several specific human rights concerns by the USG, including the recent uptick in harassment and blacklisting of RFE/RL journalists and family members by Turkmen security services. We have also raised issues of government harassment of journalists with the Turkmenistan Ambassador to the United States.

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RESPONSES OF MARA RUDMAN TO QUESTIONS SUBMITTED BY SENATOR MARCO RUBIO

*Question.* For decades, the United States consented to authoritarian Arab regimes' requests not to engage opposition groups in exchange for regime cooperation on security matters. The previous administration started to reverse these policies, but the current administration has rolled back or significantly limited many of those initiatives. I believe this practice has severely restricted our influence in many of these countries. Can you define the aims and principles that would guide USAID's programs in the Middle East following the Arab Spring? Have the recent events changed our engagement policy with opposition groups in countries like Syria and Yemen? How is the U.S. Government preparing for contingencies in Syria and Yemen?

- a. Can you define the aims and principles that would guide USAID's programs in the Middle East following the Arab Spring?

Answer. This is an unprecedented moment of opportunity for political reform in the Middle East. It is my understanding that USAID is providing assistance as needed and requested—to pursue credible transitions to democracy and to meet expressed social and economic needs throughout the Middle East. These transition

programs are demand-driven, but are expected to cover needs related to the political transition, youth engagement, economic recovery, and rebuilding social networks and support institutions.

In the short term, I understand, USAID is reviewing its partnerships with government entities and pursuing programs aimed at empowering civil society with democratic transition and governance issues. In the long term, it is my understanding that the Agency will focus on addressing those underlying conditions that were a catalyst for popular unrest, including unemployment and education.

As the situation evolves, it is my understanding that USAID will continue reviewing how best to use its assistance to support democratic transition, economic development, and the aspirations of the local population. If confirmed, I will work aggressively to utilize the necessary personnel and procurement instruments to act quickly in support of openings in the political environment, including utilizing centrally based rapid response mechanisms.

If confirmed, I would build on USAID's existing efforts by:

—Redirecting ongoing programs and putting in place new programs to respond to the rapidly unfolding situations in Egypt, Tunisia, and Yemen and to be prepared to meet new needs as they emerge;

—Utilizing contacts and grants with implementing partners and civil society to significantly increase direct engagement with a wide range of critical actors, including civil society organizations, youth, political party representatives, labor, and others who have been mobilized by recent events; and

—Reviewing previous commitments and identifying new ways of partnering through a renewed focus on implementation by those most engaged in their own transition, while tapping an extensive network of existing programs and relationships.

- b. Have the recent events changed our engagement policy with opposition groups in countries like Syria and Yemen?

Answer. It is my understanding that USAID is willing to work with elected, peaceful groups, provided they operate through democratic institutions and the rule of law, with respect for equal rights, and reject violence as a way to achieve their political goals. Additionally, I understand, USAID will also continue to work with USG counterparts providing democracy and governance programming to explore appropriate USG assistance opportunities in support of unfolding events in the Middle East.

I am aware that it is USAID's view that the transitions in the Middle East and North Africa must be locally owned processes and that any organization or individual that adheres to the principles of democracy, including the principle of nonviolence, should be able to participate in these processes.

- c. How is the U.S. Government preparing for contingencies in Syria and Yemen?

Answer. It is my understanding that every U.S. Embassy and USAID mission in the region is maintaining a close watch on local political conditions and in some instances is engaging in scenario planning. I am aware that USAID also has a Middle East Strategic Planning Group conducting a range of strategic and contingency planning in USAID presence and nonpresence countries in the Middle East.

As we face tough fiscal decisions as a nation, the United States will need to be creative and flexible in identifying resources to support security and prosperity in Syria, Yemen, and other regions of great strategic value. I understand that USAID is actively reevaluating its programming and assistance to prepare for contingencies and adapt its support to the transitions underway across the region.

*Question.* As you know, the Department of Defense constantly develops and updates contingency plans on possible U.S. responses to conflicts and crises that may arise abroad. Does USAID have a similar process to guide our response in times of crisis? If not, would you recommend legislative mandates to help USAID implement such practices?

- Does USAID have a similar process to guide our response in times of crisis? If not, would you recommend legislative mandates to help USAID implement such practices?

Answer. It is my understanding that USAID maintains contingency plans for humanitarian disasters in all overseas missions. Missions in the Middle East are currently reviewing their country programs to identify short- and medium-term needs in the region in order to be able to provide assistance as needed and requested.

Additionally, I understand that USAID also maintains internal processes to regularly develop, review, and update contingency plans for conflicts or crises abroad. As a result of this planning, I am aware that USAID is currently engaged with the

Department of Defense in a joint review of stabilization contingencies in the Middle East and an interagency "defense, diplomacy, and development" review for steady (nonconflict) state planning.

Finally, I understand that USAID possesses contingency funding capabilities to provide the U.S. Government with the flexibility necessary to respond to rapidly developing political, humanitarian, and security scenarios, without forcing the Agency to divert funding from other priority programs.

At this time, I do not believe that additional legislative mandates are needed to help USAID implement contingency planning practices. If confirmed, I would assess USAID contingency plans in detail to determine more fully whether legislation in this regard would be beneficial.

*Question.* Under the Millennium Challenge Account, American foreign aid is disbursed through Compacts to recipient countries that demonstrate a commitment to just and democratic governance, investments in the country's population, and economic freedom. Going forward, would the administration support applying the policy indicators of the Millennium Challenge Compacts to all USAID programs in the Middle East?

Answer. The Millennium Challenge Corporation (MCC) and USAID are intricately linked, but their purposes and mission are distinct. The link between the two agencies is codified in the Millennium Challenge Act of 2003. USAID assistance regularly plays a transformative role in countries throughout the world in ways that support progress toward consideration for MCC compact eligibility. For example, USAID implements almost all of MCC's threshold programs in countries not quite ready for compact assistance. In addition, the USAID Administrator serves as a permanent board member on the MCC Board of Directors and has a voice in MCC policy and selection decisions. USAID's Office of Development Partners (ODP) supports interagency coordination efforts on U.S. Government development policies.

MCC works in synergy with USAID's core development policies. MCC was created, in part, by incorporating some of USAID's best practices and lessons learned into its model, but it was not designed to substitute for USAID's range of development programs. In countries where MCC and USAID are both active, their programs augment and complement each other.

Most developing countries do not meet the MCC eligibility criteria, since MCC was created to work only with a select group of developing countries that meet high hurdles in terms of governance in the areas of ruling justly, investing in people, and economic freedom. Yet the United States still has a compelling foreign policy and national security interest to provide foreign assistance in nonqualifying countries, and USAID is the primary agency to provide that assistance.

MCC compact assistance focuses on economic growth; USAID's mandate is much broader and includes global health, food security, democracy and governance, and disaster relief, among other areas. Applying MCC policy indicators to USAID programs in the Middle East would preclude the United States from doing some of our most important work.

*Question.* Since joining the Obama administration, have you had any contact with any organizations or persons in connection with the Holocaust-era insurance claims issue or the government's position on the Generali litigation? For the purposes of this question, the word contact includes discussion(s) on the Holocaust-era insurance claims issue with any insurance company; lawyer, lobbyist, or representative of any insurance company associated with Holocaust-era claims; any federal department or agency concerning Holocaust-era claims; any Member of Congress or staff concerning Holocaust-era claims?

Answer. Shortly after joining the Obama administration, I was recused from matters related to World War II Holocaust restitution programs for a period of 2 years from the date of my appointment.

I thus had no contacts of the nature referenced, for this period. However, I did have limited contacts with colleagues at ICHEIC Trust, the close-down entity that filed taxes and carried out other administrative functions when ICHEIC ceased to exist, which were required to complete my administrative responsibilities, prior to resigning as an officer.

As a direct result of the correspondence sent to the Senate Foreign Relations Committee about me, and this issue, I have since been in touch with several colleagues with whom I worked closely on Holocaust-era insurance claims issues, and others who were familiar with the history of its efforts.

I have not had any contacts related to government's position on the Generali litigation since joining the Obama administration.

# NOMINATIONS

**TUESDAY, APRIL 5, 2011**

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

Scott Gration, of New Jersey, to be Ambassador to the Republic of Kenya
Michelle Gavin, of the District of Columbia, to be Ambassador to the Republic of Botswana

The committee met, pursuant to notice, at 2:31 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Christopher A. Coons, presiding.

Present: Senators Coons, Isakson, Inhofe, and Lee.

## OPENING STATEMENT OF HON. CHRISTOPHER A. COONS, U.S. SENATOR FROM DELAWARE

Senator COONS. I am pleased to call to order the first Africa Subcommittee nomination hearing of the 112th Congress and will start by saying that I am both humbled and honored to assume the chair of this subcommittee. Africa is a continent of tremendous strategic importance to the United States and the world, and I am extremely grateful to our committee chairman, Senator Kerry, and my colleagues on the committee for entrusting me with the gavel.

I look forward to working with my friend, Senator Isakson, to accomplish our shared vision and strategic goals for the subcommittee and hope to serve as a model for bipartisan cooperation on issues pertaining to Africa in the 112th Congress and beyond.

Before I go any further, I want to just say a few words, if I could, about my predecessor in this role, Senator Russ Feingold of Wisconsin, who chaired this subcommittee for 4 years with great integrity and focus and resolve. I only hope to bring to the table the degree of substance, direction, and drive which made Senator Feingold such a well respected chairman of the subcommittee and Senator.

Today I am honored to chair the confirmation for Ms. Michelle Gavin, nominated to be Ambassador to Botswana, and Maj. Gen. Scott Gration, nominated to be the Ambassador to Kenya. While these are different countries with divergent histories, accomplishments, and challenges before them, the issues we will discuss today in the context of these nomination hearings and in the context of Botswana and Kenya, issues of governance, of democratic institu-

tions and elections, of health initiatives, human rights, and trade, counterterrorism, U.S. interests, and a broader regional strategy, are the larger themes that will serve as focal points for this subcommittee in the year ahead.

Kenya, as some of you may know, has special meaning for me. I developed a deep interest in Africa during my junior year of college when I studied at the University of Nairobi through St. Lawrence University and traveled through Kenya and Tanzania in an attempt to immerse myself in African culture. After college, I wrote about antiapartheid divestiture strategies while serving as an analyst for a research center here in Washington and subsequently returned to Africa as a volunteer for the South African Council of Churches. So my ties to Kenya and Africa are both professional and personal.

And today's nominees bring to their positions significant and meaningful experiences. Ms. Michelle Gavin knows this subcommittee extremely well, having previously served as staff director under Senator Feingold for whom she also served as foreign policy advisor. Following her tenure with Senator Feingold, Ms. Gavin was legislative director to Senator Salazar and most recently served as special assistant to the President and senior director for Africa at the NSC. Prior to joining the National Security Council, Ms. Gavin was an adjunct fellow for Africa and an international affairs fellow at the Council on Foreign Relations where she focused on democracy and governance issues. Perhaps most importantly, I am extremely proud that she and I and her husband all by coincidence are Truman Scholars.

Gen. Scott Gration has most recently served as the President's special envoy from March 2009 until, I believe, just last week—special envoy on Sudan when Ambassador Princeton Lyman was appointed to that post. I recently met with Ambassador Lyman and look forward to working with him on priorities relating to Sudan such as the humanitarian conditions in Darfur and preparations for Southern Sudan's impending independence for which both General Gration and Ms. Gavin have played an instrumental role in their immediate past capacities. Today I look forward to hearing from General Gration the lessons he learned as the envoy in Sudan that may apply or be relevant to Kenya, with a particular focus on accountability and human rights and transitions to sustainable democracies.

General Gration served in the United States Air Force from 1974 to 2006, began his career as an F-5 and F-16 instructor, including a 2-year assignment with the Kenyan Air Force. In 1995, General Gration took command of an operations group in Saudi Arabia during the Khobar Towers bombing. The following year, he was transferred to Turkey to oversee Operation Northern Watch, enforcing a no-fly zone over Iraq. Since then he has served as deputy director for operations in the Joint Staff, director of regional affairs for the Deputy Under Secretary of the Air Force for International Affairs, and commander of the Joint Task Force-West during Operation Iraqi Freedom, among many other roles.

General Gration speaks Swahili and has served as the CEO of Millennium Villages, an organization dedicated to reducing extreme poverty, as well as the Safe Water Network, an organization

helping to provide safe water to vulnerable populations in India, Bangladesh, and Ghana.

I look forward to hearing from both of you about how we can advance United States interests in Botswana and Kenya, two strong allies which play distinct, yet critical regional roles. Since the 1960s, Botswana has moved on a path of outstanding governance and economic growth. It is a model of stability in Southern Africa and a close partner of our country, including in its extraordinary battle with HIV and AIDS. I look forward to hearing from Ms. Gavin about how we can deepen bilateral ties in a manner that furthers shared diplomatic, political, and economic goals in the region.

I look forward to hearing from General Gration about the role he will play in this critical period as Kenya implements a new constitution and prepares for elections, emerging from the dark period of the 2007–08 violence in a manner that holds those responsible at the International Criminal Court. As President Obama has recently said, the United States stands with the Kenyan people as they continue to reach for a better future, and I hope that brighter future is near, especially as it relates to democracy, accountability, and national reconciliation.

I would now like to turn to the distinguished ranking member with whom I am honored to serve for his opening remarks.

Senator Isakson.

## OPENING STATEMENT OF HON. JOHNNY ISAKSON, U.S. SENATOR FROM GEORGIA

Senator ISAKSON. Well, thank you, Mr. Chairman, and congratulations to you on your appointment to this committee. And for the benefit of all, we have already met on a couple of occasions to discuss the subcommittee and its role in the committee. And I look forward to working with Senator Coons, and he will be a great chairman, I am confident.

I am also delighted to see Michelle Gavin and Gen. Scott Gration here before the committee today. I fortunately have worked with General Gration on a number of occasions before in his role as special envoy to the Sudan, and I appreciate the guidance and help he has given to me as I have gone to that region and gone to Darfur and tried to work as a supporter of what we all want, which is: liberation, and better health care, and better food, and better accommodations for the people of Darfur, but also a peaceful settlement to the split between the North and the South. And I think it should be noted that we all realize how dangerous the potential was for another civil war in the Sudan.

I commend General Gration and his support for the comprehensive peace agreement and his ability to see to it that peaceful elections were held, and hopefully between now and, I guess it is—July—when that takes effect, we can continue to have basically a peaceful and respectful division of the Sudan. Hopefully the fledgling South will be a good democracy and a good partner with the United States.

And further, if it is peaceful, it will allow us to really focus on Darfur where we need to continue to focus on the humanitarian tragedy in that region of the West Sudan.

And I congratulate General Gration on his nomination to be Ambassador to Kenya. Kenya is an equally important country to the United States in Africa, and it has some similarities in ways to the Sudan. One, it has a refugee area in the northern part, bordering on Somalia, the Dadaab, which is going to be an important area for us to deal with and to help the Kenyans deal with. And then second, I know the ICC is in Kenya investigating post-election difficulties which that country had, and General Gration's experience, I am sure, will help in assisting that to take place.

And finally, hopefully General Gration will be as committed to the NGOs in Kibera as he has been to the NGOs in Darfur. Two of the most tragic scenes I have personally ever seen in my life were the slum of Kibera in Nairobi, Kenya, and the Darfur situation. And we deserve to support those NGOs with every strength that we possibly can.

For Michelle Gavin, I will simply say, if she sends her daughter to all the meetings, she will be the greatest diplomat this country ever had. She has got an infectious smile and beautiful eyes, and she is a pretty 2-year-old young lady. And I congratulate Michelle on her nomination.

Botswana is a country the United States sees as a real shining star in Africa, but like all African countries, it does have its challenges, none greater than the HIV/AIDS epidemic and explosion that has taken place there. And I look forward to working with her in the role of PEPFAR and the other things we do in that country to help bring about a moderation of the infection rate and hopefully a decline in years to come.

I congratulate both of you on your nomination and look forward to the question and answer period to follow.

Thank you, Mr. Chairman.

Senator COONS. Thank you, Senator Isakson.

I am now going to read a statement from Chairman John Kerry. It was his specific request to me that rather than simply introducing this into the record, that I read it at the outset of this hearing.

Senator INHOFE. Mr. Chairman, could I make a special request? I am not sure that you are going to be able to get to everyone. I have a commitment. I may have to leave a little earlier. Could I just make a comment about our two nominees?

Senator COONS. Certainly.

**STATEMENT OF HON. JAMES INHOFE,**
**U.S. SENATOR FROM OKLAHOMA**

Senator INHOFE. All right. I appreciate it.

First of all, I have had the chance and the opportunity to spend a long time with each one of you guys, and as you know, the only thing I look for with someone going into a position as an ambassador is to have a real heart for Africa. And I talked about that. And I did go back and see, Scott. After our visit, I found out that the year after I came from the House to the Senate, when you were in Saudi Arabia, that is when I first met you because I was over there and we looked up our notes. And to think that we have someone with your background who is willing to do this.

And I have to say to you, Michelle, I echo the words about your cute, little 2-year-old daughter. When I showed her the picture of my 20 kids and grandkids, she picked out the one she thought was the prettiest, and I will be calling Jesse Swan to tell her that she won.

But let me just say, in case I do have to leave, that it is very rare that we get people who honestly have a heart for Africa, and when Joel Starr, back here who is with me, told me that he first met you when he was with Tom Campbell, I figured you must have been about 12 years old at that time. [Laughter.]

But it is nice that you have kept your heart for Africa. And after 116 African country visits, it is showing you my commitment to Africa. I am always really happy when I see someone who has not just a formal commitment to a job but a heart for Africa. Both of you are high on the list of that.

So I just thank you for letting me to get that off in case I have to leave before it is my turn.

Senator COONS. Certainly, Senator.

I am now going to move to reading a statement that Chairman John Kerry wanted introduced at the beginning of this nomination hearing.

[The prepared statement of Senator John F. Kerry, as read by Senator Coons follows:]

PREPARED STATEMENT OF HON. JOHN F. KERRY,
U.S. SENATOR FROM MASSACHUSETTS

Today, I would like to express my strong support for the nominations of Scott Gration and Michelle Gavin.

General Gration has spearheaded the Obama administration's Sudan policy since 2009. On January 9, 2011, we saw the fruits of those efforts when the people of Southern Sudan went to the polls to vote for independence. I had the tremendous privilege to be there that day, with General Gration, and to bear witness to that historic moment—to the triumph of the forces of peace over those of war.

Much remains to be done in Sudan to secure long-term peace between North and South and to strengthen the ties between what will be two separate but interconnected nations. The status of Abyei must be resolved, and the people of Darfur still wait for their peace agreement. It is therefore absolutely critical that we remain fully engaged in Sudan, and particularly in Darfur. For that reason, I am glad that the President has named Ambassador Princeton Lyman to succeed General Gration as Special Envoy.

But we must recognize the tremendous achievements that have been made to date. Just a few months ago, many were predicting that the referendum would not even take place. But it did, and both the nominees before the committee this afternoon played a key role in helping to make success possible—General Gration through his direct negotiations with the Sudanese and Ms. Gavin through her work at the White House.

This experience will serve them well in their new posts. I have met and traveled with both General Gration and Ms. Gavin, and we have worked closely in our shared quest to help the peoples of Sudan find a lasting peace. They are both dedicated public servants with deep experience in the region, and I strongly support their nominations.

Senator COONS. That having been said, I would like to now turn to the nominees for their opening remarks. And if I might, I would like to specifically invite you to also introduce your families who we have already had the pleasure of meeting but who should be recognized, I think, for the sacrifices they have made to support your commitment to public service. If I might first, General Gration.

**STATEMENT OF SCOTT GRATION, OF NEW JERSEY, TO BE AMBASSADOR TO THE REPUBLIC OF KENYA**

Mr. GRATION. Thank you, Mr. Chairman, Ranking Member, and members of the committee.

It is an honor to appear before you this afternoon to seek your approval to be America's next Ambassador to the Republic of Kenya. I am truly grateful to President Obama, to Secretary Clinton for the confidence that they have placed in me for the nomination to represent our country in Kenya. If confirmed, I will work with you and other Members of Congress to advance American interests in Kenya, to promote a common understanding between our two countries.

I appreciate the opportunity to introduce my wife Judy, the mother of our four children and my full partner in over 35 years of public service. If confirmed, Judy will bring a wealth of knowledge to this assignment. She was born in Nairobi. She spent her childhood in Kenya as the daughter of missionary teachers. And in fact, both of her parents are buried there in Kenya.

Like Judy, I was also raised in Africa, in Congo and Kenya. I learned to speak Swahili as a toddler and developed a lifelong interest in the region. In 1974, I returned to Kenya to do humanitarian work. In the early 1980s, I spent time as an F–5 instructor pilot in Kenya for 2 years. And during the last 20 years, I have returned to Kenya numerous times, on military duty, as CEO of Millennium Villages, and with an NGO working to increase access to safe drinking water.

For more than five decades, Kenya has been one of our most reliable partners in Africa. If confirmed, I look forward to leading our diplomatic efforts in this next important period of Kenya's history.

Since the terrible period of post-election violence in 2007, Kenyans have embarked on an ambitious program of reform. Implementing the new constitution, cooperating fully with the ICC, and advancing accountability are critical elements that must be in place to ensure a peaceful, transparent, and credible Presidential election next year.

As the reform process moves forward, I am committed to working privately and publicly to protect human rights, to fight corruption, and to promote democratic values, development, accountability, and national reconciliation.

The 1998 attack on our Nairobi Embassy, an attack that killed 218 people, is a solemn reminder of the constant terrorist threat. Furthermore, the conflict in Somalia continues to increase Kenya's security and humanitarian challenges. If confirmed, I will support Kenya's efforts to secure its borders, to protect its citizens, and to care for those who seek refuge.

You can count on me to protect Americans living and traveling in Kenya. If confirmed, I will reach out to the estimated 20,000 Americans in Kenya. We will work together to find ways to strengthen the economic and cultural ties between our two countries.

Mr. Chairman and members of the committee, if approved, I will be grateful and exceedingly proud to serve as the next U.S. Ambassador to the Republic of Kenya.

And I will be pleased to respond to any questions you may have for me. Thank you very much.

[The prepared statement of Mr. Gration follows:]

PREPARED STATEMENT OF SCOTT GRATION

Mr. Chairman, Ranking Member, and members of the committee, it is an honor to appear before you this afternoon as you consider my nomination to be our country's next Ambassador to the Republic of Kenya. I am truly grateful to President Obama and to Secretary Clinton for the confidence they have placed in me and for the nomination to represent our Nation in Kenya. If confirmed, I will work with you and the Congress to advance American interests in Kenya and to promote a common understanding between our two countries.

I would like to introduce my wife, Judy—mother of our four children and my full partner in over 35 years of public service. If I am confirmed, Judy will bring a wealth of knowledge to this assignment. She was born in Nairobi and spent her childhood in Kenya, where both of her parents are buried.

Like Judy, I was also raised in Africa, in Congo and Kenya, where I learned Swahili and developed a lifelong interest in this region. In 1974, I returned to Kenya to do humanitarian work. In the early 1980s, I served as an F–5 instructor pilot with the Kenyan Air Force for 2 years. During the last 20 years, I've returned to Kenya numerous times—on military duty, as CEO of Millennium Villages, and with an NGO working to increase access to safe drinking water.

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The 1998 attack on our Nairobi Embassy that killed 218 is a solemn reminder of the constant terrorist threat. The conflict in Somalia continues to increase Kenya's security and humanitarian challenges. If confirmed, I will support the Government of Kenya's effort to secure its borders, to protect its citizens, and to care for those seeking refuge.

If confirmed, you can count on me to protect Americans living and traveling in Kenya. I will work with the estimated 20,000 Americans in Kenya; to seek ways to strengthen economic and cultural ties between Kenya and the United States.

Mr. Chairman and members of the committee, if confirmed, I will be grateful and proud to serve as the next U.S. Ambassador to the Republic of Kenya. I would be pleased to respond to any questions you might have.

Senator COONS. Thank you, General.

Ms. Gavin.

## STATEMENT OF MICHELLE GAVIN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR TO THE REPUBLIC OF BOTSWANA

Ms. GAVIN. Thank you, Mr. Chairman, Senator Isakson, Senator Inhofe. It is a great honor and privilege to appear before you today as President Obama's nominee to be the Ambassador to the Republic of Botswana, and I deeply appreciate the confidence the President and Secretary Clinton have placed in me by putting my name forward for your consideration.

I am also deeply, deeply grateful for the support of my husband, David Bonfili; my daughter Clara; and my parents, Michael and Jeanette Gavin.

My own professional background has left me keenly aware of the importance of working with this committee and the Congress, if

confirmed, in order to advance U.S. interests in Botswana, including maintaining a strong tradition of democratic governance, encouraging economic diversification, and combating the HIV/AIDS epidemic. For many years, as you mentioned, I served on the staff of Senator Russ Feingold who focused intensely on African issues during his tenure on this committee, and most recently I was a special assistant to President Obama and senior director for African affairs at the NSC, a position that gave me new insight on the importance of our partnerships on the continent and a rich understanding of the critical role that interagency cooperation plays, both in Washington and in the field, as we work to achieve our foreign policy objectives.

At independence in 1966, Botswana was, by many measures, one of the poorest countries on earth. Now it is a middle-income country and an exemplar for the continent, having consistently maintained a democratic government, responsibly managed its natural resources, and invested in its people and infrastructure. Botswana is an excellent partner and our bilateral relationship is strong, grounded in a shared commitment to democracy, good governance, and human rights.

The United States and Botswana also share an interest in ensuring the sustainability of Botswana's success by deepening economic diversification, promoting regional economic growth and development. Botswana aims to strengthen the nondiamond sectors of its economy, creating jobs and opportunities for the next generation, and supporting this endeavor through partnerships with the United States, including increased bilateral trade, will be one of my priorities, if confirmed.

In addition, if I am confirmed, I will serve as the United States representative to the Southern African Development Community, or SADC. Regional integration and cooperation are essential to the long-term stability and prosperity of all of southern Africa's countries. So I look forward to exploring appropriate opportunities to work with SADC to promote these objectives.

Despite a remarkable commitment on the part of the Government of Botswana to save its citizens from HIV/AIDS, and despite strong support from the United States and nongovernmental entities, Botswana still has the second highest HIV/AIDS prevalence rate in the world. Much has been done to combat the epidemic, particularly with regard to treatment. And currently, depending on the measure you use, either 83 or closer to 95 percent of Botswana who need antiretroviral treatment receive it free of charge from the government—of Botswana, not our Government. This success could not have been achieved without the $480 million in support provided by the United States through PEPFAR since 2004. And if confirmed, I will do my utmost to ensure that taxpayer resources are used effectively in combating HIV/AIDS in Botswana, working to build on existing successes and focusing critical attention on prevention where more gains must be made.

In Accra in 2009, President Obama said, "I do not see the countries and peoples of Africa as a world apart; I see Africa as a fundamental part of our interconnected world, as partners with America on behalf of a future we want for all of our children. That partner-

ship must be grounded in mutual responsibility and mutual respect."

Botswana is a small country but plays an important role both regionally and globally. It has been a strong, clear voice in support of human rights around the world. In fact, it was one of the first countries in the world to sever relations with Libya when it became clear that the regime in Tripoli was prepared to massacre its own citizens in order to cling to power.

In partnership with the United States, Botswana hosts an International Law Enforcement Academy that helps law enforcement professionals from around the continent sharpen their skills and improve their capacity to combat transnational crime.

Botswana is an international leader in conservation and has important insight to offer in global discussions regarding environmental issues.

If confirmed, I look forward to encouraging leadership by Botswana on a range of issues where our interests align.

Mr. Chairman and members of the committee, thank you so much for the opportunity to appear before you today, and I would be happy to answer any of your questions.

[The prepared statement of Ms. Gavin follows:]

PREPARED STATEMENT OF MICHELLE GAVIN

Mr. Chairman and members of the committee, it is a great honor and privilege to appear before you today as President Obama's nominee to be Ambassador to the Republic of Botswana. I appreciate the confidence the President and Secretary Clinton have placed in me by putting my name forward for your consideration. I am also deeply grateful for the support of my husband, David Bonfili, my daughter Clara, and my parents, Michael and Jeanette Gavin.

My own professional background has left me keenly aware of the importance of working with this committee and the Congress. If confirmed, I pledge to work with you to advance U.S. interests in Botswana, including maintaining its strong tradition of democratic governance, encouraging economic diversification, and combating the HIV/AIDS epidemic. For many years I served on the staff of Senator Russ Feingold, who focused intensely on African issues during his tenure on this committee. Most recently, I was a Special Assistant to President Obama and Senior Director for African Affairs on the National Security Staff, a position that gave me new insight into the importance of our partnerships on the continent and a rich understanding of the critical role that interagency cooperation plays both in Washington and in the field as we work to achieve our foreign policy objectives.

Upon independence in 1966, Botswana was, by many measures, one of the poorest countries on earth. Today it is a middle-income country and an exemplar for the continent, having consistently maintained a democratic government, responsibly managed its natural resources, and invested in its people and infrastructure. Botswana is an excellent partner and our bilateral relationship is strong, grounded in a shared commitment to democracy, good governance, and human rights.

The United States and Botswana also share an interest in ensuring the sustainability of Botswana's success by deepening economic diversification and promoting regional economic growth and development. Botswana aims to trengthen the non-diamond sectors of its economy, creating jobs and opportunities for the next generation of Batswana, and supporting this endeavor through partnership with the United States, including increased bilateral trade, will be one of my priorities. In addition, if confirmed, I will serve as the United States representative to the Southern African Development Community or SADC. Regional integration and cooperation are essential to the long-term stability and prosperity of all of southern Africa's countries, and I look forward to exploring appropriate opportunities to work with SADC to promote these objectives.

Despite a remarkable commitment on the part of the Government of Botswana to save it citizens from HIV/AIDS, and despite strong support from the United States and nongovernmental entities, Botswana still has the second highest HIV/AIDS prevalence rate in the world. Much has been done to combat the epidemic, particularly with regard to treatment. Currently 83 percent of Batswana who need

antiretroviral treatment receive it free of charge from the Government of Botswana. This success could not have been achieved without the $480 million in support provided by the United States through PEPFAR since 2004. If confirmed, I will do my utmost to ensure that taxpayer resources are used effectively in combating HIV/AIDS in Botswana, working to build on existing successes and focusing critical attention on prevention, where more gains must be made.

In Accra in 2009, President Obama said, "I do not see the countries and peoples of Africa as a world apart; I see Africa as a fundamental part of our interconnected world, as partners with America on behalf of the future we want for all of our children. That partnership must be grounded in mutual responsibility and mutual respect." Botswana is a small country, but plays an important role both regionally and globally. Botswana has been a strong, clear voice in support of human rights around the world; in fact it was among the first countries to sever relations with Libya when it became clear that the regime in Tripoli was prepared to massacre its own citizens in order to cling to power. In partnership with the United States, Botswana hosts an International Law Enforcement Academy that helps law enforcement professionals from around the continent sharpen their skills and improve their capacity to combat transnational crime. Botswana is an international leader in conservation and has important insight to offer in global discussions regarding environmental issues. If confirmed, I look forward to encouraging leadership by the Batswana on a range of issues where our interests align.

Mr. Chairman and members of the committee, thank you again for the opportunity to appear before you today. I will be happy to answer any questions you may have.

Senator COONS. Thank you, Ms. Gavin. Thank you, General Gration.

We are now going to begin 7-minute rounds with members of the committee asking questions.

General Gration, thank you for your service to our Nation, both in the Air Force and as special envoy.

The U.S. Embassy in Nairobi is the largest in sub-Saharan Africa with roughly 1,400 employees, and as the Sudan envoy, you managed roughly 30, obviously in your military experience, much larger contingents.

I would be interested in your overall plan for running an effective and operating an efficient Embassy, what your priorities are for that Embassy, and in particular, given there are 86 who are Department of Defense direct hires, comment, if you would, on how as a retired general from the Air Force who served both in a military and diplomatic capacity what you view is the relationship on unity of effort between our civilian and military representatives in Nairobi.

Mr. GRATION. Thank you very much. It will be a big challenge because there are people from many different organizations who represent many different agencies. But I believe my job is to orchestrate and to provide a vision where all of these people who represent America do just that: represent America. And I want to create within the Embassy, within the country a team, a strong team that is an all-of-Government team, where it is not just the military or it is not just USAID or it is not just CDC and other people working independently, but we are working together to further the interests of our great Nation in Kenya and in the region. So there are many things that I want to do in terms of establishing the priorities.

First of all, I think in building the team, we have to make sure that it is an inclusive team, a team where everybody can contribute, where everybody is resourced, and where they have a sense

of what the mission is. So I will be creating that very early in my time there.

I have worked on a speech that I plan to give in Swahili within the first couple days to all the local employees, so that they are part of the team because without them, we really cannot do the mission we have in Kenya and in the region.

So the concept is to start bringing that team together.

And then I want to put no question in anybody's mind who works for who. I think, as you point out, when you have military people and you have other people—that is why I spent a lot of time understanding the NSDD–38, Chief of Mission authorities, and what is my responsibility and what I am accountable for, and how I can continue on to control and manage those processes.

As for the military people, I understand that they work for the COCOM, but again, it is the communication, the personal relationship that I have with the commanders of the military. I plan to work very hard to strengthen those.

But the concept that I am trying to get to right now is making sure that everybody understands the mission, understands our objectives in the country and works as a team to make that all happen. I believe I can do that based on the experience I have had in the military and based on my experience that I have had in the State Department.

Senator COONS. Thank you, General.

You have, as we mentioned, served as President Obama's special envoy to Sudan since March 2009, and in that capacity, you have received both criticism and praise for your handling of an array of challenges, ranging from the expulsion of humanitarian groups working in Darfur in 2009 to the southern Sudan referendum in January which Chairman Kerry's statement lauded you for playing a critical role in moving forward. Some have said that you compromised on humanitarian issues while others have lauded your ability to be an effective negotiator with the Government of Sudan. Some have criticized you in your tenure as special envoy for being too close with Khartoum in negotiating with them, and others believe that that was critical to achieving progress on the referendum.

Do you believe the advocacy groups and other critics have accurately characterized your approach toward Darfur, and what are the lessons you might have learned from your experience as envoy and how would they inform your approach if confirmed as Ambassador to Kenya?

Mr. GRATION. When I took this job, the President was very clear. He said my primary mission was to save lives, and that was when we were facing 1.5 million people at risk in Darfur after the NGOs were thrown out. And to do that, it became increasingly clear to me, as I thought about how I would conduct this mandate that I had, that I had to be able to talk with the Government of Khartoum. As we thought about ending the conflict that displaced so many people in Darfur, the conflict with the proxy forces between the Government of Khartoum and Chad, it became increasingly clear that I had to talk to N'Djamena and I had to talk to Khartoum. When we thought about implementing the comprehensive peace agreement and the 12 outstanding issues that had to be ne-

gotiated, it was clear that I had to have a relationship with Juba and Khartoum. And in every situation, it was obvious that I had to have a relationship.

And so it became a question of how do you build that relationship. And I believe that in all relationships, it has to be transparent. There has to be trust, and there has to be respect if you want to have influence. I also believe that you have to have both a blended application of both incentives and pressures, and that is what we tried to achieve in Sudan, using all the tools to achieve our national interests and desired results and behavior changes that were required by using a blend of both sticks and carrots, as some people say. I would say pressures and incentives.

And that is what I think I will take also to Kenya, an ability to look at a situation, to build the relationships that are based on trust and respect, to create an atmosphere of transparency where we can talk clearly, where we can express opinions in a way that are accepted by both sides, and that we can use the appropriate mix of pressures and incentives to achieve America's interests in that land.

Senator COONS. Thank you, General.

We are now going to move to the first round of questions from Senator Isakson. I understand there is a vote underway on the floor. And so my suggestion—hopefully this meets the needs of the other members of the committee as well—is that we allow Senator Isakson to go through his first 7-minute round, and then we will recess so that all the members of the subcommittee can go and vote, return, and resume the hearing.

Senator INHOFE. Mr. Chairman, I am not going to speak anyway. I am aware of the bipartisan support for both of these nominees and the challenges that they face. And I will yield to Senator Isakson. Thank you, Senator.

Senator COONS. Senator Isakson.

Senator ISAKSON. Thank you, Mr. Chairman.

General Gration, I appreciate your answer to the question asked by Chairman Coons. Having been to Khartoum myself and then to Darfur, but dealing with the Khartoum Government, the comments that you were criticized for are understandable comments when put in the context of what you were dealing with at the time. And I commend you on your effort there and what you did and the fact that the results have proven to be a peaceful transition, at least as far as it has gone with the election. And I hope you will give continuing advice to Princeton Lyman, so that continues through July and we can actually get to a point where we resolve the remaining issues.

Now, to Kenya, are our Somalia efforts still housed in the Kenyan Embassy?

Mr. GRATION. Yes, sir; they are. There will be, though, some changes that are happening right now.

There will be an ambassador-rank individual that will be part of the Somalia unit, and that individual will report directly to Assistant Secretary of State Carson and will be responsible for all policy decisions having to do with the Somalia portfolio.

The Kenya Embassy will still have the operators, the people that interface on a day-to-day basis, and they will all be housed and be the responsibility of the chief of mission.

And if confirmed, I will stay very closely involved with this new ambassador and with all the units to make sure that there is continuity and make sure that everything is taking place in accordance with procedures and policy that have been given to me.

Senator ISAKSON. But the special mission will report directly to Johnnie Carson?

Mr. GRATION. The Somalia unit that is responsible for policy and about nine people will report directly to him.

And it makes sense that they are located in Kenya because many of the TFG members, many of the people that work directly in Somalia are there in Nairobi right now. So it certainly makes sense that that organization is there and is sponsored by the American Embassy under the Chief of Mission authority.

Senator ISAKSON. How deep is your knowledge of the refugee camp at Dadaab?

Mr. GRATION. I have never been there, but I want to get more knowledgeable, but I have a basic understanding.

Senator ISAKSON. My understanding is it continues to grow and has the potential to be a real problem.

Mr. GRATION. Yes, sir. There are somewhere between 315,000 to 350,000 people there, and that number continues to grow. It needs more land. I understand the Kenyans' reluctance to do that because they don't want it to get too big, but the reality is that we have to do a better job not only to help these people with nourishment, sanitation, and health care, but to give them the hope that they need to make the adjustment to a normal life and also to life after Dadaab.

So that means we have to have a policy in Somalia that will restore the country and give it some stability so people can return because just to house people in Kenya is not the right answer and to house them better. The answer is to bring peace, stability, and the conditions where they can come back and return to their normal livelihood.

So I believe that the two-track policy the United States has right now is the right approach, but it is going to take a tremendous amount of effort because for 20 years there has been unrest. There has been so little governance, and we have got to treat Somalia with a higher sense of priority in my view to be able to create the environment so that there can be governance and there can be the stability that they so need to be able to restore the refugee problem that is spilling out into Kenya.

Senator ISAKSON. I appreciate that answer.

Ms. Gavin, I am sorry your 2-year-old left. She was stunning and as pretty as her mother. It is good to have you, and I congratulate you on your nomination.

Botswana is a country that the United States sees as a shining star. One of the things that I am most interested in as I have been to Africa is: the tremendous Chinese investment that is being made on that continent and the challenge between the Chinese extracting natural resources with their own workers, and the United States investing money and trying to create a climate of United States

business investment. What will you do as Ambassador to try and foster that type of investment in Botswana?

Ms. GAVIN. Thank you so much, Senator. I think that, if confirmed, that will actually be one of my highest priorities. The Government of Botswana is a willing partner in wanting to diversify its economy, and there are a lot of positives to that particular investment climate. But it is also a very small market, 2 million people. So one thing that I think is going to be essential is going to be to work closely with Ambassador Gips in South Africa and others in the region to take a regional approach to economic development. It is a much more attractive investment, I think, for U.S. businesses. There is much more opportunity for the United States that would be extremely beneficial to Botswana as well if we address this regionally.

You are absolutely right. China has been increasing its involvement in Botswana and in the rest of southern Africa largely in extractive industries, but also getting involved on some health issues, getting involved with the University of Botswana to increase sort of their Asian studies capacity. So I will also look for opportunities to work with the Chinese where we do have some shared objectives so that I am not reacting in a way that suggests this is always a zero-sum game.

Senator ISAKSON. Well, I commend both of you on your nomination and look forward to working with you.

And I will end where I began in my opening statement. I hope both of you will do everything you can to support the NGO efforts, in particular, what is happening in Kibera: CARE, USAID, Save the Children, Catholic Relief. You saw what they did, obviously, in Darfur. Those organizations are doing an awful lot to bring some degree of quality of life to very impoverished people, and I know in terms of Botswana, I assume there is PEPFAR money in Botswana and CDC, which is based out of Atlanta, and the other volunteers that are there—the support for those volunteers and those NGOs is critical to the future of that continent and the betterment of those people.

Again, I congratulate both of you on your nomination.

Thank you, Mr. Chairman.

Senator COONS. Thank you, Senator.

We are going to recess for a period of 15 minutes so that members of the subcommittee can vote, and then we will resume. The subcommittee stands in recess.

[Recess.]

Senator COONS. We are going to resume the nomination hearing of the Africa Subcommittee. Thank you for being patient with our recess while members of the committee cast their votes.

The ranking minority member may or may not rejoin us, but he urged me to proceed and complimented you both on your statements and answers so far.

General Gration, if I might. The International Criminal Court has recently summoned—I believe it is six individuals from Kenya accused of crimes against humanity during the post-election violence of 2007. And I believe they are appearing in The Hague just a few days from now.

If confirmed as Ambassador, what would be your approach to handling these ICC cases in Kenya?

I noted that the Kenyan Government has called for an Article 16 delay, arguing instead for local tribunals to address these questions of violence, and the AU has endorsed Kenya's request. What is your view of the issue of deferment?

Do you believe the ICC process threatens peace and stability in Kenya as some have claimed? And given your prior experience with the ICC in Sudan, how will you handle this in the context of Kenya?

Mr. GRATION. Thank you. Certainly I believe that the underlying issues have to be resolved, and I will talk about that in a minute.

But just to answer your questions directly, in terms of an Article 16 deferment, I do not support that and neither does our country and do not believe that if there was a deferment, that it would change the peace and security situation either in Kenya or regionally. And the fact is it may in some way exacerbate the situation.

There are other processes that the Kenya Government is pursuing. One is asking whether article 17 and article 19 would be appropriate, and that would be where they would appeal to the ICC to have the process moved back into Kenya, but the ICC would have to approve that process. If indeed they do that and ICC approves the process, that may be one other avenue that the government has, but in terms of article 16, we do not support that.

But I think the most important element is that we cannot have a situation where a culture of impunity, where corruption is not curbed, where human rights are at risk, where people are looked at as tribesmen and not as citizens of the country. Those issues have to be resolved.

And that is why as a government we support the reform actions that have been put in place. On the 4th of August, Kenya put together a new constitution, but that constitution has to be implemented. The fact is there are almost 25 different legislative pieces that have to be passed to fully implement it. In addition to that, there are committees, courts, commissions, things that have to be set up, and then people have to be able to understand and buy into this process. And the government has to show that they are committed to making sure that these reform measures become part of practice and become part of the process and there is a democratic process where people can demonstrate their will through elections and that they can do this freely and in a transparent way and a peaceful way. This is what we will be aiming for.

And I think the ICC is part of this, showing accountability for those, and if they are not guilty, that will come out. But if folks are proven to have been involved in issues, in crimes, then they would have to be held accountable for that.

Senator COONS. Thank you.

Ms. Gavin, in the Botswana context, Botswana has often been recognized as one of the most stable democracies in all of Africa, one of the most transparent, and President Khama has spoken out about some of the challenges in Zimbabwe, was one of the first, in fact, to come out and recognize President Ouattara as the winner of the elections in Côte d'Ivoire.

Could you just comment on to what do you attribute the stability, the predictability, the regularity of elections in Botswana? What actions might we take to strengthen the multiparty nature of electoral democracy in Botswana, and then what are we going to do, should you be confirmed as Ambassador, to strengthen their hand in being a regional supporter of initiatives that we have taken both in questioning the legitimacy of elections in Zimbabwe and in strengthening the region as it has to do with civil institutions?

Ms. GAVIN. Thank you so much. It is an interesting thing to think about, why has Botswana been able to achieve so much success, and I think it can certainly be attributed to good leadership, some decisions early on particularly when the country's diamond wealth was discovered regarding natural resource management that are highly relevant for the rest of the region where there are so many mineral-rich economies that have not been managed as well.

There is also a culture in Botswana of open debate and dialogue that has existed for a very long time that I think helps to inform the democratic culture that has developed there.

I also think it is important to avoid treating Botswana as the exception to the rule and sort of letting everybody else off the hook as if Botswana had some special set of ingredients that other countries do not have, which I think gets to another part of your question about how to help to amplify their voice in the region and sometimes globally where we, in fact, have shared interests and shared objectives, and that, if confirmed, is certainly something I would hope to work on by encouraging the Botswanan Government to participate in some global dialogues and discussion, encouraging the head of state to come to the U.N. General Assembly, for example, and make sure that their voice is heard.

I think that as far as strengthening the multiparty aspect of Botswana's democracy, there are some very encouraging signs that the opposition is alive and well. In the last election, the opposition—well, the ruling party received something like 53.3 percent of the vote. So it is not as if no one is out there voting for opposition parties. They recently, in fact, came to some agreement to unify and try and rally around the same candidates the next time they take a go at this.

The press is extremely free in Botswana, and sometimes highly critical of the government.

So I think what I could do, if confirmed as Ambassador, is to continue a dialogue with representatives of all political parties in Botswana and continue engaging the Botswanans and particularly young Botswanans on issues of just civic participation, civic activism, make sure that as long as everybody is participating in the dialogue and the dialogue stays rich, I think that multiparty democracy is likely to remain quite strong.

Senator COONS. General Gration, to follow up on that, if I might. As we go toward the 2012 elections in Kenya, what are the things that we can and should be doing to continue to push along the path of reform to strengthen democratic institutions in Kenya to ensure we do not have a repeat of the 2007 elections and their irregularities? And what do you think should be our major concerns in terms of potential flashpoints as we move toward those elections?

Mr. GRATION. Certainly we need to encourage all segments of the population to become involved in this. In other words, we have to have programs that not only help the government itself with the implementation programs—and we do need to help those—but we need to help people like Patrick Lumumba and folks that are working with corruption. We need to engage again and continuously with the civil society to make sure that the people understand the process and they understand that democratic reform will give them a voice that is clear and that represents exactly what they are saying and that it does that without fear.

We need to engage the youth because much of the actual violence was done by the youth even though they may have been controlled by other aspects of the government or individuals. But the youth have to become part of the solution. They have understand that it is not about bullets. It is about ballots. It is not about machetes, but it is about getting out there and making a difference with words and votes and concepts.

So it is going to take an education process, and that is something we can do through our USAID grants, through things that we become involved in, things we put our fingerprints on.

But the bottom line is just to, again, push on accountability, push on these wherever we are through all aspects of our Embassy so that in my view that should be the highest priority of getting from now until whether it is next August or next December when the election is held, that we have done everything possible so that we can ensure that it is peaceful. And if for some reason it is not, we will look back and say we have done everything we could have done.

And that is why in my view, if confirmed, I want to get out there as soon as possible to start building the relationships with the government so I can have influence, that I can understand the situation, and that I can do everything I can to prepare not only our Embassy to get involved but to bring the rest of the multilateral organizations, our international partners, and other people around so that we are all going the same way same day on this very, very important issue. It is a high priority and I believe that we can make a difference.

But we cannot waste another day. There is so much that remains to be done. We saw it in Sudan in both the election and in the referendum. We can, through right training, through right programs, and right focus, produce an election that does represent the will of the people. That is what we will continue to do, and if I am confirmed, I will put my effort toward this because in my view it is one of the highest priorities I have.

Senator COONS. One concern I have around sort of legitimacy, given the recent protests throughout north Africa and the Middle East, is transparency and corruption. A recent BBC report projected that maybe as much as a third of the Kenyan national government spending is lost or wasted through corruption. It has not ranked high on transparency indices.

How pervasive do you think a problem or challenge corruption is for Kenya? Is it potentially a source of some tension or difficulty in the same way that it has been in other countries that have recently seen popular uprisings? What sort of a barrier is it to United

States-Kenya trade, and what can we do to help those elements within Kenyan society and leadership that really want to tackle and fight corruption within Kenya?

Mr. GRATION. Exactly right. From what I understand, Kenya is rated 154 out of 178 in terms of the corruption index. This is in my view has to stop, and it is not going to be able to stop maybe even under my tenure. But I think that, if confirmed, this is something that we need to put a big dent in because while the government officials and other people who are in a position to take, while they gain, what it is doing is it is just destroying the opportunities for creating wealth at the local level. Kenya is suffering with—well, they already have about half their population under 18, but if you take a look at folks under 30, only about 30 percent really have jobs that are producing incomes upon which they can support a family and their desired livelihood.

So when you have corruption, it just hurts, and it also takes the motivation out of people. If they see somebody else getting rich by not working hard, it undermines the work ethic. So in my view for the good of future generations, this has got to be a priority.

And while I do not know yet all the tools we can use, I think that there are a lot of tools that we can. And the first is the whole concept of reform and making sure that as is laid out in the new constitution, that ministers and Cabinet officials, I should say, have to get appointed and approved, that there is a new system of representation, a new house, the eight provinces are going into 47 counties, and they will have representation. And you will not have the cronyism, hopefully, as in there right now.

So it is going to start at the government, but it has got to go right down to the individual people because, having lived there—and I am sure you experienced too—even down at the local level, there are elements of corruption and a way of doing business. And somehow that has got to change. And I believe we have to use all elements to help it change, whether it is the church with Judeo-Christian values or whether it is part of the Muslim community through their outreach, whether it is through schools and teaching ethics from grade school on up.

I do not know what the right solution is, but I got to tell you this is so pervasive and such a big problem and it is keeping Kenya from having access to the Millennium Challenge Account. It is keeping the people down, and I believe that we need to work together.

Maybe this is something that we can form a task force among the international community to try to figure out how do we all together help make a difference because I do not think this is something America can solve. I think it is going to have to be done by the government itself, by the people themselves, by the Kenyans themselves, but it is going to take the full support of all the international community to help make this happen because it is going to involve that kind of dramatic change for it to be able to make a difference and be able to stick.

Senator COONS. Ms. Gavin, Botswana has often been cited on those same rankings as among the most transparent in the world. And you previously cited the longstanding cultural traditions of openness and debate. I do not have much insight into how Bot-

swana, an extraction economy that experienced a sudden rise in wealth, has managed to avoid the same challenges that many other governments of all kinds have fallen into of exactly the sort of widespread corruption, large- and small-scale, that has characterized many other developing nations and some developed nations.

Any advice or insight for us on how in a multilateral way, either through the international community or through values and ethics changes, we might make progress in nations throughout the region and the world? What lessons might we learn from Botswana?

Ms. GAVIN. Well, I hope to, if confirmed, certainly learn more about why the things that work so well in Botswana work that way. But I do think there is real value simply in their example of a resource-rich country where the rule of law prevails, and in fact, government officials, controversial cases—sometimes the courts rule against the government. So you have a truly independent judiciary and a police force that protects the citizens rather than preying on them.

I do think that the International Law Enforcement Academy that Botswana hosts and that the United States Government supports is an interesting example of trying to highlight Botswana's reputation for good governance, rule-governed procedures, and respect for the rule of law to help build capacity internationally. Some 29 African countries participate in training there, largely focused on different aspects of transnational crime. But simply having the seat of this academy in a country with such a low level of corruption, I think is a good example of trying to maximize the value of the Botswanan story and make it relevant to the rest of the region.

Senator COONS. Ms. Gavin, one of the biggest challenges, as you mentioned in your opening statement, facing Botswana is a very high rate of AIDS and HIV infection. There has been significant progress made to some large extent because of United States investment, but it is now moving to being one more directly led by the Botswana Government but where I understand there might be some great progress being made through a partnership between Merck and the Bill and Melinda Gates Foundation and the nation of Botswana.

What can you suggest about lessons for us and challenges ahead to have an adult population that is, I think, at about 25 percent infection? It must be an enormous challenge for Botswana. How do you see the path ahead in terms of the American role, the multilateral role, and the role for the private sector and the philanthropic sector in tackling this greatest challenge for Botswana?

Ms. GAVIN. I think you are right. There is no single thing that the United States Government does in Botswana that is more important than continuing this fight against HIV and AIDS, and I think that we probably can extract some valuable lessons for other countries hard hit by the epidemic, particularly in the success they have had in rolling out treatment and also almost eliminating mother-to-child transmission.

But on prevention, there is still a tremendous amount of work to be done, and it will take interagency collaboration. PEPFAR, as you know, Senator, works best when the CDC and AID are working in a collaborative and complementary way and not engaged in a constant tussle for resources.

In Botswana, we also have some interesting other elements. DOD participates helping to work on HIV/AIDS issues with the Botswana defense forces.

And our Peace Corps Volunteers in Botswana work exclusively on health issues. Botswana had graduated out of Peace Corps and then invited the Peace Corps back when the pandemic hit and they realized the magnitude of the challenge.

So I think that there are very positive lessons that we can extract on the treatment side, much more to do on the prevention side, and I think critical to all this is going to be that interagency collaboration, making sure all those interagency elements are working together in conjunction then with the nongovernmental elements, Merck, Gates, and others, and critically, the most important partner, the Government of Botswana, in trying to address the prevention challenge.

Senator COONS. Thank you.

General, Kenya is a major focus for both the Global Health Initiative and the Feed the Future initiative, and both of these are signature initiatives for the administration and critical to our role in the region. But Congress is facing understandable significant pressure to reduce Federal spending, reduce the Federal deficit, and there is the very real possibility being discussed literally now of significant reductions in spending in the current fiscal year or possibly going forward in these areas.

I would be interested in hearing what role you think there might be for urging either the Government of Kenya or other multilateral partners to contribute more of the funding, what kinds of changes you think there might be in terms of our role in Kenya, our progress in Kenya if funding is dramatically reduced, and what you see as the contribution that you could make as Ambassador in advancing both the Global Health Initiative and Feed the Future initiative on the ground in Kenya and then regionally.

Mr. GRATION. In terms of Feed the Future, I think it is a very important program, but I think that we have to think about what we are trying to accomplish. And in my view, Kenya is too dependent on rain-fed agriculture, and there are a lot of ways you can get around that.

First of all, I think what Feed the Future is doing in terms of understanding the lay of the land and the threats that people face are very important.

But second, I think what they are doing in terms of subsistence farming is important. With better seed, better fertilizer, natural fertilizers, planting legumes, and in addition to nitrogen enrichment and planting of other crops in rotation is important. And so those kinds of things are very important. Even in terms of planting, techniques are important.

But the piece that I believe would really help Kenya is if we think more about value chain analysis, what are the right crops, and then marketing and banking. If you build banks to where you can take the grain and bank it for a year, if it does not rain the next year, you can eat it, and if it rains, then you sell it. With fumigation and other techniques, you can store grain for a year very, very easily.

The second part of banking—it sort of evens out the market. Instead of having a glut of food when the harvests come around and then a dearth 4 months later, banking allows you to put food on the market in a way that it is stabilized.

So there is a whole lot of things that I think can be included in the Feed the Future initiative so we can actually get more bang for the buck and ensure people when it does not rain.

In terms of the Global Health Initiative, I think you are exactly right. We need to think about programs so that they can be absorbed by the government. The problem is that when you infuse a lot of capacity, clinics, more people on antiretroviral medicines, that kind of thing and then stop the funding and the government is not in a position to absorb it, it really creates a lot of problems. So I think two things need to happen.

One is we need to be partnering with the government when we put these in so that there is a transition program built into the Global Health Initiative program or the Feed the Future program such that if there is going to be public sector adoption of this, then it is built right in in the beginning, and the governments know that they have to produce more nurses, they have to get a way to bring more medicines in so they can bring it in, which means that our programs may have to be smaller in the beginning or else we have to take the risk that we are going to have to fund these for a longer period of time. But the reality is build a program so the government can accept it, build a program that helps them accept it. So maybe the right answer is in the Global Health Initiative is not so much putting in more clinics but building more nurse training programs or more other ways that you can build the capacity for them to take this over in a way that allows you not to skip a beat when you do the transition.

So I will be looking at both of these programs. I think they are both good programs, but I understand that they should be stopgap programs. They should not be programs that are still there 25 years from now. And if we are not building programs to work ourselves out of that program, then I think there is a mistake.

If you know anything about me, I am a big believer in affordability, sustainability, self-sustaining ability, and then scalability. If the program is really good, it should be able to take off on its own. So what I look for in the Feed the Future programs is while we put in pilot programs, we ought to be doing this in a way that they are self-sustaining or government-sustainable and then that they take off by themselves so that you are not always building a program, but they will end up growing by themselves.

So these are the things that I think—those principles—we can look at in both the Global Health Initiative and Feed the Future to make sure that these programs do last without a constant infusion of U.S. dollars. But then again, bringing the international community in and mulilats into the program is also very important.

Senator COONS. Thank you, General.

Ms. Gavin, one of the criticisms of the Botswana Government that some indigenous people's advocates have had is that there has been a resettlement policy for the San people mostly in the Central Kalahari Reserve, and the challenge has been raised that it is

viewed as having been done largely to advance diamond extraction and at the expense of a traditional culture.

If confirmed as Ambassador, what would you do to be involved in this issue and what do you see as the opportunities for some progress in dealing with the loss of this traditional culture in the Kalahari?

Ms. GAVIN. This has been a longstanding, very difficult issue in Botswana, and I think that they have tried to address it both through direct dialogue between the government and different representatives of the San people, and sometimes the issue has been taken to court. It is a positive indicator that the government is not always on the winning side of the court decisions and it shows there is merit in seeking redress in the courts certainly. But it is not an issue that has been resolved, and I think it will remain very difficult.

I think what the U.S. Government can do is try to determine if there are ways we can help facilitate better communication between the community still residing in the Central Kalahari Game Reserve which is actually quite small, but there are different elements of the community and different voices in the government itself. If there are things that we can do to help facilitate those lines of communication, it is certainly I think well worth exploring every avenue to see what is the world of the possible there.

Senator COONS. General, I would be interested in your thoughts on Kenya's role in fighting terrorism. Obviously, there is a significant challenge with piracy off the coast of Somalia and now extending out into the Indian Ocean quite a way and affecting not just the horn but the whole region. Also, Nairobi was the scene of one of the most horrific attacks on an American installation in the bombing of our Embassy.

Your view on what as Ambassador you can and should be doing to be part of our fight against terrorism both within the nation of Kenya and in the region.

Mr. GRATION. I think Kenya can be a very good ally and a partner in this effort. Kenyans understand terrorism. As you pointed out, a facility in their country was bombed. But if you take a look at the number of people killed, they bore the brunt of that attack many, many times over what Americans lost: 218 people and most of them Kenyan.

They are also keenly aware of what happened on the 10th of July in Kampala when the al-Shabab bomb went off. Perpetrators of that crime, some of them potentially Kenyans. And so they are aware of that.

And they are also aware that every time that one of these attacks happens, they lose income from tourism. Their economy is disrupted.

So I think they are willing and ready to be partners.

We have put a lot of effort into training police units and also military units, and in doing that, we are making sure that we are vetting properly to make sure that the people that we train will not be perpetrators of crimes of human rights violations and that kind of thing.

Kenya has also proven themselves to be a strong partner in supporting out-of-country operations. They are involved in southern

Sudan, and they have been involved in other contingencies around the world. So I think Kenya is a great foundation.

Now, what do we need to do? I think we need to continue programs but maybe a little bit more specific. So we will take a good look at what are the ways that the Kenyans can be used more effectively.

One area I think that we can do better is in intel. The Kenyans have their ear to the ground. They know a lot of things that are happening, as do governments throughout that region. And if we are going to operate, whether it be in Somalia or whether it be against piracy or whether it be in other transnational things that are happening in and around Kenya, they are probably going to know about it before we know about it. And to develop a relationship with them so that they will share intelligence, number one, but to develop a relationship with them and that we can train them in the areas where they are deficient so they can become more effective in helping us in the global effort, I think that would be important.

So I will take a look and make sure that the training that we are doing meets the need not only for Kenyans, but for the rest of the international community and then look for areas that we can help with areas where they are deficient to improve their capacity to help. Kenyans can be and are already strong partners in the war on terrorism.

Senator COONS. Ms. Gavin, what role do you see for the United States in promoting bilateral trade with Botswana and what opportunities, if any, are there for them to take advantage of United States technology transfer, partners with us for things like alternative energy, for water generation, for pharmaceuticals and otherwise? And what role do you see for yourself as Ambassador in promoting bilateral trade with Botswana?

Ms. GAVIN. Thank you. If confirmed, I think that will be an absolutely essential part of my role as Ambassador. Particularly because Botswana is a middle-income country, it does not qualify for things like Millennium Challenge Initiative. Playing a role in bringing investors together with Botswanan businesses, in some cases the Botswanan Government, and critically taking a regional approach since it is such a small market I think is an absolutely essential part of trying to facilitate the economic diversification that is such a high priority for Botswana. So I think you have hit on a number of sectors that appear to have some real potential.

Southern Africa has tremendous energy needs. South Africa, which provides the lion's share of energy to the region, is strapped. It is clear that there is going to be a growing demand. And so there are some interesting small-scale projects in Botswana now around solar that probably bear a closer look. And I think that it is going to be essential to let people know what kind of investment climate Botswana has to offer and also to let people know what kind of regional infrastructure is there and see if we cannot be creative and get more done without using a lot of foreign assistance dollars to help what has been a very strong partner, sharing a lot of our interests and values, sustain that strength into the future.

Senator COONS. Thank you.

General—and this will be my last question—how do you see your role, if confirmed as Ambassador, in advancing United States-Kenyan bilateral trade ties? We export and import roughly the same amounts. Have there been opportunities for Kenya to take advantage of the African Growth and Opportunities Act and are there other things we could be doing to promote their adoption of U.S.-distributed energy generation, for example, or water technologies or new developments in seed or grains or other things that you have spoken about before? How, as Ambassador, would you advance both the development of Kenya and American export opportunities?

Mr. GRATION. I think there is a great opportunity to create jobs in America by increasing trade in Kenya. We already have a great process going where we actually have quite a bit of trade. There is a surplus and the surplus has been for the last 5 years. Last year it was $34 million.

The issues that you point out are ones that I think we have to grapple with. Right now, AGOA is pretty much a textile kind of thing. In fact, I believe it is somewhere around 72 percent of the products that are exported from Kenya to the United States under AGOA would be in the textile. But there are so many other things that Kenya could add to this, and to help them diversify and increase their base so they do not take precut and just assemble them and ship them off to America, but they actually do things that would create jobs for Kenya. And then in return, I think there are so many things that can be done in Kenya on the IT side, on the energy production side.

The Kenyans are bright. They are highly educated. The literacy rate is extremely high.

I think that there is a way that we can import in a way that creates jobs, wealth creation opportunities in Kenya but would also create jobs back here. And I look forward to being part of that, working with our international community, Americans that are there. There are almost 20,000 Americans that are involved in private volunteer activities, NGO activities, but also in commercial business opportunities. Right now we are going to have to take a look at where our competitive advantages are and where we can strengthen them.

The other thing I would say is that I want to make sure that we level the playing field. There are some competitions to American firms, whether they come from China or other kind of places, where we can probably do more to give our products a better shot of taking hold in the country.

So those are the kind of things I will work with and I hope to work with the American community to come up with their ideas to know how I can help them better.

Senator COONS. Thank you, General. Thank you, Ms. Gavin. Thank you to your families. Thank you for your service. Thank you to Clara for her great patience and persistence. She is asleep I know. I am grateful for your parents before us and your testimony.

The record of this hearing will remain open until the close of business tomorrow, Wednesday, April 6, in the event there are other members of the subcommittee who were not able to join us today but who wish to submit additional questions for the record.

Again, thank you very much.

And with that, this hearing is adjourned.
[Whereupon, at 4:08 p.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF SCOTT GRATION TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* Previous reports by the Office of the Inspector General described a number of problems within the Africa Bureau, including poorly led posts and particularly notable failures in public diplomacy. In your testimony to the committee, you discussed ways you will approach some of the management challenges that result from the size and scope of the Embassy in Nairobi. How has your previous experience shaped your views regarding effective public diplomacy and if confirmed as Ambassador, how would you seek to approach related issues?

Answer. Effective public diplomacy is a core element of diplomacy, and an exceedingly challenging one. As Special Envoy to Sudan, I saw firsthand how important it was to understand the many audiences with whom I was sharing my messages. I endeavored to reach out beyond government officials in all parts of Sudan to understand the perspectives of people from all segments of society and to engage in a substantive dialogue on their views about their country and about U.S. policy. In complex situations such as Sudan, effective public diplomacy builds confidence and trust that the policy and actions of the United States are based on an understanding and appreciation of the people and history of the host country. Such confidence and trust lays the foundation for effectively sharing our values and experiences in a way that furthers achievement of mutual interests. If confirmed, I expect to encounter that same diversity of background and perspectives in Kenya and plan to mobilize all sections of the embassy to support public diplomacy efforts.

*Question.* Kenya is one of the original focus countries of the President's Emergency Plan for AIDS Relief (PEPFAR), and HIV/AIDS funding makes up the largest portion of U.S. assistance to Kenya. In your testimony to the committee, you discussed the importance of partnering with the Government of Kenya on these issues. What aspects of such cooperation have been most successful and where do you see room for improvements?

Answer. The Kenya PEPFAR program, together with other USG health investments there, is one of the U.S. Government's largest health portfolios. The PEPFAR program in Kenya has been very successful since its inception in 2004 and, in many ways, serves as a model in terms of success in delivering services, efficient program implementation, and country ownership. In 2009, the Government of Kenya (GOK) and the U.S. Government signed the Partnership Framework. This 5-year joint strategic agenda was based on the GOK's National AIDS Strategic Plan, and is organized around its four core pillars: health sector HIV service delivery, mainstreaming of the HIV and AIDS response, community-based HIV programs, and governance and strategic information. In addition, the U.S. team in Kenya team has worked together with the GOK to reform the Country Coordinating Mechanism (CCM) of the Global Fund. The CCM in Kenya is now performing coordination and oversight of all donor funding in the health sector for improvements in bilateral cooperation—not just Global Fund. The committee is assuming accountability for overall health sector performance. This is a new model for Africa and promises to be a best practice.

Our joint efforts have delivered strong results. For example, in FY 2010, 410,300 individuals were receiving antiretroviral treatment thanks to PEPFAR support. In addition, 1,384,400 HIV-positive individuals received care and support (including TB/HIV) and 673,000 orphans and vulnerable children (OVC) received support services. On the other hand, HIV incidence has remained stable from 2001 to 2009, showing that Kenya continues to face challenges in preventing new HIV infections. The Kenya PEPFAR program has also been a leader among PEPFAR-supported countries in streamlining service delivery and supporting development of Kenyan Government disease surveillance and monitoring capacity. As a Global Health Initiative (GHI) Plus country, the U.S. team in Kenya, together with the GOK, has developed a strategy that exemplifies a whole-of-government approach thereby increasing impact through strategic coordination and integration.

Moving forward, if confirmed, I will work to strengthen national systems, including the health care workforce, and to build capacity and political will in Kenya for

sustainable, long-term Kenyan-led responses. If confirmed, I expect to be personally engaged in the effort to promote these objectives.

*Question.* In your work on Sudan, you sought to ensure that life-saving assistance reached people in Darfur, to support the international peace process, and to help North and South navigate their way to a lasting and sustainable peace. While there have been setbacks, the January 9 referendum was a great achievement for the people of Sudan and a testament to U.S. engagement. If confirmed, how will your experience in Sudan guide your work in helping Kenya to address its challenges, including implementation of the constitution, and free, fair, and safe elections in 2012?

Answer. There are some general principles that guided my work in Sudan which I believe will also help me effectively work with Kenya as it moves through this challenging and exciting time in its history. First, I believe that the United States needs to be actively engaged throughout the country, talking to all parties and helping to create an environment where they can forge home-grown solutions and lasting reconciliation. Second, these efforts in country need to be supported by sustained, high-level U.S. government attention and commitment to achieving those objectives. Third, we must work closely not only with Kenyans but with the international community, including multilateral organizations, regional states and other countries providing financial support to ensure a coordinated, coherent, and effective approach.

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RESPONSES OF MICHELLE GAVIN TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* Previous reports by the Office of the Inspector General described a number of problems within the Africa Bureau, including understaffed, sometimes poorly led posts and particularly notable failures in public diplomacy. If confirmed as Ambassador, how would you seek to address these issues? How has your previous experience prepared you for such a post and shaped your views regarding managing an embassy?

Answer. I have consulted extensively with the Africa Bureau and with the U.S. Embassy in Gaborone to understand the management challenges that I would face at Embassy Gaborone if confirmed as Ambassador. I have reviewed the 2009 Inspector General Report of the Africa Bureau that identified concerns over leadership and the need to engage proactively in broader public diplomacy. I have had discussions here in Washington about how to address these issues. If confirmed, I will ensure solid leadership and recognize that the success of Embassy Gaborone will be founded on a valued and productive mission team that incorporates a whole-of-government approach, which I will be honored to lead. I will ensure we have strong communication among our mission team and the Africa Bureau to deliver consistent messages and develop a vibrant public outreach strategy to share our U.S. policy goals. Embassy Gaborone is already working closely with government, the media, nongovernmental organizations and private citizens in Botswana to ensure that our close bilateral partnership continues and remains strong. I would continue ongoing Embassy efforts to reach out to key sectors of Batswana youth to expose them to U.S. culture, peers, and mentors; build close relationships with Botswana's media outlets and provide opportunities to the media for professional development and exposure to U.S. counterparts; ensure that rising stars in Botswana participate in academic and cultural exchanges to the United States; and I will strive to use social media tools to reach a broad segment of Batswana, especially youth, with information about U.S. policies and programs.

In my position as Special Advisor to the President for African Affairs, I gained considerable experience facilitating cooperation and coordination between different U.S. Government agencies at the national level. If confirmed, I look forward to translating these skills into managing interagency relationships at the country level. In my position as legislative director for then-Senator Salazar, I had the privilege of mentoring a staff that was enthusiastic and dedicated but almost entirely new to Capitol Hill. I look forward to taking on the role as guide and mentor to the hardworking and dedicated staff at the Embassy in Gaborone, particularly the entry-level officers.

*Question.* As you noted in your testimony to the committee, if confirmed you will serve as the United States representative to the Southern African Development Community (SADC). Given that regional integration and cooperation are essential to long-term stability, what are the benefits and challenges to Botswana stemming from its membership in SADC and the Southern African Customs Union (SACU)? How do you envision your role vis-a-vis SADC?

Answer. Botswana has the privilege of hosting the SADC Secretariat in Gaborone. Botswana also benefits from its proximity to the regional economic hub of South Africa and from shared customs revenues from SACU. Nevertheless, Botswana has often been a lone voice in SADC on the peace and security front, particularly regarding Zimbabwe, and SADC itself has had difficulty emerging as an organization that is greater than the sum of its parts. With regards to SACU, Botswana may see reduced customs revenue as a result of a South African proposal to change the current revenue-sharing formula.

If confirmed, I would work with Chiefs of Mission in other SADC countries on ways to help broaden the U.S.–SADC relationship so that Zimbabwe is only one of many issues we have to discuss. I hope to engage where appropriate to encourage greater regional integration that would promote U.S. trade as well as further economic diversification in Botswana. I also hope to encourage Botswana to continue their advocacy in the region on transparency and good governance in the mining sector and beyond.

# NOMINATIONS

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**WEDNESDAY, APRIL 6, 2011**

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

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David Bruce Shear, of New York, to be Ambassador to the Socialist Republic of Vietnam

Kurt Walter Tong, of Maryland, for the rank of Ambassador during his tenure as U.S. Senior Official for the Asia-Pacific Economic Cooperation (APEC) Forum

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The committee met, pursuant to notice, at 2:33 p.m., in room SD–419, Dirksen Office Building, Hon. Jim Webb, presiding.

Present: Senator Webb.

## OPENING STATEMENT OF HON. JIM WEBB, U.S. SENATOR FROM VIRGINIA

Senator WEBB. This hearing will come to order.

Today the subcommittee will consider the nominations of Mr. David Shear to be the U.S. Ambassador to the Socialist Republic of Vietnam and Mr. Kurt Tong to have the rank of Ambassador while serving as the U.S. Senior Official to the Asia-Pacific Economic Cooperation Forum (APEC).

I would like to begin this hearing, as chair of the Subcommittee on East Asia, by expressing my condolences to the people of Japan and commending them for their courage and tenacity in facing the recovery from the terrible earthquake and tsunami that occurred nearly 1 month ago. Japan is a key security ally, a diplomatic partner and a great friend of the United States. And as these events have tragically illustrated, the nations of East Asia and Southeast Asia remain of critical importance to our economic, strategic and diplomatic interests.

Following the earthquake and tsunami, the United States military and civilian agencies rapidly offered support to the Japanese Government to assist in the search and rescue of civilians. To date, the United States has delivered more than 200 tons of food, 2 million gallons of water, 16,000 gallons of fuel, and 186,000 tons of other relief commodities. Also, teams from the Department of Energy and the Nuclear Regulatory Commission continue to actively monitor and support the Government of Japan, as needed, and to mitigate the situation at the Fukushima Nuclear Power Plant.

Japan's economy and social system face enormous ramifications from this disaster, with the World Bank now estimating the cost of an economic recovery at more than $230 billion. Our assistance and attention to this issue obviously will be for the long term, given the close relationship that we have with Japan and the role that Japan plays in the regional and global economy.

It is vital that we remain engaged in this region, even as we balance diplomatic engagement in Asia with other global crises, particularly again in the Middle East. And for this reason, our relationship with Vietnam and our leadership in multilateral organizations such as APEC, will play a key role in promoting stability and prosperity in the region.

I have had the good fortune to have observed and participated in United States/Vietnam relations now for more than 40 years. In the past 16 years, since the normalization of our relationship, I have seen dramatic improvements in the relationship, especially in the past 6 or 7 years. Our military effort in Vietnam, during that war, was characterized by strongly held and differing views, both here and there. Views that were sincerely held by well-meaning people across the spectrum. These divisions, the terrible cost of the war and its bitter aftermath, have made reconciliation between our two countries a long and complicated process. The process of reconciliation has been even more challenging for the 2 million overseas Vietnamese in the United States, many of whom suffered greatly under the victorious communist regime and have had to build new lives and chart a new course to reconnect with their homeland.

In the years since normalization our governments have carefully, but demonstrably, come to communicate openly and positively. We have begun to cooperate on bilateral and regional challenges, including sovereignty disputes in the South China Sea and water security challenges along the Mekong River region.

Last year, in large part due to Vietnam's successful chairmanship of the Association of Southeast Asian Nations, ASEAN, we saw increasing momentum in our relationship. At the ASEAN regional forum, in July of last year, Secretary Clinton announced a new American policy on sovereignty disputes in the South China Sea, arguing that the resolution of these disputes and freedom of navigation in the South China Sea are American national interests. This new policy offers American Government assistance to facilitate a multilateral resolution in these disputes. I will say for the record that I have not only supported these initiatives, but also suggested them, including while chairing a subcommittee hearing on maritime territorial disputes in July 2009.

In addition to our regional cooperation, our trade relationship with Vietnam has grown, from $220 million in 1994 to more than $18 billion 2010. The United States was the leading source of foreign direct investment in Vietnam in 2009 and Vietnam is the second largest source of American clothing imports.

Building off its 2007 entry into the World Trade Organization, Vietnam is moving to implement the structural reforms needed to modernize and open its economy. Moreover, Vietnam has joined the Trans-Pacific Partnership trade negotiations for an agreement, that

if successfully implemented, will further open Vietnam's market and allow American trade with Vietnam to grow.

With these developments there remain challenges to our relationship. The United States continues to encourage Vietnam to protect individual freedoms, including religious freedom, freedom of the press, expression and labor rights. In this process it is also important for both countries to make efforts to bridge the deep divisions affecting both American and Vietnamese societies, some of which still languish from the war and from the treatment of those who fought alongside Americans in that war. We must continue to push forward with an inclusive dialogue that allows for meaningful reconciliation among all sides.

Just as our engagement with Southeast Asia has grown through ASEAN, our participation in APEC has illustrated the benefits of expanded American involvement in East Asia multilateral organizations. Our active participation in APEC supports our strategic and economic interests and it demonstrates that our commitment to this region's growth is permanent.

Furthermore, this year the United States will serve as host for the annual APEC meetings, including the leaders' meeting in November. This role will allow us to continue the discussion initiated by Japan last year on regional economic integration, development and human security. Regional economic integration with likeminded trade partners, such as Japan and Korea, will be an important step forward in our long-term economic recovery, especially as Japan recovers from the recent earthquake and tsunami. This integration is best implemented in a way that maximizes the advantages of our respective economies and also protects our workers from unfair competition. And this principle is even more important when considering the growing interdependence of our economy with many of the economies of East Asia.

The 21 member economies at APEC generate more than half of global trade. Five of our fifteen top trading partners are in East Asia and six of the top fifteen are members of APEC. This demonstrates that the United States is truly an Asia-Pacific nation and it is important to recognize that our economic and strategic future will be tied to this region. Therefore, I hope American participation in APEC can encourage an economic recovery for all members based on reduced barriers to trade, sustainable growth, and improved transparency. For our part, fulfilling commitments on free trade agreements, such as ratifying the United States-Korea free trade agreement and putting forward a comprehensive trade policy for the 21st century, can support these efforts.

I look forward to the testimony of our nominees. I welcome both of them. And before we hear their remarks, I would like to briefly introduce them and then invite them to recognize those who have come with them today to support their nomination.

And I would also state at this point that Senator Inhofe has an opening statement which will be included in the record at this point.

[The prepared statement of Senator Inhofe follows:]

PREPARED STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM OKLAHOMA

Thank you, Senator Webb, for chairing this full committee confirmation hearing today for Kurt Walter Tong and David Bruce Shear to be Ambassadors for the Asia-Pacific Economic Cooperation and the Socialist Republic of Vietnam, respectively.

Mr. Tong is currently the Economic Coordinator for the Bureau of East Asian and Pacific Affairs, organizing bureauwide efforts on economic policy issues. He is also U.S. Senior Official for APEC (Asia Pacific Economic Cooperation), managing all aspects of U.S. participation in the organization. Mr. Tong has spent 17 years working and studying in East Asia, including service at the U.S. Embassies in Manila, Tokyo, Beijing, and Seoul. Most recently, he served as Director for Korean Affairs at the Department of State from 2008 to 2009. Prior to that, he was Director for Asian Economic Affairs at the National Security Council from 2006 to 2008. He was a Visiting Scholar at the Tokyo University Faculty of Economics from 1995 to 1996. Prior to joining the Foreign Service, Mr. Tong was an Associate with the Boston Consulting Group in Tokyo.

I have met with Mr. Tong and am convinced that his long and distinguished diplomatic record has prepared him well to be the Ambassador to APEC.

APEC is the premier economic organization in the Asia-Pacific region. It was founded in 1989 for the purpose of promoting trade and investment liberalization in the Asia-Pacific as a means of fostering sustainable economic growth and prosperity in the region. APEC is one of a few international fora in which both China and Taiwan are members. And has made trade facilitation a major priority, something that I strongly support.

APEC has two distinct features among multilateral trade organizations. First, all the liberalization measures taken by its members are voluntary. Members announce their liberalization measures via "Individual Action Plans." Second, these liberalization measures are generally extended to all economies—not just APEC members—under the concept of "open regionalism." However, there have also been criticisms that the United States is not sufficiently emphasizing U.S. ties to Asia. In 2010, plans for a Presidential trip to Australia, Indonesia, and other countries were repeatedly postponed due to domestic events. In addition, while the United States was the first nation to announce it would appoint a full-time, resident ambassador to the Asian Association of Southeast Asian Nations (ASEAN), David Lee Cardin was not confirmed until March 3, 2011. The delay in appointing a U.S. Senior Official for APEC, especially when the United States is hosting the ongoing 2011 APEC meetings can be seen by some in Asia as another sign of insufficient prioritization of this important region.

The U.S. is hosting APEC in 2011 for the first time since 1993. The United States has chosen for its theme, "Creating a seamless economy in the Asia-Pacific region by strengthening regional integration and expanding trade, promoting a green economy, and better coordinating trade regulations." Mr. Tong commented on the significance of this before House Foreign Affairs Committee in 2009 by stating that, "Hosting APEC will be a tremendous opportunity for the United States to promote U.S. business and investment opportunities, which will benefit American workers, farmers, and businesses of all sizes. It will also be an important opportunity for the United States to define a new, 21st century economic policy agenda for the Asia-Pacific region." I agree.

I support the nomination of Mr. Tong, and I believe he will work with Congress, the business community, and his colleagues in the executive branch to utilize our hosting of APEC this year to the fullest as an opportunity to both restore confidence at home and promote new opportunities for our exporters overseas. If confirmed, Kurt Tong will work to advance U.S. interests through the Asia-Pacific Economic Cooperation (APEC) forum as we strive to create an economic system in the Asia-Pacific region that supports growth and job creation here at home.

Mr. Shear is also a career Foreign Service officer—joining in 1982—and is currently serving as Deputy Assistant Secretary for East Asian and Pacific Affairs. He has a distinguished overseas career serving in Sapporo, Beijing, Tokyo, and Kuala Lumpur. In Washington, he has served in the Offices of Japanese, Chinese, and Korean Affairs and as the Special Assistant to the Under Secretary for Political Affairs. He was Director of the Office of Chinese and Mongolian Affairs in 2008–09. With this distinguished background, I believe that Mr. David Shear will serve honorably and effectively as our Ambassador to the Socialist Republic of Vietnam.

Although U.S. relations with Vietnam have become increasingly cooperative in the years since political normalization, the freedom to practice religion and to express religious thought—an inalienable right to all individuals—is still not fully recognized in Vietnam. I feel that there is a dire need to focus on religious freedom in

Vietnam, and should you be confirmed Mr. Shear, I charge you with taking up this dire need.

In 2005, Vietnam passed comprehensive religious freedom legislation, outlawing forced renunciations and permitting the official recognition of new denominations. Since that time, the government has granted official national recognition or registration to a number of new religions and religious groups, including eight more Protestant denominations, and has registered hundreds of local congregations particularly in the central highlands. As a result, in November 2006, the Department of State lifted the designation of Vietnam as a "Country of Particular Concern," based on a determination that the country was no longer a serious violator of religious freedoms, as defined by the International Religious Freedom Act. This decision was reaffirmed by the Department of State in 2007, 2008, and 2009.

Nevertheless, I strongly feel there is room for further progress. The government's slow pace of church registration, particularly in the northwest highlands, and harassment of certain religious leaders for their political activism (especially Father Ly Tong), including leaders of the unrecognized United Buddhist Church of Vietnam and Hoa Hao faith were an ongoing source of U.S. concern. Violence against the Plum Village Buddhist order at the Bat Nha Pagoda in Lam Dong and Catholic parishioners in Con Dau parish outside of Danang and outside of Hanoi at Dong Chiem parish at the hands of the police and organized mobs is particularly troubling.

Thus, there must remain focus on increasing the Vietnamese Government's respect for human rights and religious freedom. There remains a deep concern about the imprisonment of dissidents, restrictions on the media and the Internet, and the harassment of religious groups. Vietnam will not realize its full potential without greater respect for human rights, and its troubling record in this area could limit the growth of our relationship. I believe that if Mr. Shear is confirmed, and I will support his nomination, he will make human rights and religious freedom a central part of his conversations with Vietnam's communist leaders.

Thank you again, Senator Webb, for chairing this full committee nomination hearing for ambassadorial posts in the East Asian and Pacific Affairs region.

Senator WEBB. First I would like to welcome David Shear, the nominee to be the Ambassador to Vietnam. He currently serves as the Deputy Assistant Secretary for East Asian and Pacific Affairs at the State Department. Previously he was Director of the Office of Chinese and Mongolian Affairs. His overseas assignments include Sapporo, Beijing, Tokyo, and Kuala Lumpur and he has served several assignments here in Washington.

Deputy Assistant Secretary Shear speaks Chinese, Japanese, and is practicing Vietnamese. He just tried some on me when I said hello. And has a first degree rank in Kendo Japanese fencing.

Kurt Tong, who is the nominee for the rank of Ambassador while serving as the U.S. senior official to the APEC Forum, is with us also. Prior to this assignment, Mr. Tong was the Director for Korean Affairs in the Bureau of East Asia and Pacific Affairs. He led the White House National Security Council's Asian Economic Affairs Bureau from 2006 to 2008. In his 17 years of work and study in Asia, Mr. Tong has completed assignments in Manila, Tokyo, Beijing and Seoul and was a visiting scholar at the Tokyo University Faculty of Economics. He speaks Japanese, Mandarin Chinese, Korean and Tagalog.

And again, I welcome both of you here today. I will look forward to your testimony.

And Mr. Shear, why don't you begin and please feel free to recognize anyone who has come to support you in the hearing today.

**STATEMENT OF DAVID BRUCE SHEAR, NEW YORK, TO BE AMBASSADOR TO THE SOCIALIST REPUBLIC OF VIETNAM**

Mr. SHEAR. Thank you, Mr. Chairman. Before I introduce my family members I would like to make sure that everybody understands that a first degree rank in Kendo is the lowest rank——

[Laughter.]

Mr. SHEAR [continuing]. Not the highest rank. It took a few years to get to——

Senator WEBB. You still swing a bad stick, I am sure.

Mr. SHEAR. Sir, I have a large family cheering section here and I will—I would like to introduce my wife, Barbara, and my daughter, Jennifer, and my sister, Laurel. And I have a whole crowd of nieces and nephews here today, too, as well as our family friend, Dr. Barry Manning.

Senator WEBB. Well, we welcome all of you to the hearing today.

Mr. SHEAR. Thank you, Mr. Chairman.

I am honored to appear before you as the President's nominee to serve as Ambassador to the Socialist Republic of Vietnam. I am deeply grateful for the confidence that President Obama and Secretary Clinton have shown in me. And if confirmed, I look forward to working closely with Congress to advance U.S. interests in Vietnam.

Thirty-five years ago our two countries ended a war that left an indelible mark on both of our peoples. For Americans of my generation, the experience of that war represents an important juncture in our history. Yet today, just 16 years after restoring diplomatic relations, we are already seeing the benefits of the commitment, on both sides, to move beyond our difficult past and forge a constructive relationship.

As Secretary Clinton said in Hanoi last year, our two countries have reached a level of cooperation that would have been unimaginable just a few years ago. That is why, in her conversations with Vietnam's senior leaders in Hanoi last year, she proposed that we consider establishing a strategic partnership with Vietnam. This is the logical next step for a relationship that has moved toward increased cooperation and dialogue.

The range of senior level engagement last year was quite extraordinary. If confirmed, I will continue to deepen our engagement in areas such as regional security, nonproliferation, law enforcement, health and climate change.

I am also committed to increasing educational and other people-to-people exchanges. These people-to-people connections enrich us and strengthen the bonds between our two societies.

Trade, of course, will remain a lynchpin of our relationship. Our two-way trade continues to grow, from $15.7 billion in 2009 to $18.5 billion last year. If confirmed, I will do everything I can to increase U.S. exports to Vietnam through the President's National Export Initiative. I also look forward to continued negotiations what the Vietnamese to advance the Trans-Pacific Partnership.

Improved military-to-military ties will also contribute to stronger bilateral relations. Currently we already cooperate in such areas as maritime security, search and rescue, humanitarian assistance and disaster relief and peacekeeping operations. We have also estab-

lished a successful record of ship visits including an historic port call to Da Nang by the USS *John S. McCain* last year.

As we develop a strategy partnership with Vietnam, we must remain focused on increasing the Vietnamese Government's respect for human rights and religious freedom. We remain concerned about the imprisonment of dissidents, restrictions on the media and the Internet and the harassment of religious groups. Vietnam will not realize its full potential without greater respect for human rights, and its troubling record in this area could limit the growth of our relationship. If confirmed, I will make human rights and religious freedom a central part of my conversations with Vietnam's leaders and with the Vietnamese people.

Mr. Chairman, while major strides have been made in our relationship, 16 years is still too short to have completely overcome the painful legacy of our past. If confirmed, I will continue to strengthen our cooperation with Vietnam on the solemn task of accounting for Americans missing from the war. I will work hard to maintain our assistance with efforts to remove unexploded ordnance. And by January 2012 I expect that we will have broken ground on a major effort to remediate dioxin residue from the soil at Da Nang Airport, one of several hotspots where the defoliant, Agent Orange, was stored during the war. We also continue to provide assistance to Vietnam's disabled citizens, without regard to cause.

Sir, I have spent my career in the Asia-Pacific region and I am personally committed to using all of the knowledge and skills I have gained over the past 29 years to pursue the American peoples' interests in Vietnam. If confirmed, I will do my utmost to ensure that our relationship with Vietnam is among the strongest in the East Asia region.

There is much work to be done and I look forward to earning your confidence. Thank you for your consideration of my nomination and I welcome your questions.

[The prepared statement of Mr. Shear follows:]

PREPARED STATEMENT OF DAVID BRUCE SHEAR

Mr. Chairman and members of the committee, I am honored to appear before you as the President's nominee to serve as Ambassador to the Socialist Republic of Vietnam. I am deeply grateful for the confidence that President Obama and Secretary Clinton have shown in me and, if confirmed, I look forward to working closely with Congress to advance U.S. interests in Vietnam.

Thirty-five years ago our two countries ended a war that left an indelible mark on both of our peoples. For Americans of my generation, the experience of that war represents an important juncture in our history. Yet today, just 15 years after restoring diplomatic relations, we are already seeing the benefits of a commitment on both sides to move beyond our difficult past and forge a constructive relationship.

As Secretary Clinton said in Hanoi last year, our two countries have reached a level of cooperation that would have been unimaginable just a few years ago. That is why in her conversations with Vietnam's senior leaders in Hanoi last July, and again in October, she proposed that we consider establishing a strategic partnership with Vietnam. This is the logical next step for a relationship that has moved consistently toward increased cooperation and dialogue.

The range of U.S. senior-level engagement last year was extraordinary. If confirmed, I will continue to deepen our engagement in areas such as regional security, nonproliferation, law enforcement, health, climate change, and science and technology. I am also committed to increasing educational and other people-to-people exchanges. These connections enrich us and strengthen the bonds between our two societies.

Trade will remain a linchpin of our relationship with Vietnam. Our two-way trade continues to grow—from $15.7 billion in 2009 to $18.5 billion last year. If confirmed,

I will do everything I can to increase U.S. exports to Vietnam through the President's National Export Initiative; in addition to continuing negotiations with the Vietnamese to advance the Trans-Pacific Partnership.

Improved military-to-military ties will also contribute to stronger bilateral relations. Currently, there is already cooperation on maritime security, search and rescue, humanitarian assistance and disaster relief, peacekeeping operations, defense academy exchanges, and military medicine. There is also a successful record of ship visits, including a historic port call to Danang by the USS *John S. McCain* last year.

Additionally, I hope that we will continue to provide funding to strengthen Vietnam's health systems and to help the country build the capacity it needs to address the scourge of HIV/AIDS and emerging pandemic threats.

As we develop a strategic partnership with Vietnam, we must remain focused on increasing the Vietnamese Government's respect for human rights and religious freedom. There remains a deep concern about the imprisonment of dissidents, restrictions on the media and the Internet, and the harassment of religious groups. Vietnam will not realize its full potential without greater respect for human rights, and its troubling record in this area could limit the growth of our relationship. If confirmed, I will make human rights and religious freedom a central part of my conversations with Vietnam's leaders and with the Vietnamese people.

While major strides have been made in our relationship, 15 years is still too short to have completely overcome the painful legacy of our past. If confirmed, I will continue to strengthen our cooperation with Vietnam on the solemn task of accounting for Americans missing from the war. I will work hard to maintain our assistance with demining and efforts to remove unexploded ordnance. By January 2012, we will have broken ground on a major effort to remediate dioxin residue from the soil at Danang Airport, one of several "hotspots" where the defoliant Agent Orange was stored during the war. We also continue to provide assistance for Vietnam's disabled citizens, without regard to cause.

I have spent my career in the Asia-Pacific region, and I am personally committed to using all of the knowledge and skills I have gained over the past 29 years to pursue the American people's interests in Vietnam. If confirmed, I will do my utmost to ensure that our relationship with Vietnam is among the most successful in the East Asian region. There is much work to be done, and I look forward to earning your confidence.

Thank you for your consideration of my nomination. I welcome your questions.

Senator WEBB. Thank you very much.

Mr. Tong, welcome and if there are people you would like to introduce, please feel free to do so.

**STATEMENT OF KURT WALTER TONG, MARYLAND, FOR THE RANK OF AMBASSADOR DURING HIS TENURE AS U.S. SENIOR OFFICIAL FOR THE ASIA-PACIFIC ECONOMIC COOPERATION (APEC) FORUM**

Mr. TONG. Yes. Thank you, Mr. Chairman.

I would like to introduce my wonderful wife, Mika, and daughter, Reia. I have another daughter, Mia, and a son, Kyle. They were not able to make it today. They are equally wonderful children as well.

Senator WEBB. Let the record show, you love all your children equally. [Laughter.]

Welcome to those of you who are here. And I know it's a great day for you.

Mr. TONG. Thank you. Thank you very much.

I've also submitted a written record—written statement for the record.

Senator WEBB. Yes. Both of your full statements will be entered into the record of this hearing.

Mr. TONG. So thank you, Mr. Chairman.

I am truly honored to appear before you today to seek Senate confirmation as the U.S. Senior Official for APEC with the rank of Ambassador. Mr. Chairman, if confirmed, I look forward to working

very closely with you and with other Members of Congress to leverage the considerable potential of APEC to build an economic system in the Asia-Pacific region that supports growth and job creation here at home.

As you know, APEC is the premier economic organization in the Asia-Pacific region and a key venue for engaging the most economically dynamic region of the world. APEC's 21 members, stretching from Chile to China, account for more than half of the global economy. They purchase 58 percent of our goods exports and comprise a market of $2.7 billion consumers. Through APEC the United States aims to tackle a wide range of issues critical to long-term prosperity around the Pacific rim.

Most important, the United States uses APEC to open markets in the Asia-Pacific region, and to connect those markets to American exporters. Our focus includes eliminating barriers to trade and investment and creating better environments for our citizens to do business overseas. APEC initiatives lay the foundation for high standard, comprehensive trade agreements such as the Trans-Pacific Partnership now being negotiated, that can help deepen America's economic ties to the region and build a more level economic playing field for Americans to compete successfully.

At the same time, the United States and the other APEC members recognize that rapid growth is not the sole objective. We must also achieve high quality growth to provide widespread benefits to society. APEC has undertaken useful initiatives to help promote growth that is balanced between and within economies, includes all segments of society, and is sustainable in the environmental sense.

In 2011, as you noted, the United States is hosting APEC for the first time since 1993. This is a tremendous opportunity for the United States to exhibit leadership by forging a 21st century economic agenda for the Asia-Pacific and by building an enduring economic architecture for the region that is open, free, transparent and fair.

Mr. Chairman, much is at stake. As President Obama has stated, if we can increase our exports to APEC countries by just 5 percent we can increase the number of U.S. jobs by hundreds of thousands. In 2010, a recovery year, U.S. exports to APEC actually expanded by 25 percent. American products, innovation and know-how are competitive and in high demand in Asia.

APEC 2011 is a critical chance to showcase our strengths. If confirmed as U.S. Senior Official for APEC with the rank of Ambassador, I pledge to work tirelessly with Congress, the business community and my colleagues in the executive branch to leverage APEC to both restore confidence at home and to promote new opportunities for our exporters overseas. If confirmed, I pledge to put all of my experience and energy to work to advance our overall economic interests in the Asia-Pacific region.

During my 21 years as a career Foreign Service officer, as you noted, I have handled trade, finance, and development issues at our Embassies in Manila, Tokyo, Beijing, and Seoul and have also served at the Department of State and in the National Security Council.

Mr. Chairman, it would be a great privilege to serve my country as the U.S. Senior Official for APEC with a rank of Ambassador.

The Asia-Pacific regions represents the future of the global economy, but the exact contours of that future have yet to be fully defined. APEC plays a key role in shaping the region and I stand ready to help seize this opportunity to promote growth and job-creating opportunities in the Asia-Pacific for American businesses and citizens.

And finally before closing, Mr. Chairman, I would like to take note of the condolences which you offered to Japan and share those condolences and also pledge that we will look for ways to utilize our hosting of APEC in 2011 to consider ways that that organization can be of assistance, both to Japan and to future sufferers of similar tragedies.

Thank you for considering my nomination and I look forward to your questions.

[The prepared statement of Mr. Tong follows:]

PREPARED STATEMENT OF KURT WALTER TONG

Mr. Chairman, and members of the committee, I am honored to appear before you today as the President's nominee to serve as the U.S. Senior Official for APEC with the rank of Ambassador. I appreciate the confidence that President Obama and Secretary Clinton have shown in me and, if confirmed, I look forward to working with you to advance U.S. interests through the Asia-Pacific Economic Cooperation (APEC) forum as we strive to create an economic system in the Asia-Pacific region that supports growth and job creation here at home.

APEC is the premier economic organization in the Asia-Pacific region and a key venue for engaging the most economically dynamic region of the world. APEC's 21 members, stretching from Chile to China, account for more than half of the global economy. They purchase 58 percent of our goods exports, and comprise a market of $2.7 billion potential consumers.

Through APEC, the United States works to tackle a wide range of issues critical-to long-term prosperity around the Pacific Rim.

For example, the United States works within APEC to open markets in the Asia-Pacific region and connect them to American exporters. Their focus includes eliminating barriers to trade and investment and creating better environments for our citizens to do business overseas. APEC initiatives also lay the foundation for high-standard, comprehensive trade agreements—including the Trans-Pacific Partnership—that can deepen America's economic ties to the region and build a more level economic playing field that will help Americans to compete successfully.

At the same time, the United States and the other APEC members recognize that attaining high rates of growth is not enough to ensure meaningful prosperity. We must also achieve high quality growth that provides widespread benefits to society. This is why efforts have been made to work within APEC to promote growth that is balanced between and within economies, sustainable environmentally, fosters innovation, and empowers all citizens with the skills and opportunities to prosper in the global economy.

In 2011, the United States is hosting APEC for the first time since 1993. In early March, we successfully held the first APEC Senior Officials Meeting of the year here in Washington. Hosting APEC this year presents a tremendous opportunity for the United States to exhibit leadership by forging a 21st century economic agenda for the Asia-Pacific, and by building an enduring economic architecture for the region that is open, free, transparent, and fair.

Much is at stake. As President Obama has stated, "if we can increase our exports to APEC countries by just 5 percent, we can increase the number of U.S. jobs supported by exports by hundreds of thousands." American products, innovation, and know-how are competitive and in high demand in Asia. APEC 2011 is a critical chance to showcase our strengths. If confirmed, I will work with Congress, the business community, and my colleagues in the executive branch to utilize our hosting of APEC this year to the fullest as an opportunity to both restore confidence at home and promote new opportunities for our exporters overseas.

If confirmed, I will put my experience and energy to work to advance our overall economic interests in the Asia-Pacific region. During my 21 years as a career Foreign Service officer, I have handled trade, finance, and development issues at our Embassies in Manila, Tokyo, Beijing, and Seoul. I have also served as Director for

Korean Affairs at the State Department and Director for Asian Economic Affairs at the National Security Council.

Mr. Chairman, it would be a great privilege to serve my country as the U.S. Senior Official for APEC with the rank of Ambassador. The Asia-Pacific region represents the future of the global economy, but the exact contours of that future have yet to be fully defined. APEC plays a key role in shaping the region, and I am ready to help the United States work through the organization to promote growth and job-creating opportunities in the Asia-Pacific for American businesses and citizens.

Thank you for considering my nomination. I look forward to your questions.

Senator WEBB. Thank you very much and again both of your full statements will be entered into the record.

And what I would like to do, and I will have some specific questions obviously, but there are a couple of areas that I may ask both of you to comment on that I think overlap in where your interests are and your future responsibilities will be.

First, Mr. Shear, you have had a distinguished career in Asia, but this will be your first posting to Vietnam. Would you like to tell us how you prepared for this position?

Mr. SHEAR. Well, Mr. Chairman I started to prepare by taking Vietnamese language training. And I have got about a month under my belt and I've got 4 months to go.

Senator WEBB. [Speaking in Vietnamese] [Laughter.]

OK. You don't need to try on that.

Mr. SHEAR. Thank you very much for that lesson. I started by studying Vietnamese with my wife. She will be working with me in Hanoi and we both hope to interact very intensively not only with the Vietnamese Government but with the Vietnamese people. And I hope that what little Vietnamese language I can cram in before that time helps me do that.

Second, I have done a fair amount of reading, both on attitudes toward our history as well as on the international relations of Vietnam and the region since learning of my nomination.

And third, I think my experience in the region, both in Northeast Asia and Southeast Asia as well as with China, will suit me well for conducting the kind of intensive diplomacy we need to conduct both with Vietnam and in the region to continue pursuing our interests there.

Senator WEBB. To what extent have you reached out to the Vietnamese community here in the United States?

Mr. SHEAR. Sir, I have not yet begun to reach out to the Vietnamese community, because I have not been confirmed. But as soon as I am confirmed I hope to start doing that. I will——

Senator WEBB. Well, I hope you will.

Mr. SHEAR [continuing]. The Vietnamese community in the United States it plays an important role in this relationship. Their support for us during the war was important during that time and I recognize that importance. And it is my intention to stay very closely connected with the Vietnamese American community here.

Senator WEBB. I don't even think you need to be confirmed, quite frankly, to do that. But I hope you will take that opportunity before you post.

As you know, this is probably one of the most complex relationships in American foreign policy because, I like to say, there are four different components that have had to come together in the aftermath of the war: those who fought the war here and those who

opposed it; and those who were with us over there and those who opposed us. I have spent a great deal of my adult life, as you know, trying to build bridges so that we could move it forward. And the biggest hurdle, really, is the people who were with us, inside Vietnam, who remain inside Vietnam and also the involvement of the Vietnamese community here, in terms of the policies that we implement.

In that respect, the issue inside Vietnam, when it comes to human rights, is supplemented by the issue of how people who were with us and their families are able to be embraced inside Vietnam itself.

Would you comment on that?

Mr. SHEAR. Well, I think that first of all, with regard to the Vietnamese community here and the four elements you mentioned, I agree with you completely. And I would like to stay in touch with you as I stay in touch with the Vietnamese community as well here, both before I leave for Hanoi and after I have gotten out there.

Certainly continued contacts between the Vietnamese diaspora and their home country will be important, I think, for the develop—social—both the social and the economic development of Vietnam and I look forward to encouraging those contacts as—if confirmed as Ambassador.

Senator WEBB. Another question with respect to religious and other freedoms inside Vietnam today. I would say, first of all, we would be remiss if we did not recognize that there has been dramatic improvement in this area over the years. The first time I returned to Vietnam after the war was almost 20 years ago today. I was in Hanoi on Easter. I went to Easter Mass at the Cathedral in Hanoi and there were maybe 10 people in there and they were older people. I went to Christmas Mass in 2008 in that same chapel and there were probably 2,000 people in there. So credit needs to be given where it is deserved.

And, at the same time there are issues that have come up over the past several months with respect to religious freedom and others areas and I wonder if you have any comment on that.

Mr. SHEAR. Mr. Chairman, we agree with you that there have been improvements in religious freedom in Vietnam and the government's treatment of this issue. And that is why we removed Vietnam from the countries of concern list in 2006.

This does not mean that we no longer have concerns about religious freedom in Vietnam, in fact we watch the issue very closely. We recognize that there continue to be improvements in religious practice in Vietnam, more religious organizations are being registered by the government and thereby made legal, more kinds of religious gatherings are being allowed to take place, more priests are being ordained. And with regard to Catholicism, the relationship between Hanoi and the Vatican has improved considerably over the past year or so.

So we recognize that improvements have taken place, while at the same time, watching for setbacks very closely. And we are particularly concerned about the treatment of religious practices by the government in the Central Highlands, among the Montagnards, for example. This remains an issue in which frictions continue to

be generated. We are also watching land disputes involving several church groups, particularly in Northern Vietnam. So while we recognize that improvements have taken place, we also believe that much more can be done and I hope to work with the Vietnamese Government and people to improve the basis for religious freedom.

Senator WEBB. Thank you. This week a Vietnamese legal scholar, Co Huy Ha Vu, who is a member of a prominent Communist family that was revolutionary antecedents—was convicted of propaganda against the State, sentenced to 7 years in prison, and 3 years house arrest. Are you familiar with this case?

Mr. SHEAR. I am, sir.

Senator WEBB. What is the administration's position?

Mr. SHEAR. The State Department issued a public statement the day after we heard that Dr. Vu had been sentenced. We stated in that release that we were deeply concerned by the sentencing and we called for the release of Dr. Vu.

We've also noticed that two human—other activists, Pham Hong Sun and Le Quoc Quan had been detained since the sentencing of Dr. Vu and we are watching that situation very closely as well.

Senator WEBB. I personally have had strong concerns over many years about territorial claims in the South China Sea by the Chinese. Their activities have increased over the past several years, and particularly over the last year. And, part of these relate to claims by the Vietnamese Government that are in dispute. When Secretary Clinton was in Vietnam last year she raised these issues and announced that the administration was interested in pursuing a strategic partnership with Vietnam with respect to those issues. Would you have a comment on what that partnership would entail?

Mr. SHEAR. The strategic partnership has yet to defined. And I expect that one of my main tasks as Ambassador, if I am confirmed, will be to define and implement that strategic partnership.

I think it will basically consist of four parts:

First, we hope to intensify and deepen our exchanges at the senior-most levels of government. Last year marked a good start to that with two visits, for example, by Secretary Clinton to Hanoi in July and October. We hope to continue that trend.

A second aspect of a strategic partnership would be enhanced diplomatic cooperation with Vietnam in regional diplomacy. And again, we've already seen a good example of how that might work in the way in which we coordinated with the Vietnamese in the runup to the ASEAN regional forum last July. We think that the Secretary's statement on the South China Sea was very effective and since she made that statement the Chinese and the ASEAN claimants to the South China Sea have conducted, I believe, two or three meetings at the working level to discuss how to move forward, now to manage their conflicting claims and perhaps how to conclude a code of conduct for claimants in the South China Sea. So we consider the Secretary's intervention on this subject at the ARF last July to have been successful.

A third area in which we will pursue a strategic partnership will be in improving military-to-military ties. As I mentioned in my statement, we are already implementing a fairly broad range of activities at the military-to-military level. We hope to further broaden those activities and deepen them as well.

And fourth, the economic relationship, of course, will be key. The good news about the economic relationship is that we did almost $4 billion in export business with Vietnam last year. The bad news we have an $11 billion trade deficit and I hope that that trade deficit will narrow during my tenure, if I am confirmed. And I will do whatever I can to increase American exports and help create more American jobs back here.

So those, I think, are four essential components to a strategic partnership. Of course, as we move forward in those areas we would also like to see progress on the human rights piece as well.

Senator WEBB. Thank you. There is another issue with respect to sovereignty, if not directly then certainly indirectly, and that relates to Mekong River and other riparian water areas. And actually, I would like to get an answer or an observation from both of you.

I will start with you, Mr. Tong, on this. I have been among those here who are very concerned about what is happening in the Mekong River Delta. Also, in terms of Vietnam, if you have been following what has been happening with the Red River in North Vietnam, and north of Hanoi with the impact of hydroelectric damming of these waterways and other environmental concerns, but particularly the impact of the hydroelectric dams and the plans to do more of them. China, and in particular Laos, which has recently indicated it wants to become the battery of Asia with hydroelectric dams on the Mekong River.

My understanding is China is one of the few countries in the world that does not recognize downstream water rights of other countries, that is riparian water rights. And Laos apparently is intent on moving forward with some of these larger dam projects without respect to what is happening downstream. I was in the Mekong River area in Vietnam last July, where I was briefed about what is happening with the increased salinity moving up as the water levels have gone down. Some people say this is simply climate change or industrial pollution. Certainly there may be elements of that, but I would say that the real challenge in the region is for a multilateral approach toward trying to resolve these issues. There is not one country in the region that has the diplomatic power in and of itself to stand up and start talking with the Chinese about the impact of what is going on.

I introduced, or developed, a piece of legislation that would require environmental standards to be met before moneys from organizations like the ADB would go into the construction of these dam projects.

Mr. Tong, because APEC strongly supports sustainable, green growth model, and you mentioned in your own testimony about the environmental considerations that were on the table with APEC, is this a matter that could be raised in an energetic way in an APEC environment?

Mr. TONG. Thank you, Mr. Chairman, for an opportunity to comment on this problem that is very important to the Lower Mekong Region, and as you noted, the Red River, which runs from China into Vietnam.

Exactly as you pointed out, although advocates of hydroelectric dams point to the benefits from electricity as well as flood control,

these dams can have a major and negative impact on downstream residents, in terms of issues like salinity, as you pointed out, and also fisheries. There is a natural rhythm to the flood cycle that replenishes the soil for agriculture. And so these are very legitimate concerns that residents downstream have regarding the resources that come from upstream.

APEC, I think, would be a good venue to raise this question and consider it, and if confirmed I will certainly look into doing so. I would also like to point out the Lower Mekong Initiative that the State Department has initiated to work with the countries of the Lower Mekong on development issues and try to foster a sense of shared mission with regard to that river basin. It seems to be having a useful impact on that dialogue and hopefully using that we can then work with China to foster a greater dialogue in that region. Certainly it is the view of the United States that that kind of upstream/downstream communication needs to be enhanced and improved.

Senator WEBB. Thank you.

Mr. Shear, any comment on that?

Mr. SHEAR. Senator, you are absolutely right about the strategic importance of these rivers and many of these rivers that rise in China, including the Red River and the Mekong River. A variety of rivers that flow through Southeast Asia and South Asia all rise in China. All of the downstream countries have expressed concern about possible Chinese damming on the upstream portions of these rivers and while the Chinese have disclosed—recently started disclosing more information, for example, about conditions of river flow on the Mekong to Lower Mekong countries, certainly we believe that more Chinese transparency in this regard is called for. And we would like to see the Chinese interact more intensively with those Mekong River Commission, for example, as the Mekong River Commission considers future mainstream dams on the Lower Mekong.

The Lower Mekong Initiative is a primary way in which we have been interacting with the countries of the Lower Mekong, including Laos, Thailand, Cambodia, and Vietnam. The Vietnamese are particularly concerned about the proposed construction of a dam in Xayaburi in Laos, south of Luang Prabang. The Mekong River Commission I expect will meet to determine whether or not to move forward on this dam project later this month.

For our part, Secretary Clinton announced at the Mekong River summit in October in Hanoi, that we supported a pause in dam construction that would allow Mekong River countries to better assess the environmental and economic impacts that damming the Lower Mekong will have. We are very sympathetic in this regard to Vietnamese concerns, and we will be watching, very closely, in the run up to the next Mekong River Commission meeting how this decision plays out.

Senator WEBB. Thank you.

I visited the Mekong River Commission headquarters in Laos nearly 2 years ago. First of all, I would point out that the Vietnamese representatives there were very bright and focused on this and quite impressive.

But what I did not hear there, and what I wasn't hearing last year when I was visiting the Mekong areas and having discussions inside Vietnam, was anybody taking a deep breath and saying this is going to have to be a riparian water rights issue. This is, indirectly, a sovereignty issue. Water, that is the availability of water in that region, can become a national security issue too if one country or another decides they can shut water off. Seventy million people are in that Lower Mekong area, the Red River, from what I am reading, is at the lowest level it has been in decades, at least decades and only through a rational, but multinational approach, are we going to be able to get our arms around this.

Mr. Tong, I would like your thoughts on the situation in Japan in terms of the devastation and the clear slowdown impacting other countries as a result. There was a figure that I saw the other day of about 40 percent slowdown in terms of automobile manufacturing or portions of the automobile industry that will trickle out in terms of the impact on other countries.

What are your thoughts about that, and is there any role that APEC could play in assisting this recovery?

Mr. TONG. Thank you, Mr. Chairman.

I think that the impact of this natural disaster on the Japanese economy and how that impacts other economies plays out in several ways. One is through financial markets, and fortunately to date we have not seen that much impact through that channel. One is through trade: Japan's role both as a buyer of goods from other nations and an exporter in gross terms of its products. And again, in that area there has been, thus far, limited impact.

This was an enormous natural disaster affecting hundreds of thousands of people, however the Japanese economy is very large and very resilient and has a strong capacity to, in a macroeconomic sense—in the broadest sense of that term—bounce back very quickly.

The issue of most concern perhaps at this point is with regard to specific products where particular Japanese factories produce important inputs into other processes around the world, including the United States. And the various elements of the U.S. Government, not necessarily the State Department, but a number of them have been watching this and with an eye toward seeing if there are issues of concern. I would say at this point that the jury is still out on that question. It may be that there will be, but it may be that these will be only short-term concerns. And so I think we need to keep an eye on it.

The March 11 tragedy happened the day before the last Senior Officials' Meeting here in Washington. And the Senior Officials took some special time to consider what we can do as an organization, as a collection of economies, to address this kind of situation. Two things happened, really. There was a renewed sense of shared mission which is useful and important, and then some discussion about whether, through the APEC Emergency Preparedness Working Group, we can implement some projects that help private sector businesses, in particular small or medium enterprises, prepare for these kind of disasters so that they can recover more quickly in a financial sense or in a production sense.

And we hope to, and if confirmed, I hope to continue this work and accelerate it. And I believe we have the support of the other APEC economies in this regard as well. We did ask that one project which had not received APEC funding, be renewed, and Senior Officials agreed to do that on an accelerated basis as a result of the events in Japan.

Senator WEBB. Thank you.

I'm interested in your thoughts with respect to the Trans-Pacific Partnership as a concept and how it is evolving and whether and how developed economies can also proceed in this arrangement with developing economies given the standards and those sorts of things. What do you think about that?

Mr. TONG. Thank you, sir. The Trans-Pacific Partnership really is an enormously important initiative for the United States in several respects. And I would refer you to the speech that Secretary Clinton gave on this matter on March 9. This agreement, if we are able to conclude it, has some very unique characteristics which would set up the region very well for a much faster pace of economic integration going forward. And you have pointed to one very important aspect of that, which is the fact that TPP includes both developed and developing countries.

So if we can, through that negotiation, come up with ways that developing countries find it within their means and their interests to sign up to some very tough disciplines as envisioned for this agreement, and see that the kind of rapid economic change that this sort of agreement will foster is in their interest, then we will have made some good progress toward really bringing a very diverse economic region together under this idea of a platform for economic activity which is free and open and transparent and fair.

You know, with my colleague headed to Hanoi here I think we should make special mention of the fact that Vietnam, which has the lowest per capita income of all the TPP partners, has made a very, if you will, courageous decision to pursue a negotiation on terms which are quite challenging.

Senator WEBB. That actually was my next question, with respect to Vietnam and the hurdles that it faces in order to participate in TPP.

Mr. SHEAR. I'll ask my colleague to chime in in the areas in which he is much stronger than I am. But, I think the TPP and Vietnamese participation in TPP offers the United States an opportunity to further increase our exports and to broadly strengthen our economic relationship with Vietnam and to further bring Vietnam into the international economic community.

In the process, in the course of our negotiations on TPP we of course will also be looking at Vietnamese labor and environmental practices and we hope that as a result of concluding the TPP that those practices in Vietnam will improve.

Mr. TONG. Well, I certainly share those sentiments and would just emphasize again that I do believe that it is a challenging negotiation—we are, collectively, the nine countries of TPP negotiation, setting the bar quite high. That is an intentional strategy which they have all bought into of establishing a state-of-the-art agreement which other economies in the future can join. We will find out this year really, whether this is an achievable objective, but it is

certainly, I believe, a very strategically intelligent objective on the part of all nine countries.

Senator WEBB. Thank you. I would like to thank both of you for your willingness to serve and wish you both the best in your positions, should you be confirmed and I think you will be confirmed.

Let me close with just a few thoughts. I have been very, very concerned for a number of years, and particularly over the last 10 or 11 years, that the United States has been ignoring this part of the world, as our attention has been so distracted with what happened after 9/11. This was something I was writing about and speaking about before 9/11, but it certainly is true today. The future of this country is so inextricably intertwined with this region, as both of you know, and as I think everyone in this room appreciates. There is no more vital place for the future of the United States than in East and Southeast Asia.

And I have done everything I can since I have been in the Senate, to reinvigorate—do my part in reinvigorating our relationships with this part of the world. I hesitate to say the second tier countries, but the countries that are not China, which I think have fallen off the radar screen here in the Congress.

I was very proud to have served as a Marine in Vietnam. I believed then that Vietnam was one of the most important countries in terms of our relationships in this part of the world, and I continue to believe it today. Vietnam is 86 million people, a country larger in population than Germany.

It has an enormous future and in terms of our own strategic interests I think we need to do everything we can, under the rubric of fairness and being loyal to the people who were with us when times were different, to strengthen this relationship and others on the mainland of Southeast Asia for the stability of the region and for the good of our own country.

And that has been our focus here on this committee. And both of you, I think, will play a vital role in doing this. And I look forward to working with you in the future.

This hearing is adjourned.

[Whereupon, at 3:25 p.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF DAVID BRUCE SHEAR TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

#### SECURITY

*Question.* Responding to concerns expressed by the United States, Vietnam, and many other Southeast Asian countries, China recently entered into multilateral negotiations with other claimants to reach a code of conduct for managing territorial disputes in the South China Sea. How do the United States and Vietnam plan to coordinate to achieve a successful conclusion to these negotiations?

Answer. Secretary Clinton's statement on the South China Sea at last year's ASEAN Regional Forum (ARF) Ministerial Retreat in Hanoi was very effective in generating action on the South China Sea. Since the Secretary's remarks, ASEAN member countries and China have conducted several working-level meetings to discuss how to move forward on implementing guidelines for the 2002 Declaration on the Conduct of Parties in the South China Sea. The United States encourages the parties to reach agreement on a full code of conduct. The United States is prepared to facilitate initiatives and confidence-building measures consistent with the Declaration.

The United States will continue to discuss South China Sea issues, and broader maritime security, with Vietnam, as well as the other members of ASEAN and China. We will discuss how the United States can be helpful in advancing our shared interests and promoting peace and stability in the South China Sea.

Secretary Clinton made it clear in her ARF remarks that the United States has enduring national interests in the South China Sea, including continued peace and stability and respect for international law, including freedom of navigation and unimpeded lawful commerce. We oppose the use of force or threat of force by any claimant to advance its claim. We share these interests with the region, as well as other maritime states and the broader international community.

While the United States does not take sides on the competing territorial disputes over land features in the South China Sea, the United States supports a collaborative diplomatic process by the claimants for addressing the territorial disputes and finding means to build trust and reduce tensions in the region.

ENVIRONMENT

*Question.* Recent U.N. and Asian Development Bank reports—along with Vietnamese Government studies—describe how rising sea levels, increasingly frequent and intense typhoons and drought, and salt-water intrusion could affect Vietnam, with its heavily populated, low-lying areas. These reports also highlight that the future impacts of climate change will only serve to exacerbate these conditions. I have discussed the potentially far-reaching consequences with Vietnam's leaders, and they have expressed a willingness to work together to address this challenge, in areas like data collection and dissemination and transitioning to renewable energy sources. What steps will you take, if confirmed, to broaden and deepen cooperation to enhance climate security?

Answer. If confirmed, I will both build on our existing cooperation and seek new opportunities to work with Vietnam to enhance climate security, which is advanced by our work on climate change mitigation and adaptation. The U.S.-Vietnam Climate Change Working Group established under the bilateral Science and Technology Agreement is one avenue I will use to promote cooperation on climate change adaptation and mitigation. Another program for continued support and possible expansion is the DRAGON Institute, which the U.S. Geological Survey launched with Can Tho University to facilitate joint research on climate change and other environmental issues threatening the Mekong Delta.

In regard to new programs, Vietnam will be one of the first countries worldwide to participate in a new Low-Emission Development Strategy (LEDS) interagency initiative, under which the United States will support the development of a long-term strategy for robust, low-carbon growth. As part of the Reducing Emissions from Deforestation and Forest Degradation (REDD+) initiative, the United States will offer training and technical cooperation to government agencies and NGOs to improve forest and watershed management capability and to better respond to the impacts of climate change on forests.

If confirmed, I will also encourage Vietnam's continued participation in the Lower Mekong Initiative, our partnership with the countries of the Lower Mekong Basin, to build capacity in tackling regional and global challenges, including adaptation to and mitigation of climate change impacts.

GOVERNANCE

*Question.* Some observers see the Vietnamese National Assembly assuming a greater role in domestic policymaking. How do you assess the National Assembly's evolving role in Vietnam?

Answer. Although the Communist Party of Vietnam exerts ultimate influence and control over all governing bodies, primarily through its Central Committee and Politburo, the National Assembly, once a mere legislative arm of the Party, has taken on a more significant and quasi-independent role in recent years. The 493-member body, elected to a 5-year term, has a variety of powers, including the ability to amend the constitution and elect members of the Council of Ministers. Members of the National Assembly have openly debated sensitive political issues and produced original legislation. Over 1,000 candidates, including nonparty members, will contest an election in May to seat Vietnam's 13th National Assembly. Although the process falls significantly short of a full-fledged democratic undertaking, it may produce a legislative body that better represents the interests of the Vietnamese people than in past versions.

HUMAN RIGHTS AND RELIGIOUS FREEDOM

*Question.* How will your experience working with the Chinese Government on human rights concerns inform your thinking on these issues with respect to Vietnam?

Answer. My work on human rights in China and elsewhere throughout my career has underscored for me the importance of human rights in overall U.S. foreign policy. My experience has also demonstrated for me our ability to achieve progress when we combine persistence with a well-defined agenda.

Over the past year, we have seen an increase in suppression of political dissent by the Vietnamese Government, a worsening of the respect for rule of law, the imprisonment of dozens of activists, and new restrictions on the media and the Internet. If confirmed, I will seek an active and open dialogue with my Vietnamese counterparts. Vietnam cannot achieve its full potential without greater respect for the rights of its citizens.

If confirmed, I will continue to seek progress on human rights issues, partly through the Human Rights Dialogue we have established with Vietnam. In December 2010, Democracy, Human Rights, and Labor Assistant Secretary Michael Posner led an interagency delegation in a successful 2-day visit to Vietnam to participate in the 15th round of the dialogue with the Vietnamese Government. The U.S. delegation expressed its concern about a wide range of human rights issues, including freedom of expression, freedom of the press, and Internet freedom. These meetings followed up on Secretary Clinton's July and October visits to Vietnam and yielded concrete outcomes and next steps.

HUMAN RIGHTS

*Question.* I was disappointed to hear of Cu Huy Ha Vu's sentencing this week and am concerned that Vietnam may be following the example of intolerance being established elsewhere. Cu's conviction is the latest evidence of a troubling crackdown against freedom of expression in Vietnam. If confirmed, what steps will you take to encourage greater official tolerance for the views of Vietnam's people?

Answer. If confirmed, I will regularly engage the Vietnamese Government at the highest levels to express our concerns about the country's recent increase in suppression of political dissent. The bilateral Human Rights Dialogue with Vietnam held last December in Hanoi was successful in raising a wide range of human rights concerns, including freedom of expression. The Department of State continues to press those points with the Government of Vietnam. The long-term success of our growing relationship, and the long-term prosperity of Vietnam, depends in large part on its people enjoying the freedom to freely express their views.

*Question.* Can the full potential of this growing bilateral partnership be realized in the absence of greater official respect for freedom of expression?

Answer. I strongly believe that the strength of our long-term bilateral relationship depends heavily on the ability of the Vietnamese people to freely express their views, including political opinions that challenge the policies or positions of the government. If confirmed, I will encourage the government to respect the freedom of expression as enshrined in Vietnamese law, bolster the rule of law, end restrictions on the media and the Internet, and engage all political voices in Vietnam in meaningful dialogue.

HUMAN RIGHTS AND RELIGIOUS FREEDOM

*Question.* What is your assessment of Vietnam's progress in enlarging religious freedom, including its treatment of Montagnard Christians?

Answer. Since 2006, the overall situation in Vietnam has improved, prompting the Department of State to remove Vietnam from the Country of Particular Concern list. Nevertheless, freedom of religion continues to be subject to uneven interpretation and protection by the Government of Vietnam. Significant problems remain, especially at the provincial and village levels and for some minority groups, such as the Montagnard Christians. The Vietnamese Government can and should do more. If confirmed, I will make the promotion of religious freedom one of my top priorities.

Among the problems that remain on this issue are occasional harassment and excessive use of force by local government officials against religious groups in some outlying locations. Specifically, there were several problematic high-profile incidents in 2009 and 2010 when authorities used excessive force against Catholic parishioners in land disputes outside of Hanoi at Dong Chiem parish, against the Plum Village Buddhist Community in Lam Dong province, and against Catholic parishioners outside of Danang at Con Dau parish. Registration of Protestant congrega-

tions also remains slow and cumbersome in some areas of the country, especially in the Northwest Highlands.

However, Protestants and Catholics throughout the country continue to report significant improvements in their situation despite occasional setbacks. The government granted national-level recognition or registration to eight new Protestant churches, the Baha'i faith, the Bani Muslim Sect, and four indigenous Vietnamese religious organizations. Over 1,000 meeting points that had been closed in the Central Highlands were reopened with additional meeting points registered, and hundreds of new pastors were ordained and assigned to newly registered meeting points. Over 228 Protestant congregations were registered in the Northwest Highlands. The Catholic Church of Vietnam also continues to report that its ability to gather and worship has improved and restrictions have eased on the training and assignment of clergy. In January 2011, the Vatican named a nonresident representative as a first step toward full diplomatic relations with Vietnam.

AGENT ORANGE/DIOXIN REMEDIATION

*Question.* Last spring, Senators Whitehouse and Kerry, along with seven other senators, submitted a letter to Chairman Leahy and former Ranking Member Gregg of the Subcommittee on State, Foreign Operations and Related Programs of the Senate Committee on Appropriations requesting $26 million for dioxin remediation in Vietnam. As you know, $12 million was appropriated to commence cleanup efforts at Danang International Airport. What is the status of these efforts, and how do you assess their impact on United States-Vietnam relations? What additional efforts in Danang would the outstanding sum (that is yet to be appropriated) be able to sustain?

Answer. We expect to have contracts in place by the end of this year and excavation to start about January 2012. New data (as of February 2011) show the need to excavate roughly 18 percent more soil and sediment than originally planned. Because we now have a more comprehensive understanding of site conditions and ongoing and future expansion plans at the Danang airport, the project is now anticipated to be completed by the end of 2015 and cost about $43 million.

FY 2010 funding, including $12 million in supplemental funds, will enable USAID to fund contracts for project planning, construction management and oversight, and thermal design between now and the end of 2011. However, with the anticipated award around November or December 2011 of the excavation and the thermal construction contracts, estimated at $11.5 million and $21.6 million, respectively, the FY 2011 requested $18 million would enable us to sufficiently fund these contracts initially. Both contracts will have major upfront costs. If the $18 million in FY 2011 funding is approved, additional funding of between $8 and $9 million would be required to meet total project cost requirements.

Successful project completion will result in the elimination of the risk of future exposure to dioxin due to Agent Orange for the estimated 800,000 Vietnamese living near the Danang airport. As we advance to each new project milestone with our Vietnamese partners, they continue to express heartfelt appreciation for this U.S. assistance.

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RESPONSES OF DAVID SHEAR TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* In 2010, President Obama announced his intention to double U.S. exports in 5 years. If confirmed as U.S. Ambassador to Vietnam, what strategy will you employ to double U.S. exports to Vietnam by 2015?

Answer. Providing greater opportunities for U.S. companies in Vietnam will be one of my core goals, if I am confirmed. U.S. exports to Vietnam in 2010 totaled US$3.7 billion, up 19.8 percent compared to 2009. This increase follows equally impressive growth in 2009 when U.S. exports to Vietnam increased by 11 percent. However, U.S. exports accounted for just 4.2 percent of Vietnam's merchandise imports in 2010, indicating a major opportunity to expand our limited share of this growing market and deepen our bilateral relationship through trade.

Under the National Export Initiative (NEI), State Department, U.S. Commercial Service, and Foreign Agricultural Service officers at Embassy Hanoi and Consulate General Ho Chi Minh City work as a team to support the NEI Country Plan for Vietnam, which has been designated as a "high priority market" in Asia under the NEI. USAID also provides support for capacity development and technical assistance in establishing new legal mechanisms to facilitate trade and investment.

If confirmed, with support from this strong Country Team, I would work to eliminate both tariff and nontariff barriers to U.S. exports of goods and services as well as advocate for implementation of commitments under existing agreements. I would also work with Vietnam to encourage them to meet the high standards of the Trans-Pacific Partnership free trade agreement that is currently being negotiated. Helping U.S. industry identify new export opportunities would be another key component of my strategy, particularly in the areas of energy, information and communication technology, education, transportation, infrastructure development, and agricultural products. I would also work closely with the American business community in Vietnam to maintain a favorable environment for business and U.S. goods and take action on concerns as they arise. I would actively reach out to U.S. companies interested in doing business in Vietnam and would advocate for U.S. business at all appropriate opportunities.

*Question.* Several American families, including four from Indiana, have adoptions pending for Vietnamese children. This has been a long and laborious process with families frustrated by inconsistencies in information received from U.S. authorities as well as other challenges, some of which result from an evolving adoption mechanism and process on the part of the Government of Vietnam.

Although Vietnam recently became a signatory to The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, U.S. officials indicate it will be several months before a formal agreement is implemented.

Although the United States is awaiting the formal implementation of a new adoption agreement, it's my understanding that the two countries had agreed that six of the pending adoptions, "already in the pipeline," could go forward. Your full assessment of this situation would be appreciated. Please inform me how you intend to proceed.

Answer. Following the expiration of our bilateral agreement, the United States and Vietnam continued to process adoption cases for U.S. prospective adoptive parents who had received an official referral prior to September 1, 2008. The Department of State made every effort to encourage the Vietnamese to expeditiously complete all investigations and seek resolutions as quickly as possible in the best interest of each child.

The Government of Vietnam took significant time to make a final decision in many of the cases in the province of Bac Lieu in part because of delays by the Bac Lieu orphanage in providing the government with needed documentation. In order to approve each case, the Government of Vietnam had to determine that each child was eligible for intercountry adoption and that the dossier could be processed.

On September 14, 2010, the Ministry of Justice sent the U.S. Embassy in Hanoi a diplomatic note denying the remaining pipeline cases because of a lack of sufficient legal grounds on which to approve them. The U.S. Embassy has followed up with the Vietnamese Government on these cases and provided available information to all of the families.

In order for intercountry adoptions to resume from Vietnam, Vietnamese law requires that either a new bilateral agreement must be in place between the United States and Vietnam, or Vietnam must ratify The Hague Convention on Protection of Children and Co-Operation in Respect of Intercountry Adoption (the Convention). Vietnam has stated its intention to ratify the Convention and in June 2010, the Vietnamese legislature passed a new adoption law which took effect January 1, 2011. Vietnamese officials have recently finished drafting necessary regulations and will now need to implement the new law and regulations prior to their ratification and compliance with the standards established by the Convention.

While the Government of Vietnam's steps toward Hague ratification and implementation are encouraging, we remain concerned that sufficient safeguards may not be in place and that the proposed implementation timeline may be too short. Under U.S. law, if/when Vietnam becomes a party to the Convention, the U.S. Central Authority must be able to certify that procedures leading to the adoption of a child in Vietnam conform to both the standards established by the Convention and the U.S. Intercountry Adoption Act. This decision, however, cannot be made prior to Vietnam's Hague ratification.

Following the resolution of all pipeline cases, the Department of Adoptions has informed the Department of State that the children previously matched with U.S. prospective adoptive parents are now subject to the country's new adoption law. The new law requires that Vietnamese officials follow different procedures from those in the past, such as making children available for adoption for 2 months at the communal level, 2 months at the provincial level, and 2 months at the national level. If no qualified domestic family successfully completes an adoption of the child, the Department of Adoptions (DA) will then determine the eligibility of the child for

intercountry adoption based on Vietnamese laws and regulations. The DA Director has expressed willingness to rematch the final remaining group of six children with their previously matched U.S. prospective adoptive parents under the new adoption law (i.e., that they first be made available for adoption in Vietnam.)

The DA Director, however, has confirmed that Bac Lieu provincial officials have thus far refused to comply with Vietnam's new adoption law requirements for making the six children whose adoptions were denied in September 2010 available for domestic adoption at the provincial level. In addition, officials have refused to correct birth certificates with fraudulent information. The DA Director said he was not certain why these officials were unwilling to move forward and noted that he did not have authority to compel them to act. He said he will continue to communicate with these officials on the requirements of the new law necessary for these children to be eligible for intercountry adoption. When Special Advisor for Children's Issues Susan Jacobs was in Vietnam in March, she discussed these cases at length with the Director of the Department of Adoptions and urged him to find a way to provide these children with permanent homes. Special Advisor Jacobs urged him to rematch the children and the parents. The Director said he planned to hold a training seminar on the new law in the Bac Lieu province and he hoped the seminar would prompt local officials to comply with the new law's provisions.

The Department of State has pressed for a strong regulatory framework and continues to communicate directly with the Government of Vietnam on implementation efforts. The U.S. Embassy in Hanoi has also worked closely with other countries in the Inter-Embassy Adoption Working Group in addressing concerns within the adoption process and regulations.

The Office of Children's Issues and Embassy Hanoi continue to communicate directly with all of the Bac Lieu families regarding Vietnam's efforts to ratify the Hague Adoption Convention and to explain the processing of cases under the Convention if/when Vietnam ratifies the Convention.

*Question.* Within Vietnam, there appears to be decreasing emphasis on matters related to human rights. Is this perception correct, and if so, what is the basis?

Answer. The Vietnamese Government increased the suppression of dissent over the past year, arresting over two dozen political activists and convicting over a dozen more arrested over the last 3 years. The government also increased measures to limit privacy rights and tightened controls over the press and Internet. Freedom of religion continued to be subject to uneven interpretation and protection; in spite of some progress, significant problems remained, especially at the provincial and village levels, including for some ethnic minority residents in the Central and Northwest Highlands. At the same time, the Vietnamese Government continues to engage with the United States and other countries in a series of regular human rights dialogues.

*Question.* Some suggest that select Communist Party leaders in Vietnam are in large part responsible for limits on political dissent within the country. Is this accurate? Please describe the nature of interaction between the Communist Party leaders in Vietnam and Communist Party leaders in China.

Answer. Vietnam is an authoritarian state ruled by the Communist Party of Vietnam (CPV). Political opposition movements are prohibited and Vietnamese citizens cannot change their government. Under Article 4 of the Vietnamese Constitution, the CPV assumes the leading role in leadership of the state and society. As such, the highest levels of the Vietnamese Communist Party are aware of, and most likely approve, the prosecution and imprisonment of high visibility dissidents. We regularly urge the Vietnamese Government to engage all political opinions in a genuine dialogue and to respect fundamental human rights, including freedom of expression.

As the United States and Vietnam celebrated 15 years of normal diplomatic ties in 2010, Vietnam and China were celebrating their 60th anniversary of relations. Vietnam was among the first countries to recognize the People's Republic of China, and China was the first country to establish official diplomatic ties with Vietnam. While China-Vietnam relations have been marked by periods of conflict over territorial and other issues, it appears that the deep historical ties between the CPV and the Chinese Communist Party (CCP) remain strong.

Mao Zedong and Ho Chi Minh famously summarized their friendship ties as "both comrades and brothers." More recently, President Hu Jintao described China-Vietnam relations as a "treasure" of the two parties. Lines between party and government are blurred in both countries, making it difficult to differentiate between official government interaction and party-to-party interaction, but the two parties appear to maintain a robust schedule of senior-level visits and consultations.

*Question.* Le Cong Dinh and Nguyen Tien Trung were among political reformers arrested in June of last year by Vietnamese officials and found guilty of "organizing to overthrow the State." They received lengthy prison terms. Has the U.S. Government expressed concern regarding those political reformers arrested last June? What is the present status of Le Cong Dinh and Nguyen Tien Trung? Both have pending invitations from the Indiana University Maurer School of Law to study law at the Center for Constitutional Democracy at Indiana University.

Answer. We are aware of the cases of Le Cong Dinh and Nguyen Tien Trung and remain very concerned over their continued imprisonment. Dinh and Trung were arrested in June and July 2009, respectively. Both were tried and convicted in January 2010, in a joint trial with two other activists. Dinh received a sentence of 5 years in prison; Trung was sentenced to 7 years. The U.S. Consul General in Ho Chi Minh City sought and was granted permission to attend both trials.

The State Department has repeatedly condemned the arrests and convictions in strong terms, both publicly and privately, including in the form of public statements issued at the time of the arrests and convictions. Former Ambassador Michael Michalak and current Chargé d'Affaires Virginia Palmer have regularly called for the release of Dinh and Trung. Assistant Secretary for Democracy, Human Rights, and Labor (DRL) Michael Posner also pressed for their release during the 2009 and 2010 human rights dialogues with Vietnam. DRL Deputy Assistant Secretary Dan Baer just reiterated these concerns during his visit to Vietnam in February, as did Deputy Assistant Secretary for East Asia Pacific Affairs Joe Yun in March.

The Embassy and the Consulate General keep in regular contact with family members of Dinh and Trung, and officials at the State Department have met with both Mr. Trung's fiance and with Professor David Williams, Director of the Center for Constitutional Democracy at Indiana University.

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RESPONSES OF KURT TONG TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* In 2010, President Obama announced his intention to double U.S. exports in 5 years. If confirmed as U.S. Ambassador to APEC, what strategy will you employ to double U.S. exports to APEC countries by 2015?

Answer. The Asia-Pacific region is essential to the success of the President's National Export Initiative (NEI) and our goal of doubling U.S. exports by 2015 to help create jobs at home. In the first year of the NEI, U.S exports to APEC economies totaled $774 billion, up 25 percent from 2009, while U.S. exports to non-APEC member economies grew about 15 percent to reach $503 billion. We need to work hard to maintain this momentum.

This year is particularly important as we host APEC for the first time since 1993. If confirmed, I will work with my interagency colleagues to increase the private sector engagement and input into the APEC discussions, and exercise U.S. leadership in delivering concrete outcomes through the APEC process to address barriers to trade and investment that American companies face and enhance regional economic integration. We will leverage APEC 2011 to advance work to make it cheaper, easier, and faster to do business in the Asia-Pacific, which will increase export opportunities for our businesses, particularly small- and medium-sized enterprises. Specifically, we will address nontariff barriers to trade and work to prevent new barriers from emerging; foster greater openness in the trade in green technology; and promote regulatory convergence and cooperation to tackle the regulatory issues within and between economies that increasingly inhibit trade and investment.

*Question.* What is your perspective on the United States establishing a long-term strategy toward pursuing a Free Trade Agreement (FTA) with ASEAN?

Answer. In Asia-Pacific trade negotiations, the administration is currently focusing on developing the Trans-Pacific Partnership (TPP) as an advantageous pathway toward regional economic integration and an eventual Free Trade Area of the Asia Pacific (FTAAP) that could include all 21 members of APEC. APEC leaders last year endorsed the TPP as one of possible pathways toward FTAAP, and four ASEAN member countries, Malaysia, Singapore, Vietnam, and Brunei, are already party to the negotiations; others may be interested in joining in the future.

At the same time, I believe the administration should continue and expand its efforts to deepen relations with the ASEAN nations, and ASEAN as an organization, on both strategic and economic issues. In particular, on trade policy, it makes sense for the United States to make concerted efforts to work with the ASEAN nations and the ASEAN Secretariat on issues such as trade facilitation and regulatory reform. Working hard on these matters will help build capacity and accelerate the re-

form and opening of the non-TPP ASEAN economies, increasing their readiness to negotiate high-standard free trade agreements with the United States.

The U.S.–ASEAN Trade and Investment Framework Agreement (TIFA) process is an especially useful channel in this regard, along with the U.S.–ASEAN Enhanced Partnership.

*Question.* What is your perspective on the so-called "centrality of ASEAN"?

Answer. ASEAN, as an organization and as a group of nations, is playing an absolutely critical role in the development of the Asia-Pacific's emerging regional architecture. ASEAN plays a formative and essential role in each of the ASEAN-centered institutions and summits such as the ASEAN Regional Forum, ASEAN+3, ASEAN+6, ASEAN Defense Ministers Meeting Plus, the Asia Regional Forum, and the East Asia summit. Many of these institutions include the United States. In addition to engaging these institutions, the United States is strengthening its engagement with ASEAN by sending our first Resident Representative to ASEAN, Ambassador David Carden, to Jakarta this month. If confirmed, I look forward to working closely with Ambassador Carden and other colleagues to develop new areas of cooperation with ASEAN.

*Question.* Do you envision a situation whereby the United States could participate in the Trans-Pacific Partnership (TPP) while concurrently working to develop a long-term strategy toward pursuing an FTA with ASEAN?

Answer. Through the Trans-Pacific Partnership process, the United States is negotiating a high-standard free trade agreement with four ASEAN members, plus four other partners. We will continue to work for the successful conclusion of these negotiations on an ambitious timetable.

At the same time, considering the great strategic and economic importance of ASEAN, I do believe it makes sense for the United States to continue to consider long-term strategies that would most effectively expand the United States trade and investment relationships with the ASEAN member nations, individually and as a group. The main issue, of course, is the readiness of partner economies and their governments to enter into high-quality, comprehensive trade and investment arrangements with the United States, on terms that would be of benefit to our economy and be acceptable to the U.S. Congress. In order to lay a foundation, we should continue to work intensively with the ASEAN Secretariat and the ASEAN governments, including through the U.S.–ASEAN Trade and Investment Framework Agreement (TIFA) process, as well as our bilateral TIFAs and other dialogues, to help build their capacity, accelerate reform, and create opportunities for realizing long-term trade goals.

# NOMINATIONS

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**WEDNESDAY, MAY 4, 2011**

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

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Daniel Benjamin Shapiro, of Illinois, to be Ambassador to Israel
Stuart E. Jones, of Virginia, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Hashemite Kingdom of Jordan
Hon. George Albert Krol, of New Jersey, a Career Member of the Senior Foreign Service, Class of Minister-Counselor, to be Ambassador to the Republic of Uzbekistan
Henry S. Ensher, of California, Member of the Senior Foreign Service, Class of Counselor, to be Ambassador to the People's Democratic Republic of Algeria

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The committee met, pursuant to notice, at 2:42 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Robert P. Casey, Jr., presiding.

Present: Senators Casey, Risch, and Lee.

Senator CASEY. The hearing will come to order. I know we are starting maybe 3 minutes early, but that is not all that bad to do once in a while.

Today the Senate Foreign Relations Committee meets to examine the nominations of Daniel Shapiro for the position of Ambassador to Israel, Stuart Jones to be Ambassador to Jordan, George Krol to be Ambassador to Uzbekistan, and Henry Ensher to be Ambassador to Algeria.

I would like to, first of all, welcome Senator Bill Nelson of the State of Florida. I know we will be joined by Senator Lieberman as well, both of whom will provide introductions of Mr. Shapiro.

But in the interest of keeping the Senate on an efficient path of time this afternoon, I am going to forgo my opening statement, which is traditionally the start of a hearing, and give the floor to Senator Nelson so he can make his introductory remarks. And that way we can keep the Senate moving at a good pace.

But I am grateful to Senator Nelson for his appearance here today, and for his willingness to take time to help us have this hearing proceed. Senator Nelson, the floor is yours.

**STATEMENT OF HON. BILL NELSON,**
**U.S. SENATOR FROM FLORIDA**

Senator NELSON. Mr. Chairman, thank you for your personal courtesies.

I must say that in the 11 years that I have been here, this is one of the prouder moments that I have had to introduce a nominee to any of our committees. There are times in life when you know that what is about to occur is exactly the right thing, and the position of Ambassador to Israel and Dan Shapiro is the right thing.

We have an extraordinary individual that I can commend to this committee because I know him very well. Dan was our legislative director for the first 6 years, my first term as Senator, and since I was then a member of this committee, Foreign Relations, as well as Armed Services, we traveled extensively. And of course, whenever we were traveling anywhere in the world, I had a walking encyclopedia with me, but that was magnified once we got anywhere into the Middle East and Central Asia.

Just for starters, he speaks fluent Hebrew and fluent Arabic, not a shabby start for an Ambassador to Israel. And his depth of knowledge, even back when he was with this little country boy from Florida, was extensive in his advice and counsel to me. You can imagine what that depth of knowledge is now that he has been a member of the National Security Council with the portfolio in that council of the Middle East. And so we have someone who is uniquely qualified for this position.

Second, I would point out that among all of the White House staff, when it comes to a matter of the Middle East, who does the President draw on for his advice, but the fellow who knows the Middle East backward and forward in order to give advice? That is an important component as well, so that as our representative in Israel, when Dan will speak as our Ambassador, everybody knows that he has got a direct pipeline to the Oval Office.

And third, let me say that as he represents America, he will represent all of America. It is true that among the Jewish community, he is probably as popular as Benjamin Netanyahu. But I said Dan represents all of America. I so well remember how he was so capable of putting the interest of the United States first in whatever interest group that it was that came in seeking legislation or a change in legislation or having to deal with our foreign policy. And I particularly watched Dan as he interacted with a group of our Muslim constituents, of which I have a sizable representation in the State of Florida, and he was just so adept with such graciousness as he would carry on the affairs of our office.

And so I give to this committee my unlimited recommendation, the highest recommendation, and I would ask that the committee—and I have already spoken to Chairman John Kerry—that you all proceed with this expeditiously so that we can have our new Ambassador in Israel.

Thank you very much, Senator Casey.

Senator CASEY. Senator Nelson, thank you very much. We are welcoming you back to this committee. We appreciate the words that you expressed here about the nominee, and you have given us an assignment and we appreciate that.

In furtherance of Senate courtesies before my opening, I wanted to also turn to Senator Lieberman who, of course, is the chairman of the Homeland Security Committee and has been a leader in the Senate for so many years. And we are grateful that he is here. We are honored by your presence as well, Senator Lieberman, and you have the floor.

**STATEMENT OF HON. JOSEPH I. LIEBERMAN, U.S. SENATOR FROM CONNECTICUT**

Senator LIEBERMAN. Thank you, Mr. Chairman. I am honored to be here to help introduce Dan Shapiro to the committee and also to join with our colleague, Senator Bill Nelson, in praising him.

I cannot say that Dan ever worked for me as Bill could, but I am so proud to say that I have known Dan even longer for a much more important reason: his wife Julie taught my youngest child when she was very young. And we were very impressed with Julie. And, you know, Dan was not bad either. [Laughter.]

Of course, I did get to know Dan when he worked with Senator Feinstein before that. As the record will show, he worked with Chairman Lee Hamilton in the House of Representatives and then, of course, his time with Bill Nelson.

This is really a superb appointment. I endorse Dan's nomination wholeheartedly. He has an extraordinary background, as Bill said. When Bill said that Dan Shapiro was fluent in Hebrew and Arabic, I turned to him and wanted him to know that I knew that he was not bad in English either, and I know that will help him in his work. [Laughter.]

But more to the point, he brings expertise. He brings a very informed judgment. He also brings—and I want to stress a point that Bill Nelson made. At this moment of really extraordinary change in the Middle East, which has a tremendous potential for good but also creates uncertainty, Dan Shapiro will bring to this position his obviously close relationship with President Obama. And this is a moment when I think it is more important than ever for there to be close and direct communications and a relationship of deep trust between the Government of the United States and the Government of Israel and really more particularly between the Oval Office here in Washington and the Office of the Prime Minister in Jerusalem. And Dan Shapiro as Ambassador will guarantee, I think, that there is that kind of trust on both sides.

I always say to groups around the country who are concerned about Israel's security that since the founding of the modern state and the very rapid recognition of the State of Israel by then-President Harry Truman, which was so significant to Israel's immediate legitimacy among the nations of the world, that the United States has remained Israel's most steadfast ally and supporter, and it is a natural relationship because we are two great democracies. The relationship continues strong both from the White House and really broad bipartisan support for the United States-Israel relationship. I think Dan Shapiro understands all that and will bring all that with him.

I will say, just to echo what Bill Nelson said, that in the pro-Israel community in America—and in that community, there is a range of opinion. I was quite impressed by the range of endorse-

ments for this nomination after it was made, going on one side from the Zionist Organization of America to, on the other side, the Americans for Peace Now. And that covers quite a lot of real estate ideologically speaking. But it is a tribute to Dan's credibility and his accessibility and his personality that he enjoys that support.

So I know you have a lot of business. I want to leave it to that. But I will come back to what I said at the outset. Dan will make a great Ambassador and Julie will make a great wife of a great Ambassador, and together I know that they will strengthen our already remarkably strong relationship with Israel.

Thank you very much.

Senator CASEY. Senator Lieberman, thank you very much. We are grateful you are here with us today.

We will move to my opening statement and then, of course, we will go to our nominees.

**OPENING STATEMENT OF HON. ROBERT P. CASEY, JR, U.S. SENATOR FROM PENNSYLVANIA**

Senator CASEY. Let me speak first about our nominee for the post of Ambassador to Israel.

The United States relationship with Israel is a cornerstone of United States foreign policy, as we all know. It is all the more important during the current historic period of upheaval in the Middle East. The United States and Israel have an unbreakable and unshakeable bond based upon common values and a commitment to democratic institutions, and our strong relationship with Israel is in the national security interest of the United States.

The United States relationship with Israel is more important than ever, given the increasing unrest in the region. In recent weeks, I and others have voiced concern about the democratic transition process in Egypt, the threat posed by extremism in that country, and the prospects for the Camp David Peace Accords. Countries like Libya, Syria, Bahrain, and Yemen continue to experience significant unrest. The United States must lead with policies that reflect our national security interests as well as our values.

In light of all of these uncertainties, Israel's security in the region is of utmost concern. United States assistance to Israel is critical to supporting Israel's security and maintaining stability in the region. United States assistance for Israel's missile defense system has already proved successful in limiting attacks by terrorist groups, as demonstrated in Ashkelon last month, with the Iron Dome System which struck down eight short-range rockets fired by Hamas. In an ever-changing threat environment, the United States must ensure that Israel maintains its qualitative advantage over potential threats at home and abroad.

Iran poses a uniquely significant threat to both Israel and United States national security as a result of its ongoing pursuit of nuclear weapons, failure to abide by its international obligations, and rejection of Israel's right to exist. We have recently seen disturbing instances of Iranian force projection into the region, including support for terrorist groups such as Hamas and Hezbollah which continue to launch attacks on innocent Israeli citizens and civilians. The United States must stand firm in its commitment to Israel's security by steadily increasing pressure on the Iranian regime. It

is clear that stronger United States and multilateral sanctions have weakened Iran, but we must continue to work with our international partners to limit Iran's influence in the region.

The recent announcement of a Palestinian unification agreement between Fatah and Hamas has raised serious concerns over the fate of the peace process. As we know, Hamas is a terrorist organization committed to the destruction of Israel itself. The United States must stand firm in our opposition to any Hamas role in the Palestinian Government and discourage Palestinian efforts to work outside the parameters of direct peace negotiations. These efforts are counterproductive and will only serve to delay the day in which we see Israelis and Palestinians living side by side in peace and security.

Given Mr. Shapiro's extensive experience, I look forward to hearing from him about how he will manage this increasingly challenging environment in the region.

Mr. Shapiro currently serves as the NSC Senior Director for the Middle East and North Africa and has been an adviser to President Obama since 2007.

I would like to welcome Mr. Shapiro's family members who are joining us today, his wife, Julie, and daughters, Leat and Marav and Shirak, and parents, Elizabeth and Michael. I do not want to embarrass them, but if they would like to stand, we would certainly like to acknowledge their presence.

Thanks very much.

I tell you why I do that. Because I know, as a public official, that when someone is putting themselves forward to provide public service, especially of the kind we are talking about here today with our nominees, I know a family serves with them in one way or another. So we are grateful for your commitment as well as members of a family.

Let me just move quickly to our second nominee, Mr. Jones.

Jordan, as we know, is an important partner in counterterrorism and has been a key ally in the Middle East peace process. Since signing a peace treaty with Israel in 1994, Jordan has provided a strategic buffer to more adversarial neighbors such as Syria. U.S. support has been critical to helping Jordan address internal and external challenges and, in turn, has helped ensure stability in an increasingly unstable region. Jordan has experienced a series of prodemocracy protests in recent months with youth-led groups calling for political reforms and criticizing the lack of government response to the demonstrations. As public criticism of the monarchy grows and the government crackdown in neighboring Syria worsens, the United States must assess how to best support the Jordanian Government's efforts to balance political and economic reforms with political stability. I look forward to hearing how Stuart Jones will navigate this complex political landscape.

Mr. Jones is currently serving as Deputy Chief of Mission at the U.S. Embassy in Iraq, a tough assignment. He has previously served as Deputy Assistant Secretary of State for European and Eurasian Affairs, Deputy Chief of Mission at the U.S. Embassy in Egypt, and Director for Iraq at the National Security Council. If confirmed, Mr. Jones' depth of experience in the Middle East will serve him well in this position.

And so I now invite Mr. Shapiro to provide his remarks.

Senator Risch.

Senator RISCH. Yes, very briefly.

Senator CASEY. Our ranking member, Senator Risch.

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

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

First of all, let me associate myself with the remarks of both Senator Lieberman and Senator Casey. We get a lot of publicity here about partisan issues, and our relationship with Israel is truly a bipartisan affair and has been for some time. And in that regard, we are all pulling the wagon together.

Mr. Shapiro, thank you for taking the time to meet with me and with my staff. I sincerely appreciate it. I think this is a good appointment.

Mr. Jones, let me say this. You are going to a country that is a friend of the United States and has been a good partner of ours in the region. Probably one of the great success stories that we hear very little about in the media is the peace treaty between Israel and Jordan. Certainly it is a model, and we obviously support that. It has worked very well, and I know that you will work to see that it continues to work. Obviously, there are going to be challenges with the recent matters that have arisen there. So we look forward to hearing from you as to how you are going to do that.

With that, thank you, Mr. Chairman.

Senator CASEY. Thank you, Senator Risch.

We are joined by Senator Lee from Utah as well, and we have time now or we can have comments later. But I think we will just move to the testimony and then questions.

**STATEMENT OF DANIEL BENJAMIN SHAPIRO, OF ILLINOIS, TO BE AMBASSADOR TO ISRAEL**

Mr. SHAPIRO. Mr. Chairman, thank you very much for the warm welcome.

I have submitted a written statement which I would ask be made part of the record, and in the interest of time, I will summarize my remarks.

Senator CASEY. Your statement and all the statements will be made a part of the record.

Mr. SHAPIRO. Thank you, Mr. Chairman.

Mr. Chairman, Senator Risch, Senator Lee, members of the committee, thank you for the opportunity to appear before you today. I am humbled and honored by the trust President Obama and Secretary of State Clinton have placed in me with the nomination to serve as United States Ambassador to Israel. If confirmed, I will do my utmost to meet that trust and responsibility and to promote the interests of the United States.

I also recognize the vital role of this committee in our Nation's foreign policy as well. If confirmed, I look forward to close cooperation with its members and its staff and with the Congress as a whole on strengthening our close and unbreakable relationship with the State of Israel.

I am grateful, of course, to Senator Nelson for his introduction and for his support and guidance over the past decade, and I thank Senator Lieberman for his support and introduction as well.

Mr. Chairman, I have been involved with Israel most of my life. I lived in Israel as a young child during the 1973 war. I went there twice for university studies, and I worked here in the Congress for many years to support Middle East peace efforts, strengthen the United States-Israel relationship and combat terrorist threats against both our nations. I have gained through those experiences a deep understanding both of Israel's security needs and its people's justifiable concerns about the threats they face and Israel's strengths, and its people's dreams manifested in the building of a modern state and the unrelenting search for peace. And I have also gained a deep appreciation for the importance of the United States-Israel relationship for our own national security.

The United States has stood by Israel as its partner and ally since its creation. It is a bipartisan commitment, as Senator Risch says, and I have been privileged to serve President Obama as he has continued, deepened, and advanced that partnership. Israel has been and remains our most dependable ally in the Middle East. We share both common strategic interests and the values of open democratic societies. Our militaries train together and learn from one another. We share critical intelligence to counter terrorist threats, and our economic ties continue to grow.

The United States has an unwavering commitment to Israel's security and to ensuring Israel's qualitative military edge. With Congress' support, we have provided full funding for Israel's foreign military financing under the terms of the 10-year memorandum of understanding and helped achieve tangible success in the development of missile defense technologies such as Arrow and Iron Dome, and we have seen dramatic evidence of that success, Mr. Chairman, as you mentioned recently with the Iron Dome system. We conduct joint exercises and maintain very close, high-level consultations between our civilian and military leaders.

We coordinate closely with Israel also on the threat posed by Iran. President Obama is determined to prevent Iran from acquiring a nuclear weapon. Israel is a key partner in that effort, supporting the strong sanctions contained in the U.N. Security Council resolution 1929 and the Comprehensive Iran Sanctions, Accountability, and Divestment Act, and we maintain extremely close consultations with Israel at all times on the nature of this threat.

We firmly reject all attempts to delegitimize Israel. We consistently oppose anti-Israel resolutions in all U.N. bodies. We withdrew from the Durban Review Conference in 2009, and we supported Israel's right to defend itself in the wake of the deeply flawed Goldstone Report.

We also continue to seek a comprehensive peace between Israel and all its neighbors. President Obama believes that a two-state solution to the Israeli-Palestinian conflict is essential to safeguarding Israel's future as a secure Jewish democratic state, as well as to achieving the Palestinian people's legitimate aspirations for independence in a viable state of their own. It is also profoundly in the United States own interests. We also believe that direct negotiations are the only way to achieve this goal, and we oppose unilat-

eral actions by any party that would prejudice the outcome of a negotiated settlement.

Mr. Chairman, if confirmed by the Senate, I look forward to strengthening and deepening the excellent cooperation between the United States and Israel.

Thank you very much. I will be pleased to answer any questions you and the committee may have.

[The prepared statement of Mr. Shapiro follows:]

PREPARED STATEMENT OF DANIEL BENJAMIN SHAPIRO

Mr. Chairman, Senator Lugar, members of the committee, thank you for the opportunity to appear before you. I am humbled and honored by the trust President Obama and Secretary of State Clinton have placed in me with the nomination to serve as United States Ambassador to Israel. If confirmed, I will do my utmost to meet that trust and responsibility and to promote the interests of the United States.

I am truly honored by the opportunity to appear before this committee today. I have spent hundreds of hours in this room, but this is my first time in this seat. For more than a decade, I worked for Senator Feinstein and Senator Nelson, and sat on the staff benches behind the dais. From that experience, I have a deep appreciation for the vital role that this committee plays in the conduct and oversight of our Nation's foreign policy. If confirmed, I look forward to close cooperation and consultation with the members and staff of this committee and with the Congress as we pursue our shared commitment to strengthening our close and unbreakable relationship with the State of Israel.

I am grateful to Senator Nelson for his introduction, and for his support and guidance over the past decade. I owe much of my professional development to the opportunities he gave me. And I thank Senator Lieberman, with whom I have worked closely on our shared commitment to the closest of United States-Israel relations. I am grateful to him for coming here today and for his support and introduction.

Mr. Chairman, my own interaction with Israel has taken many forms over the years, each of which has helped me gain a greater appreciation of the unique experience and perspective of the Israeli people. I first went to Israel at the age of 4. My parents, who were academics, took our family there for a 6-month sabbatical. It was 1973, and I was there during the Yom Kippur war. There were air raid sirens, followed by hours spent in bomb shelters. I saw soldiers driving through the streets on their way to the front. This was very different from my life in Illinois, where we never experienced such visible and vivid threats to our security and way of life. I remember, at the same time, our family enjoying many examples of the warmth and generosity of the Israeli people, from the Israeli schools my siblings and I attended to long hours spent together with other families in our Jerusalem neighborhood.

I returned to Israel after high school and again during college. In 1988, as the country was reeling from the violence of the first intifada, rocks rained down on the bus I took to Hebrew University and my Israeli classmates intensely debated the meaning of these events for their country's future.

As a congressional staffer, I traveled to Israel as the hopes born of the Oslo Accords made peace seem within reach, celebrated the signing of the peace treaty with Jordan, mourned the assassination of Yitzhak Rabin days after he had returned to Israel from Washington, and worked to address the threats posed to our nations by Hamas and Hezbollah.

As my professional involvement with Israel has deepened, so too has my understanding of Israel's security needs and its people's justifiable concerns about Iran's nuclear weapons program, suicide bombers, missile attacks from Hamas and Hezbollah, and the ongoing efforts of some to delegitimize the Jewish state. But I have also grown more keenly aware of Israel's deep-rooted strengths and its people's dreams—manifested in the building of a modern state, the flowering of Jewish culture and democracy, the Start-up Nation, and the unrelenting search for peace.

The United States has stood by Israel as its partner and ally from the first minutes of its creation, and I have been proud to serve President Obama as he has continued, deepened, and advanced that relationship.

In a region beset by wars, terror, and autocracy, and in which we have much at stake, Israel has been our most dependable ally. Our militaries train together and learn from one another. We share critical intelligence to counter the threats of terrorist organizations that target the United States and the West, as well as Israel. Our economies have grown progressively more intertwined, particularly in the high-

tech and renewable energy sectors. And, perhaps most importantly, we share the fundamental tenets of open and democratic societies.

The United States security relationship with Israel has strengthened and deepened under President Obama. Our commitment to ensuring Israel's Qualitative Military Edge is reflected in our security assistance, joint exercises, and an extraordinarily close level of consultation and cooperation at the highest levels of our civilian and military leaderships. The Congress is our partner in this commitment, fulfilling the President's request to fully fund Israel's Foreign Military Financing even in tight budgetary times.

As a candidate, President Obama went to Sderot and saw a community damaged by rockets and people living in fear of the next attack. As President, he acted to see that Israeli defenses were significantly strengthened. With Congress' full support, there has been tangible and important success in the joint development of missile defense technologies. The Arrow missile defense program provides Israel with a significant strategic missile defense capability. More recently, the Iron Dome short-range missile defense system successfully intercepted several rockets fired from Gaza last month. The additional $205 million the President requested and Congress provided for this program will help produce and deploy additional Iron Dome batteries to protect Israeli civilian lives in northern and southern Israel. If confirmed, I will work to provide continued support for United States-Israeli missile defense cooperation.

Our security relationship also encompasses close coordination on the threat posed by Iran's nuclear program. President Obama is determined to prevent Iran from acquiring a nuclear weapon, and has dramatically ramped up pressure on Iran, passing in the U.N. Security Council the most sweeping and biting international sanctions ever enacted to increase Iran's isolation and cut off sources of funds and resources to advance their missile and nuclear programs. Israel is a key partner in that effort, supporting the strong sanctions contained in U.N. Security Council Resolution 1929 and the Comprehensive Iran Sanctions, Accountability, and Divestment Act. If confirmed, I will seek to intensify our regular consultations, in which we share assessments and exchange ideas on ways to increase international pressure on Iran.

Defending Israel's security also means fighting attempts to delegitimize Israel. The Obama administration's record is one of unshakeable opposition to this campaign. We've been steadfast in our opposition to anti-Israel resolutions in the U.N. Human Rights Council, the General Assembly, the Security Council and other U.N. bodies; we withdrew from the Durban Review Conference in 2009; and we've supported Israel's right to defend itself in consideration of the deeply flawed Goldstone report.

Our agenda with Israel in these international fora is not purely defensive—we are working to ensure that Israel receives full and equal treatment in all international organizations. Israel has much to offer the world, and the United Nations and other international organizations would benefit from Israeli capabilities and expertise. If confirmed, one of my goals will be to work with the Israeli Government to identify further opportunities for Israeli participation in the international civil service, across the U.N. system, and in the governance of the bodies they serve.

Economic ties between the United States and Israel are also at their highest levels ever. As Silicon Valley taps into the amazing Israeli high-tech talent pool and startup culture, we see an astonishing $32.3 billion in bilateral trade, despite the global economic slowdown. The Department of Energy and the Government of Israel have just renewed the bilateral Agreement that frames our joint research program on alternative energy, which promises to further enhance our ties in technology cooperation. If confirmed, I will work hard to expand these successes in areas such as energy production, green technologies, and defense and aerospace technologies.

No commitment to Israel's security is complete without absolute dedication to achieving a comprehensive peace between Israel and all its neighbors. The peace agreements with Egypt and Jordan, which have brought so much stability to the region, are vital and must be protected and strengthened. The Obama administration believes that a two-state solution to the Israeli-Palestinian conflict is essential to safeguarding Israel's future as a secure, Jewish, democratic state, as well as achieving the Palestinian people's legitimate aspirations for independence in a viable state of their own. It is also fundamentally in the United States own interest.

We have been consistent and clear in our call for direct negotiations as the only way to achieve this goal, and we have consistently opposed unilateral actions by either side that would prejudice a negotiated settlement.

We are closely following developments regarding the announced agreement between Fatah and Hamas. Many of the details remain unclear, and its implementation is uncertain. What is clear, however, is that Hamas is a terrorist organization

which targets civilians and calls for the destruction of Israel. To play a constructive role in achieving peace, any Palestinian Government that emerges must renounce violence, abide by past agreements, and recognize Israel's right to exist. As we have said many times, the United States strongly supports Palestinian reconciliation, but it must be on terms that support the cause of peace.

Mr. Chairman, it has been a deep honor to be part of President Obama's team working on these complex and critically important issues. If confirmed by the Senate to be the United States Ambassador to Israel, I will work to the best of my abilities to further strengthen and deepen the excellent cooperation and communication that already exists between our nations, as we work together toward a more peaceful, stable, democratic, and prosperous Middle East.

Thank you for your attention, and I would be pleased to answer any questions you may have.

Senator CASEY. Thanks very much.

Mr. Jones.

**STATEMENT OF STUART E. JONES, OF VIRGINIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR TO THE HASHEMITE KINGDOM OF JORDAN**

Mr. JONES. Thank you, Mr. Chairman, and thank you, Senator Risch, and thank you, Senator Lee, for being here.

It is an honor to appear before you today as President Obama's nominee to serve as Ambassador to Jordan. I am grateful to the President for this nomination and to Secretary Clinton for her confidence in me and for her leadership of the Department of State. If confirmed, I will do my best to live up to their trust and to work as closely as possible with this committee to advance United States goals in Jordan.

With your permission, Mr. Chairman, I would like to introduce my family. My wife, Barbara, is here, a former Foreign Service officer, and my two sons, Thaddeus and Woody, are here. My daughter, Dorothy, is unable to join us because of school obligations. I am grateful for their support, especially during this year while I have served as Deputy Chief of Mission at the Embassy in Baghdad.

Mr. Chairman, Jordan, as you said, is one of our closest partners in the Arab world. We share mutual interests and values. It is well known that Jordan has been a powerful agent for peace in the region, as one of only two Arab States to sign a peace treaty with Israel. Jordan is committed to a comprehensive peace in the Middle East and to a two-state solution. Jordan has also been a valued partner on Iraq. It accepted hundreds of thousands of refugees and hosted them with dignity, opening its schools and its hospitals, and collaborating with the international community in providing humanitarian aid.

In this Arab Spring, as other countries have faltered, Jordan has undertaken important reforms. King Abdullah is a leader who has long listened to his people. In November 2010, Jordan held free and fair elections under procedures that met international standards. In February, we welcomed the new Jordanian Government with an ambitious mandate for political reform.

We support the King's and the government's efforts to respond to the aspirations of Jordan's citizens. Our efforts include working with Jordanian Government institutions and civil society to expand citizen participation in the country's political and economic systems, strengthen independent media, strengthen the judicial sys-

tem and the rights of women and laborers, and increase religious tolerance.

Our economic assistance programs are aimed at addressing structural challenges in the Jordanian economy. Our security assistance also strengthens Jordan's capabilities to support and contribute to Middle East peace efforts, international peacekeeping operations, counterterrorism efforts, and humanitarian assistance within the region. If confirmed, I will work with the Jordanian Government and people to ensure that all of our assistance advances a sustained and comprehensive partnership and to ensure that these programs create genuine benefits in the lives of the people of Jordan.

We have a large Embassy in Amman. I care deeply about the welfare and security of our personnel, American and Jordanian. If confirmed, I will also dedicate myself to ensuring efficient and cost effective stewardship of our programs.

I appreciate and value this committee's oversight of our mission in Jordan. If confirmed, I look forward to welcoming this committee's members and staff to Amman. Your presence and interest are a vital element in ensuring that we remain successfully engaged with the government and people of Jordan.

Mr. Chairman and members of the committee, again thank you for this opportunity. It is an honor to be here. Thank you.

[The prepared statement of Mr. Jones follows:]

PREPARED STATEMENT OF STUART E. JONES

Mr. Chairman, members of the committee, it is an honor to appear before you today as President Obama's nominee to serve as Ambassador to Jordan. I am grateful to the President for his nomination and to Secretary Clinton for her confidence in me and for her leadership of our Department. If confirmed, I will do my best to live up to their trust and to work as closely as possible with this committee to advance U.S. goals in Jordan. I will also build on the excellent work of my predecessor and friend, Ambassador Steve Beecroft, to deepen our partnership with the government and people of Jordan.

With your permission, Mr. Chairman, I would like to introduce my family. My wife, Barbara, a former Foreign Service officer, and my two sons, Thaddeus and Woody, are here today. My daughter, Dorothy, is unable to join us because of school obligations. I am grateful for their support, especially during this year while I have served as Deputy Chief of Mission at our Embassy in Baghdad.

Mr. Chairman, Jordan is one of our closest partners in the Arab world. We share mutual interests and values. It is well known that Jordan has been a powerful agent for peace in the region. As one of only two Arab States to sign a peace treaty with Israel, Jordan is committed to the achievement of comprehensive peace in the Middle East and to a two-state solution to the Israeli-Palestinian conflict. Jordan has also been a valued partner on Iraq. It accepted hundreds of thousands of refugees and hosted them with dignity, opening its schools and hospitals and collaborating with the international community in providing humanitarian aid. The Jordanian Prime Minister was the first high-level visitor to Baghdad after Iraq's new government was formed in January.

As other countries have faltered, Jordan has undertaken important reforms. King Abdullah is a leader who has long listened to his people. In November 2010, Jordan held free and fair elections under procedures that met international standards according to both international and domestic election observers. In February, we welcomed a new Jordanian Government with an ambitious mandate for political reform. The King has also established a National Dialogue Commission with a 3-month timeline to enact electoral and political party reform.

We support the King's and the government's efforts to implement a reform agenda that responds to the aspirations of Jordan's citizens. Our efforts include working with Jordanian Government institutions and with Jordanian civil society to expand citizen participation in the country's political and economic systems; strengthen

independent media, the judicial system, and the rights of women and laborers; and increase religious tolerance.

Our economic assistance programs are also aimed at addressing structural challenges in the Jordanian economy. Jordan is one of the most water-starved nations in the world. The Millennium Challenge Corporation is funding a 5-year program on water management in Zarqa which we hope will provide a template for water management throughout the nation. Jordan has also been impacted by rising energy costs; we are now engaging the Government of Jordan to promote energy efficiency and explore the potential for shale gas production. These are just two examples of our extensive programs in Jordan. Assistance also strengthens Jordan's capabilities to support and contribute to Middle East peace efforts, international peacekeeping operations, counterterrorism efforts, and humanitarian assistance within the region.

If confirmed, I will work with the Jordanian Government and people to ensure that all of our assistance effectively and efficiently advances a sustained and comprehensive partnership and to ensure that these programs create genuine benefits in the lives of the people of Jordan.

We have a large Embassy in Amman. I care deeply about the welfare and security of our personnel—American and Jordanian. If confirmed, I will also dedicate myself to ensuring efficient and cost-effective stewardship of our programs.

I appreciate and value this committee's oversight of our mission in Jordan. If confirmed, I look forward to welcoming the committee's members and staff to Amman. Your presence and interest are a vital element in ensuring that we remain productively and successfully engaged with the government and people of Jordan.

Mr. Chairman, members of the committee, thank you for this opportunity to address the committee. I would be pleased to respond to any questions you may have.

Senator CASEY. Mr. Jones, thanks very much. I should have provided the opportunity to introduce your family. If they would like to stand. I want to make sure that we give them that opportunity.

Mr. JONES. Thank you.

Senator CASEY. Thank you very much.

I would reiterate what I said before about a family serving with you in public service. We appreciate not only their presence here but also the work that they do to make it possible for you to serve.

Mr. JONES. Thank you.

Senator CASEY. And we commend both of you for your willingness to serve.

I will start the first round of questions. I wanted to start, Mr. Shapiro, with a rather difficult topic related to what has been happening just in the last couple of days and weeks: the decision of the Palestinian Authority to form a unity government with Hamas. We are aware of all of the difficulties and concerns that that presents. As you know, and as most Americans I think have a sense of, we have always, and I think the international community has always said, that the only way that Hamas could be a legitimate partner in any effort is if they do at least three things: that they recognize Israel and renounce violence and agree to abide by the previous obligations and agreements of the Palestinian Authority. They have not done that yet.

And I have profound and deep concerns about what is happening, and I wanted to get your sense of what our policy is or what it should be going forward, making sure that we are adhering to those conditions that we have always insisted upon as it relates to Hamas, which is a terrorist organization.

Mr. SHAPIRO. Thank you, Mr. Chairman.

There is no question that we in the administration share many of the concerns that you have just articulated, and I know many of your colleagues share as well, about the reconciliation agreement that was announced and signed this morning in Cairo. We are closely following this in part because we need to learn more about

it. There are many details that are as yet unknown about this agreement. There are ambiguities in the language of it. There are deep uncertainties about its prospects for implementation. And so we will be following that very closely and staying in close touch with the Congress and also maintaining, as we always do, very close consultations with our colleagues and our partners in the Israeli Government to ensure that we have the closest possible common understanding of the meaning of these events.

We share the characterization that you provided of Hamas. Hamas is a terrorist organization that calls for Israel's destruction and that directs violence against civilians. We have no disagreement about that whatsoever.

Now, Palestinian reconciliation ultimately is a desirable goal, but it must take place on terms that support peace, and I think you have articulated them well. Only a Palestinian Government that recognizes Israel and renounces violence and abides by previous agreements between the PLO and Israel can really be a true partner for peace.

So those are the considerations. We will be watching very closely as we gain further understanding and facts about the agreement that was announced.

Senator CASEY. Well, I just want to reiterate what I know to be a bipartisan consensus, as you know, on that issue and want to remind—I am not saying it is necessary—but I want to remind the administration of that commitment that we have to Israel's security.

I have made a number of trips to the region. When I was in Israel in July 2010, I had the chance to tour part of Sderot, a community, among others, that has been assaulted for many years, to actually see the shrapnel and the results of the rockets that have landed there, to the point where children, as you know—and again, you know better than I, but it bears repeating—couldn't play in playgrounds. They literally built, as many people here know, a bomb-fortified indoor playground. So something as simple as playing in a community playground is virtually impossible, at least at various periods in recent history, because of those rockets. There have been thousands and thousands that have landed as a result of the violence perpetrated by Hamas.

I note that Hamas' leader—this is timely and I think it is important for the record—his response to the killing of Osama bin Laden referred to the assassination of an Arab holy warrior. I do not know what more we can say about the threat that Hamas poses to Israel and to the region.

So let me move to at least one more question before I turn to our ranking member, Senator Risch.

A lot of us have worked long and hard on making sure that we do everything possible to hold the Iranian regime in check, especially as it relates to the potential nuclear capability, but also to the ever-present and ongoing threat that is posed by the Iranian regime's support for extremists and terrorist organizations in the region, not the least of which are Hamas and Hezbollah. I spent some time last summer in Beirut, and you do not have to be on the ground in that country very long before you feel the overwhelming

sense of the power of Hezbollah in Lebanon, not to mention the impact it has on the region as a terrorist organization.

But because of that support that the Iranian regime has provided, we need to be determined and even more determined, I think, than we have been to make sure that the sanctions we have applied to the regime work. We are getting some results from that, but frankly not enough, and we need to consider tightening up or increasing the sanctions in my judgment.

I wanted to get your thoughts on that in terms of the impact as you see it of those sanctions and what other steps we can take to hold the Iranian regime in check.

Mr. SHAPIRO. Mr. Chairman, we share the concern and the assessment about the threat posed by Iran not just to Israel, but to the region—and of course, the threat is very real. It is articulated openly by the President of Iran who calls for Israel's destruction. It is a threat to the United States and it is a threat to our allies and our interests and, indeed, international stability throughout the region. It is posed both by Iran's pursuit of nuclear weapons and by its support for terrorist organizations like Hezbollah and like Hamas which it attempts to arm.

As I said, President Obama is determined to prevent Iran from acquiring a nuclear weapon, and the sanctions enacted by the U.N. Security Council resolution, additional measures coordinated and taken by the European Union and a number of our other partners, and the sanctions passed by this Congress have all created several layers of economic sanctions against Iran that have had a real impact and that has made Iran struggle in ways economically that it has not previously done and begin to feel the pain of the result of its continued pursuit of these policies.

Now, obviously, we will look for additional measures that may be available to tighten those sanctions. We are in close consultations with a number of international partners about ways that can be done, whether it is countries acting on their own or in concert. It is something that my colleagues at the State Department will remain in close consultation with this committee about, but I can assure you it has our full and undivided attention.

Senator CASEY. Thank you.

Mr. Jones, I will get to you in the next round, but Senator Risch.

Senator RISCH. Thank you very much.

Mr. Shapiro, when you travel over there, you cannot help but be struck by the difference between what is happening in the West Bank and what is happening in Gaza. So I guess this new reconciliation pact raises the question in my mind—and I would like your personal view on this. With that reconciliation or whatever it turns out to be, is the population going to move more toward what is happening in the West Bank or is the West Bank going to move more backward toward what is happening in Gaza? What is your personal view on that?

Mr. SHAPIRO. Well, Senator Risch, I think it is hard to judge exactly how public opinion will react to this agreement. I would say there is strong support among Palestinians for reconciliation, and I think that was a driving factor in this agreement being reached at this time.

We agree with you. There have been tremendous gains made in the West Bank through an improved economy that is growing rapidly through improved security that is carried out both by the Israeli forces and by the Palestinian security forces and an improved governance under the reforms initiated by Prime Minister Salam Fayyad. So there is much progress that has been made, and it is in our interest, as well as Israel's interest and the Palestinians' interest, that it be sustained.

That will certainly be a priority for us as we again evaluate the details of this agreement that has been announced and assess its prospects for implementation. We are very mindful of that progress and want to see it sustained.

Senator RISCH. You didn't really get to your personal view as to what you think is going to happen, but if you had to guess, what direction are they going to slide?

Mr. SHAPIRO. Senator, it is very hard not being on the ground to get a sense of the reaction. I think at least within the West Bank we have seen Palestinians appreciating the kinds of changes that they have experienced in their lives in the way I have just described. They certainly have other aspirations as well, as I mentioned, for statehood and for reconciliation. But I think we would certainly hope the Palestinians would try to support a government that would allow that progress to be sustained, and that is what we will be working toward.

Senator RISCH. One cannot help but think that those that live in Gaza have to look across and see what is happening in the West Bank and say, look, what they are doing is working and what we are doing is not working, how can we move more in that direction. One would hope that that is the thought process that an intelligent person would pursue.

Mr. Jones, your view, please if you would, about the instability in Syria and how that potential is affecting or could potentially affect things on the ground in Jordan.

Mr. JONES. Thank you, Senator.

I think all of us are watching developments in Syria with real concern. People of Syria are demonstrating their frustration and their lack of satisfaction with the Government in Syria, and the response of the Assad regime has been extremely brutal. It is a source of concern from a humanitarian standpoint and, as you said, from a political standpoint.

I think that the situation in Jordan is quite distinct. The King has long listened to his people, as I said in my statement. He had already put in place a series of reforms to address people's concerns, and for the relatively minor demonstrations that we have seen in Jordan, there has been a completely different relationship between the people and the security forces where you see Jordanian security forces actually providing water and juice to the demonstrators.

Any instability in the region, of course, is a cause for concern and this is something we are going to have to continue to watch. But I think certainly our continued support for Jordan will be essential through this period.

Senator RISCH. I appreciate that.

Back to you, Mr. Shapiro. You are at least modestly an expert on Syria. Do you agree with that assessment? We all understand the difference between the two governments, but do you agree with the assessment that that will carry the day?

Mr. SHAPIRO. I do. I do, sir.

Senator RISCH. Thank you. Thank you, Mr. Chairman.

Senator CASEY. Thank you, Senator Risch.

Senator Lee.

Senator LEE. Thank you both for coming to join us today, and thank you for your willingness to serve your country.

Mr. Shapiro, I want to echo the comments that have been made by my colleagues, and I will echo what Senator Casey was saying a minute ago. I have visited that same village, Sderot, and visited the same playground. On the outskirts of that city, I visited this little lookout point where you could look out and see into Gaza. I have it on good authority that within about 72 hours after I visited that lookout spot, it was destroyed by rockets coming over from Gaza. So I am very sympathetic to the security risks that Israeli citizens face every single day and my heart goes out to them. I hope that we can be a support to Israel as we acknowledge that they are in a very vulnerable position and do everything we can to help them maintain defensible, secure borders.

In light of the involvement of Hamas and the Palestinian Organization, is that something that has caused you to consider whether we should withhold United States funding to the Palestinian Organization until such time as it clearly and thoroughly disassociates itself from Hamas?

Mr. SHAPIRO. Well, Senator, as I stated earlier, there are a lot of details about this agreement that has been announced that are still rather obscure, and many of them may not become clear until it is implemented or attempted to be implemented. And those details, I think, will bear very much on the question that you have raised about assistance. There are clear laws regarding our Palestinian assistance program. I can assure you that the administration will remain in full compliance with those laws, and I have already articulated the kinds of conditions that we think represent a Palestinian Authority that is committed to peace. So we will, obviously, be considering that question, but it requires a much greater and better understanding of an agreement that has not yet begun to be implemented.

Senator LEE. Sure, but there does come a point at which we turn that off. Do we not?

Mr. SHAPIRO. Well, the law is very clear. There are circumstances under which we would not be able to provide assistance to the Palestinian Authority.

Senator LEE. And so notwithstanding the fact that there is sometimes wiggle room—particularly in laws relating to foreign relations, there is sometimes wiggle room—you stand by the proposition that the law does have limits. This is a law. This is not just an aspirational statement.

Mr. SHAPIRO. Yes, I agree with that.

Senator LEE. I appreciate a statement made recently by Israel's Prime Minister, Benjamin Netanyahu, who said it is clear that an Egypt that is anchored in democratic values would never be a

threat to peace, particularly a threat to peace in Israel. I hope that he is right. Do you agree with his assessment?

Mr. SHAPIRO. Well, we certainly support the transition that is underway in Egypt and believe it represents an incredible opportunity for the Egyptian people to experience the kind of self-rule and democracy and the realization of those aspirations. We think it is absolutely critical that Egypt remain, as it goes through that transition, the responsible regional leader that it has been, and a big component of that is the peace treaty between Israel and Egypt which has been not only so important to Israel's security but really an anchor of regional stability and key to our own interests. So we have been very pleased that the Egyptian transitional government has repeated its commitment to all of Egypt's international obligations, including that treaty, and we would certainly have the expectation that any Egyptian Government would live up to those obligations and maintain the treaty.

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

Senator CASEY. Thank you, Senator Lee.

Mr. Jones, I wanted to get back to you. I meant to do that in the first round and I ate up all my time and actually took more time. So I owe the committee a minute and 22 seconds or something like that.

You have been asked before and your answers, as well as your statement, acknowledge the challenge in the region and the impact on Jordan and obviously the reaction by King Abdullah, as well as Jordanian leaders other than he, have been of marked contrast to what we have seen in other places in the region.

I wanted to develop that a little further in the sense that we know that in this fight against terrorism we have had to develop new relationships and even stronger relationships. I think it can be said without contradiction that Jordan has been a strong counterterrorism partner. We appreciate that probably even more so in the last couple of days. We know that that fight has been and will continue to be against Islamist groups in the Middle East.

We also know that even as Jordan is a strong counterterrorism partner, its peace treaty with Israel has also played an important role in the Middle East as well.

But given the unrest in the region and given the increasing influence of terrorist organizations that I mentioned before like Hamas and Hezbollah, what measures should the United States take to support King Abdullah's reform efforts especially at this time?

Mr. JONES. Thank you, Senator. Thank you, Chairman.

As you know, the United States is an important provider of assistance to Jordan, both economic support funds and foreign military financing. The economic support funds I think can play a vital role in terms of helping grow the economy, helping it address some of its structural challenges. Jordan is an importer. It imports 96 percent of its fuel. We are involved in helping Jordan look for alternative fuel sources and look at nontraditional fuels.

We are also helping them address their water problem. Jordan is one of the most water-starved countries in the world, and through the Millennium Challenge Corporation, we have just issued a $275 million grant over 5 years to work with the commu-

nity of Zarqa to develop water management techniques that we hope will be a model for the rest of the country.

So I think at this level, helping communities, helping create prosperity—that is a very important way to help combat terrorism.

Of course, the security side is also very important. Jordan has been an outstanding partner with us in the struggle against terrorism, and at all levels we should continue the work that we are doing with them, supporting their efforts and working closely with them as a partner.

Senator CASEY. I know we are almost ready to wrap up because we are going to move to our second panel, and we have had almost 50 minutes so far. So I do want to wrap up.

Senator Risch, do you have any questions?

Senator RISCH. No. I am going to pass. Thank you very much, Mr. Chairman. I appreciate it.

Senator CASEY. I would thank our ranking member for being here.

After we move to our second panel, we may have to adjourn briefly because of a potential vote, but that is not certain yet.

I do, as well, want to offer each of you the opportunity to make any closing statement or any point that you want to emphasize that we did not ask about or something you did not have a chance to cover—not that we encourage closing statements, but if you really feel the need to say something else.

Mr. SHAPIRO. No, thank you, Mr. Chairman.

Senator CASEY. Thank you very much.

Mr. JONES. Thank you, Mr. Chairman. It is an honor to be here.

Senator CASEY. I do want to mention, which I should have earlier, that Mr. Jones, I am told you are a Pennsylvania native. That is what the record shows. You grew up in, and your mother still lives in, Lafayette Hill, PA?

Mr. JONES. Correct.

Senator CASEY. I want you to know that that will not have any impact on your confirmation. [Laughter.]

But it is possible it will have some impact on me.

Thank you very much to both of you and we will move to our second panel.

What I will do, as we are changing seats, so to speak, is I will begin a statement so that we can keep the hearing moving.

We have two more nominees today and I wanted to start with our nominee for Uzbekistan. As many people in this audience know, Uzbekistan is an important partner in the Northern Distribution Network which is a major strategic priority for the United States war in Afghanistan. The airbase in Uzbekistan provides a vital supply route for the United States and NATO efforts to defeat al-Qaeda and its allies in Afghanistan and western Pakistan. The Uzbek Government also cooperates with United States security forces on counterterrorism and drug trafficking, two serious international threats.

The United States, however, must balance our strategic interests in Uzbekistan with the need to hold the government accountable for serious human rights abuses, including the use of force to oppress its own citizens as demonstrated by the massacre in Andijan in the year 2005. According to the State Department's 2010 Human

Rights Report, the Uzbek Government continues to commit serious human rights violations, including arbitrary arrests and detention, restrictions on freedom of speech and assembly, and forced child labor in the cotton industry.

I would like to especially acknowledge Senator Harkin's efforts to expose child labor in Uzbekistan, which remains of critical concern.

I look forward to hearing how Mr. George Krol will encourage the Uzbek Government to abide by its international human rights commitments while maintaining our important security cooperation.

Ambassador Krol is Deputy Assistant Secretary of State for South and Central Asian Affairs. He has served as United States Ambassador to Belarus from 2003 to 2006 and has served in several other challenging posts in Poland, India, Russia, and Ukraine. I am confident that his broad knowledge and experience working in the former Soviet Union will serve him well in this post if confirmed.

Algeria is an important strategic partner of the United States in the fight against al-Qaeda-linked groups in north Africa, most notably Al Qaeda in the Islamic Mahgreb, so-called AQIM. The Algerian Government has taken an active leadership role in the African Union's efforts to combat terrorism, and the recently announced U.S.-Algeria Bilateral Counterterrorism Contact Group will help to expand our existing cooperation to ensure greater security, peace, and development in the region.

Algeria's protest movement has remained limited compared to other countries in the region, but economic factors and longstanding political grievances have contributed to a series of strikes and demonstrations.

Algeria's decision in February to lift the 1992 state of emergency law was a welcomed step, but more needs to be done to address the human rights concerns such as freedom of assembly and association, prisoner abuse, and violence against women.

I look forward to hearing from Henry Ensher about how the United States can work with the Algerian Government to promote further democratic reforms while also strengthening our security relationship.

Mr. Ensher is currently serving as adviser to the Office of Afghanistan Affairs. He recently returned from southern Afghanistan where he served as Senior U.S. Civilian Representative. He has also served in our Embassies in Algeria, Saudi Arabia, Oman, Syria, Israel, Iraq, and was the Director of Political Affairs for Iraq in the State Department's Bureau of Near Eastern Affairs in 2006. That is a mouthful.

I would also like to welcome Mr. Ensher's wife, Mona, and two sons, Henry and Tariq, who are here with us today. And if they do not mind, we offer the chance, but we would love to have them stand up and be acknowledged. Thank you for being here today and thank you for your support for what I know is a family commitment to public service.

Mr. Krol, would you like to start? Thank you.

**STATEMENT OF HON. GEORGE ALBERT KROL, OF NEW JERSEY, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF MINISTER-COUNSELOR, TO BE AMBASSADOR TO THE REPUBLIC OF UZBEKISTAN**

Ambassador KROL. Thank you, Mr. Chairman, Senator Risch.

I am honored to appear before you today as President Obama's nominee to become Ambassador to Uzbekistan, and I am grateful for the trust and confidence the President and Secretary Clinton have placed in me with this nomination.

Unfortunately, my family is not here today. My wife is serving our Nation abroad, but she and I think my family are watching on the Webcast. So I say hello to them. You can stand up. Right? [Laughter.]

Senator CASEY. That is permitted. I want to give them a few minutes to stand up. [Laughter.]

Ambassador KROL. Since establishing diplomatic relations nearly 20 years ago, the United States has supported Uzbekistan's sovereignty and independence and encouraged its development as a prosperous, tolerant, internationally responsible, and democratic state at peace with its neighbors and the world. And those remain our fundamental goals to this day.

Most recently, as Deputy Assistant Secretary of State for Central Asia, I came to appreciate firsthand Uzbekistan's unique importance to United States foreign policy interests.

Uzbekistan has provided crucial assistance to its neighbor Afghanistan and to international efforts to stabilize the situation there. Electricity from Uzbekistan keeps the lights on in Kabul. And Uzbekistan is also, as you noted, Mr. Chairman, an important part of the Northern Distribution Network, a major supply route for coalition forces. And if confirmed, I will encourage Uzbekistan to maintain this critical support.

As you also noted, illegal narcotics flows, trafficking in persons, terrorism, extremism, and weapons of mass destruction proliferation concerns plague Uzbekistan's neighborhood. Over recent years, our cooperation with Uzbekistan has grown in addressing these transnational challenges through engagement and vetted training programs, and if confirmed, I would work to strengthen our partnership with Uzbekistan in these areas.

With the largest population in Central Asia and huge energy and mineral resources and its strategic location, Uzbekistan has a great economic potential, and if confirmed, I will encourage Uzbekistan to take steps to attract United States companies to help develop and diversify its economy and to buy American goods and services.

Mr. Chairman, almost 30 years' experience in the Foreign Service has taught me that long-term peace and durable stability are only possible with respect for human rights, the rule of law, transparent and democratic institutions, a vibrant civil society, and an open and free media. If confirmed, I will engage the government and the people of Uzbekistan fully and forthrightly on human rights issues such as preventing arbitrary arrests, addressing the allegations of torture and mistreatment in prisons, ending forced child labor, and allowing the free practice of faiths.

If confirmed, I will encourage the Government of Uzbekistan to increase space for civil society in Uzbekistan and for international

and domestic nongovernmental organizations to register and function freely.

In 2009, the administration established regular bilateral, interagency consultations with Tashkent, and in these high-level meetings, the full range of bilateral and multilateral interests, including political, security, economic, and commercial issues, as well as human rights, are discussed frankly and comprehensively. And flowing from these consultations, an ambitious work plan is being developed to make realistic progress in all these areas.

As Secretary Clinton stressed in Tashkent last December, we desire to move from words to actions. And if confirmed, I look forward to applying my energy and experience, creativity and leadership to constant, consistent engagement that meaningful action in these areas demands.

I know from past ambassadorial experience that being an Ambassador is not only an honor but a responsibility, and if confirmed, I will endeavor to be a responsible and accountable steward of the American people's trust and property, a caring leader for the entire embassy community, and a faithful representative of our values and word and deed. And I will ensure that our mission looks out for the interests of American citizens living and traveling in Uzbekistan.

If confirmed, I will aim not only to develop effective relationships with the government but also to get out among the people of Uzbekistan and engage all elements of Uzbek society. Public diplomacy is a critical element of our work, and I will encourage all members of the mission team to be ambassadors to the people of Uzbekistan, helping to increase understanding of American policies and values. And fostering greater exchanges and contacts between our peoples and communities and not just between our governments will be a major priority.

Finally, Mr. Chairman, I know success depends on building and leading a strong, dedicated mission team and keeping it fully in step with Washington and not only with the executive branch but also with Congress, and if confirmed, I will want to work closely with Congress, with you and the committee and your staff to advance America's goals and interests in Uzbekistan, hosting congressional visits and briefing you.

Thank you, sir, and I look forward to your questions.

[The prepared statement of Ambassador Krol follows:]

PREPARED STATEMENT OF GEORGE ALBERT KROL

Mr. Chairman and members of the committee,I am honored to appear before you today as President Obama's nominee to become U.S. Ambassador to the Republic of Uzbekistan. I am grateful for the trust and confidence the President and Secretary Clinton have placed in me with this nomination. If confirmed, I will work with this committee and the entire U.S. Congress to advance America's goals and interests in Uzbekistan.

Since recognizing Uzbekistan and establishing diplomatic relations nearly 20 years ago, the United States has supported Uzbekistan's sovereignty and independence and encouraged its development as a prosperous, tolerant, democratic society and internationally responsible state at peace with its neighbors and the world. Those remain our fundamental goals to this day.

Most recently, as Deputy Assistant Secretary of State for Central Asia, I came to understand and appreciate the importance of Uzbekistan to U.S. foreign policy interests.

Uzbekistan has provided crucial assistance to its neighbor Afghanistan and to coalition efforts to stabilize the security situation there. Electricity from Uzbekistan keeps the lights burning in Kabul. Uzbekistan is also an important part of the Northern Distribution Network, a major supply route for coalition forces. If confirmed, I will encourage Uzbekistan to maintain this support.

Illegal narcotics, trafficking in persons, terrorism and extremism plague Uzbekistan's immediate neighborhood. Over the years, U.S. cooperation with Uzbekistan has grown in addressing these transnational challenges through engagement and vetted training programs. If confirmed, I will work to strengthen our partnership with Uzbekistan in these areas.

Uzbekistan has the largest population in Central Asia and also is a major producer of energy and minerals. If confirmed, I will encourage Uzbekistan to take steps to attract U.S. companies to help develop and diversify its economy and to buy American goods and services.

Almost 30 years experience in the Foreign Service has taught me that long-term peace and durable stability are only possible with respect for human rights, the rule of law, transparent and democratic institutions, a vibrant civil society and an open and free media. If confirmed, I will engage the government and people of Uzbekistan fully and forthrightly, to increase not only our bilateral security and economic engagement, but also our engagement on human rights issues such as preventing arbitrary arrests, addressing allegations of torture and mistreatment in prisons, ending forced child labor, and allowing free practice of faiths.

If confirmed, I will encourage the government to make space for civil society in Uzbekistan and for international and domestic nongovernmental organizations to register and function freely. These steps can facilitate Uzbekistan achieving its self-declared goal to become a prosperous, tolerant, and stable society in full accord with its international commitments and rich heritage as a crossroads of cultures, education, and human values.

The Obama administration has established an atmosphere and a mechanism of constructive dialogue and trust with the government and people of Uzbekistan. In February of this year the second series of comprehensive annual bilateral consultations with Uzbekistan were held in Tashkent. Secretary Clinton visited Tashkent last December to elevate our engagement with Uzbekistan's leadership and civil society. In these consultations the full range of bilateral and multilateral interests including political, security, economic and commercial issues, as well as human rights, are discussed frankly and comprehensively.

An ambitious work plan is being developed to make realistic progress in all these areas. Many of these issues are not easy to resolve and will require great effort. The United States and, I believe, Uzbekistan are committed to this process and to achieving results. As Secretary Clinton stressed in Tashkent, we desire to move from words to actions. If confirmed, I look forward to applying my energy, experience, creativity, leadership and insight to the constant, consistent engagement that meaningful action in these areas demands.

I know from my past ambassadorial experience that being an American ambassador is not only a great honor but also a great responsibility. If confirmed, I will endeavor to be a good steward of the American people's trust and property, a caring leader for my embassy colleagues, and a faithful representative of our values and our interests. I will ensure that our mission looks out for the interests of American citizens living and traveling in Uzbekistan.

If confirmed, I will aim not only to develop effective relationships with the leadership and government authorities, but also to get out among the people of Uzbekistan and engage all elements of Uzbek society. To me, public diplomacy is a critical element of our diplomatic engagement. I will encourage all members of the mission team to be ambassadors to the people of Uzbekistan working to increase understanding of the United States, our policies and our values. Fostering greater exchanges and contacts between our peoples and communities, and not just between our governments, will be a major priority.

Finally, I know success depends on my leadership in encouraging and supporting a strong, dedicated mission team and keeping it fully synchronized with Washington, not only with the executive branch, but with the Congress as well. If confirmed, I would look forward to continuing an active dialogue with you as we seek to strengthen our relations with the people of Uzbekistan.

Thank you. I look forward to answering your questions.

Senator CASEY. Thank you, Mr. Ambassador. I will also note for the record that you were born in Pittsburgh. Is that correct?

Ambassador KROL. Yes, sir.

Senator CASEY. That will have some impact on me. OK.

Ambassador KROL. And I am a Pirate fan too I have to say. [Laughter.]

Senator RISCH. Do we have any Idaho appointees here, Mr. Chairman?

Senator CASEY. We are going to work on those. We are going to make that part of the next hearing.

Mr. Ensher, we want to welcome you as well and thank you for your commitment to public service. You can provide a summary. Both your full statements will be made part of the record.

**STATEMENT OF HENRY S. ENSHER, OF CALIFORNIA, A CAREER MEMBER OF THE SENIOR FOREIGN SERVICE, CLASS OF COUNSELOR, TO BE AMBASSADOR TO THE PEOPLE'S DEMOCRATIC REPUBLIC OF ALGERIA**

Mr. ENSHER. This will be just a brief summary, Senator, if that is all right with you.

Senator CASEY. Thank you.

Mr. ENSHER. Mr. Chairman, Ranking Member Risch, thank you very much for the opportunity to appear before you today. I am honored by President Obama's nomination to be U.S. Ambassador to Algeria. I deeply appreciate the confidence he and Secretary Clinton have shown by making this nomination.

If confirmed, my No. 1 goal will be to protect all Americans living and working in Algeria. I will work to advance critical United States foreign policy and national security interests in Algeria by using the full range of our diplomatic tools to promote security and economic prosperity. Both the President and the Secretary have emphasized the importance of outreach to civil society in countries of the region, especially women's organizations, and if confirmed, doing so will be a priority.

Mr. Chairman, I wanted to thank you very much for acknowledging my family, but I feel I would be remiss if I didn't add just a couple of words. So with permission, I will do that.

I have been away from the family for much of the last several years, 2 years, including time spent in Iraq and Afghanistan, and that would not have been possible particularly without Mona's unwavering love and support. She has done splendidly at home even while she was doing a very important job in service to the people of the United States. So I wanted to acknowledge that again.

Thank you, sir, for that.

[The prepared statement of Mr. Ensher follows:]

PREPARED STATEMENT OF HENRY S. ENSHER

Mr. Chairman, Ranking Member Lugar, members of the committee, I thank you for the opportunity to appear before you today.

I am honored by President Obama's nomination of me to be U.S. Ambassador to Algeria. I deeply appreciate the confidence President Obama and Secretary Clinton have shown by making this nomination. If confirmed by the Senate, my No. 1 goal will be to protect the people who serve the United States at our mission in Algiers and to protect the Americans who live and work in Algeria. I will work to advance critical U.S. foreign policy and national security interests in Algeria by using the full range of our diplomatic tools to promote security and economic prosperity. Both the President and the Secretary have emphasized the importance of outreach to civil society in countries of the region and, if confirmed, doing so will be a priority.

With your permission, I would like to introduce my wife, Mona, and our two sons, Henry and Tariq. I would not be here today without their unwavering love and sup-

port. The service to our country in Iraq and Afghanistan that have kept me away from them for more than 2 years would not have been possible without Mona's steadiness and grace at home, even while she excelled at her own very important job.

The relationship between the United States and Algeria has never been stronger. As the third-most populous country in the Arab world, Algeria is the largest producer of oil and gas on the African Continent, and an important supplier of energy to both the United States and Europe. Algeria also plays a critical role on the front lines countering violent extremism, and knows firsthand how important it is to maintain constant vigilance against those who wish to do us harm.

Like other countries in the region, Algeria has been impacted by events of the "Arab Spring." President Bouteflika has recently announced important reforms of the Algerian system, and we look forward to their early implementation. Algerians will decide any next steps they wish to take and, if confirmed, I look forward to developing our relations with them as they continue to craft their own destiny.

Algeria exports nearly 2 million barrels of oil a day. The United States is by far Algeria's largest trading partner, accounting for nearly a quarter of all hydrocarbon sales. However, when it comes to Algeria's imports, the United States doesn't even make it into the top five. While maintaining a constant flow of oil is critical, if confirmed I will work with American companies to develop Algerian partners to help them make use of Algeria's considerable resources for their shared benefit.

Our relationship with Algeria is built on counterterrorism cooperation. President Bouteflika was the first Arab leader to call President Bush following the attacks on 9/11, which reflected our shared view of the dangers posed by terrorism and led to even greater cooperation. Algeria's fight against violent extremism in the 1990s cost tens of thousands of lives, imposing still more sacrifice on the Algerian people, who have such a long history of struggle to win and preserve their freedom and sovereignty. Actions of the government caused the level of violence to decrease, but Algeria knows as well as the United States that violent extremism remains a threat.

To further improve our bilateral cooperation, we recently kicked off a Counterterrorism Contact Group. Additionally, Algeria has taken a leading role in international cooperation on counterterrorism, and, if confirmed, I will encourage them to continue to do so.

Algeria has long had a significant role in Middle Eastern and African affairs. It is a key player in conflict resolution throughout the wider region. It is a leading member state of the Arab League, the African Union, and the Organization of the Islamic Conference. It is a longstanding member of the Organization of Petroleum Exporting Countries and a founding member of the New Economic Partnership for African Development. Its mediating role in conflicts in the Sahel will remain vital to finding peaceful solutions there. The "frozen conflict" over Western Sahara cannot be resolved without Algerian involvement. Not least, Algeria is literally at the confluence of Africa, the Mediterranean, and the Arab world. It would gain from increasing trade within the region, and its willingness to lead in this area will be critical to realizing long-held dreams of regional integration.

Regarding the Embassy itself, our team has recently moved to a new, more secure facility, which is critical to our ability to promote our interests in an environment that still has the potential to be dangerous to us. To be clear, there has been a lot of improvement in our ability to operate freely in Algiers since I served there 11 years ago, but some necessary restrictions remain in place. If confirmed, I will have no higher priority than the security and safety of the entire American community in Algeria. Thank you for this opportunity to address you today. I would be pleased to address any questions that you may have.

Senator CASEY. Thank you very much and thanks for offering that personal note. That is probably not acknowledged enough in this city.

I wanted to start with Algeria and some of the challenges we have with our relationship. We know that we are partners in counterterrorism and we know that as Ambassador you would have the chance and the opportunity to build on what is the newly formed U.S.-Algeria Contact Group, the Counterterrorism Contact Group. I guess I would ask you first how you see that part of our relationship and how you would build on that foundation.

Mr. ENSHER. That is a great word, Senator. There is a strong foundation there that goes back some time, even into the 1990s,

and takes into account the fact that the Algerians were the first to acknowledge and express condolences after the events of 9/11 from the Arab world. Since then, we have engaged in a number of activities designed to improve that counterterrorism cooperation, of which the recent beginning of a contact group is only the latest example.

Sir, if confirmed, I would expect to intensify those relations across the full range of activities, including enhanced military cooperation and support for enhanced law enforcement cooperation and what can be done by improved relations with civil society as well. There are great opportunities here and we would look to exploit them fully, especially the Algerian desire to be a regional leader in this area, and we will look to support that in particular.

Thank you, sir.

Senator CASEY. I was going to ask you another question that relates to what we have seen play out over the last couple of months in the region, starting in Tunisia. I was struck by the contrast, just having been to the Middle East in July, and with Egypt being the last stop on our trip. We met with civil society leaders and their request at that time seemed so limited because of the circumstances that were at work then. In a meeting with three U.S. Senators, they requested that we and the U.S. Government provide more help for a freer election in Egypt—nothing about regime change or the kind of changes we have seen. In every country in that region, over many years, there have been civil society leaders, many of whom are now among the leaders and the activists for change.

In Algeria, the democratic movement or protest movement has been more limited compared to other countries in the region. There have been a series of prodemocracy protests and strikes and demonstrations that have their origins in economics. If you are confirmed, how would you work with Algeria's civil society leaders to make sure that the focus is on political reform? It is a two part question really. How do you see the reform movement and progress, if any, and two, how would you work with civil society leaders?

Mr. ENSHER. Thank you for that, Mr. Chairman.

It is a two-part response to your two-part question.

First of all, I could not agree more with my colleague, Ambassador Krol, on the importance of public diplomacy, simply being out there, making ourselves available as an embassy team to all aspects of society. We are supposed to be the embassy not just to the government but to the entire society, and we will do that under my leadership if I am confirmed, Senator. So that is one aspect of it.

The other is that we have a number of really excellent programs under the Middle East Partnership Initiative which enable us to help certain parts of civil society and, in fact, even the government develop their capacity better to improve their capability to advocate effectively for their rights, which already exist under the Algerian Constitution. And so I will continue and intensify those.

I would also point out that the Algerian people have long expressed a desire for broader participation in their own government, and we will support that as well.

Thank you very much, Mr. Chairman.

Senator CASEY. Thank you.

In my remaining time, I will turn to Ambassador Krol. Mr. Ambassador, like so many places where we have committed brave Americans serving in diplomatic posts, there are always tensions and conflicts that you have to try to resolve as Ambassador. And I do not envy the challenges that Ambassadors like you, and those who seek to serve, face.

You are going to have difficulties balancing two things, at least. One of the problems is the Northern Distribution Network. I am told that when we move supplies to our troops in Afghanistan, an estimated 98 percent of the traffic in that network passes through Uzbekistan. So it is a critical route to getting supplies to our troops in Afghanistan.

At the same time, we have got to be very tough and determined about making sure that Uzbekistan addresses the significant human rights abuses, the concerns that people have regarding a persecution of religious minority groups, forced child labor, restrictions on domestic and international nongovernmental organizations, torture, or illegal treatment in the criminal justice system. That is a long, long list.

How do you see that challenge and can you give us some indication about how you will address that priority, in the context of the necessity for us to get supplies to our troops through the Northern Distribution Network?

Ambassador KROL. Thank you, Senator. That is a very good question and certainly a very important one. It is a basic challenge that I will face, if confirmed, as have my predecessors.

However, I do not view it so much as an either/or. We have to pursue both of these matters together, and I would say on the matter of the Northern Distribution Network, which is all part of the effort to stabilize the situation in Afghanistan, that it is clearly in the interest of Uzbekistan. And in our conversations with the leadership of Uzbekistan, they clearly wish to see Afghanistan, their neighbor, stabilized. And so I think they see it very much in their interest to facilitate and support the international efforts in Afghanistan for their own merits and for their own security for Uzbekistan. So it is not a matter that they are just doing this for us. We are doing this together, and they understand it. They live in a tough neighborhood, and when we have discussions with them at the highest level, as when Secretary Clinton was there last December, this is quite clear that they join us in wishing to see success in Afghanistan, stability on their border so that it does not spread into their own country.

On human rights issues, that too is a security and a stability issue. And if confirmed, what I would like to do, as my predecessors have, is to develop an atmosphere of trust and confidence with the government and the people of Uzbekistan so that they understand that respect for human rights creates greater stability in a country in order to weather difficulties, whether they are economic and the like. And this is not something of simply because we like it to be done and simply because it is a matter of their obligations under their international commitments, but that having a respect for human rights in all the areas that you said do create a durable stability for a country, which is what is in everyone's inter-

est, the Uzbek authorities, the Uzbek people, and ourselves. And so I would like to be able to encourage them to take steps that broaden this sphere, this space for civil society, for broadening the choices that people have.

Another issue in Uzbekistan is that a very large percent of its population is young, very young, and they have aspirations. They need choices. And a lot of it will be finding jobs, what kind of a future that they have, and having a society that can provide those choices will stabilize that so you will not have resentments building up that could lead to some of the lessons we have seen elsewhere in the world of late.

Thank you, sir.

Senator CASEY. Thanks very much.

Senator Risch.

Senator RISCH. Well, thank you very much.

Mr. Ensher, let me start with you. My chief of staff was in Algiers for a week during the recent break. So I am modestly informed as to what is going on on the ground there. But I would like to get your views generally as to how the popular uprisings, for want of a better word, will move forward in Algiers. How will that resolve? How do you see it?

Mr. ENSHER. Thank you very much for that.

I have to say that because of the activities of your chief of staff, sir, you are well ahead of me. It has been 11 years since I have been in Algiers.

But with that in mind, I would say——

Senator RISCH. By the way, there are still sandstorms there in case you forgot.

Mr. ENSHER. There always are, yes.

It seems to me that there are a couple of ways that this could go. One way would be for the government to do, as it is apparently trying to do, which is to get out ahead of the demands of the population for greater openness, improved press freedom, broader access to the government, all those sorts of things. And they have done that by lifting the state of emergency that had been in place for 18 years and by promising—promising—the type of legislation necessary to achieve those goals to be passed sometime in fall of this year. So that would be the good course of action.

And here I will point out that so far in Algeria, there have been very few calls for a change of regime. It all has been about economic and social and political aspirations within the framework as it exists, not requiring the departure of any particular leader. That is a huge difference I think from some of the other places in the region.

The other way that it could go would be for the security situation to get out of control, and to lead to the sorts of things that we have seen elsewhere. I frankly do not expect that to happen. Algeria has a lot of resources to bring to bear. There is a longstanding demand, a tradition of democratic practice and a sense that democracy is already the right way to go. And so I am really quite optimistic about the future there.

Thank you, Senator.

Senator RISCH. Thank you very much. Appreciate it.

Mr. Krol, you have covered the waterfront I think pretty well. I wonder if you could comment a little bit in general terms about the terrorism issue in Uzbekistan. We know that there are Islamic extremists there that pose security threats. Can you give us your view of that, please?

Ambassador KROL. Yes, Senator. That is again a very good question, a very pertinent one.

Unfortunately, Uzbekistan has been the victim of terrorist attacks. There are organizations such as the Islamic Movement of Uzbekistan, as well as the Islamic Jihad Union, that are comprised in part of people from Uzbekistan who may be operationally working in places further to their south, Afghanistan, Pakistan, and the like. The Uzbeks are very concerned to keep that threat at bay. That is why they wish to maintain strong border controls, as well as controls within their country, to prevent these groupings from consolidating or taking action in Uzbekistan.

And it also requires working with their neighboring countries. I think they are concerned that the neighboring countries, particularly Tajikistan and Kyrgizstan, that have long borders with Uzbekistan, that those countries are able to prevent terrorist groups from conducting or having a safe haven in these countries in order to have attacks on Uzbekistan or into Uzbekistan or in the whole region. This is certainly an area that is of great concern to everyone in the region and the United States even though we are not of the region, but as you know, we do have significant assets in Afghanistan as well. And so it is serious. It demands a great deal of attention, and it is certainly one of the areas that we wish to cooperate with Uzbekistan to address.

Senator RISCH. Thank you very much.

Thank you, Mr. Chairman.

Senator CASEY. Thanks very much, Senator Risch.

Ambassador Krol, I wanted to go back to the concerns we have about human rights, and I know you share these. I wanted to refer back to a particular statement you made in 2008, and to get your reaction to some of the information that surrounds this issue.

In a Voice of America interview in Uzbekistan in October 2008, you commended the Uzbek Government for "passing orders to enforce legislation about child labor." During the same year, during the 2008 cotton harvest, the School of Oriental and African Studies at the University of London found that approximately 2.4 million school children between the ages of 10 and 15 were forcibly recruited to harvest cotton. A followup study by the same group released in November 2010 noted that the practice remains ubiquitous. Our own U.S. Department of Labor last year included Uzbek cotton on the list of "goods produced by child labor and forced labor."

Clearly, it seems that the government has, in a real sense, thumbed its nose at the obligations under the ILO Convention 182. I want to have you comment on that based upon those studies and based upon a previous statement you made.

Ambassador KROL. Thank you, Mr. Chairman.

It is a serious issue and a problem in Uzbekistan. It is one that we raise consistently with the Uzbek authorities, and if confirmed,

I know it will be one of the ones that I will be dealing with with them.

As you had mentioned, the Uzbek Government has acceded to all of the ILO Conventions dealing with child labor. The government and the President have passed and signed decrees that prohibit forced child labor in Uzbekistan. And so we commend them, as we say, for those actions that they have taken, at least in passing or at least adhering to these international conventions and signing the legislation.

But as you said, we need to move from the words to actually fulfilling the commitments made to the ILO Conventions, as well as fulfilling even the decrees of the President. And most recently, one could say that there was encouraging news because the Government of Uzbekistan—and their Embassy here passed us the information—has set up an interagency commission across the entire government authorities of Uzbekistan for the purpose of implementing these commitments made under the ILO and other things.

So again, it is welcoming to see that, but again, we will want to see that this goes beyond simply creating a commission to actually going to the action of addressing the children that are working in the fields. And I think our human rights report and other reports of our Embassy have made it clear that it does continue. So again, I would quote Secretary Clinton again when she was in Tashkent. "We need to move from the words which are welcoming and good to hear to the actions of actually ending this practice."

Senator CASEY. Well, we would urge you to continue to press them very aggressively. We appreciate the commitment you have. Your statements today are important to that.

I will have a number of other questions for the record probably for both nominees and those that preceded you.

Ambassador Krol, I did not get to prisoners of conscience, the criminal justice system. There is a long list that we do not have time to get into today, but we will make sure that the questions and the answers are made part of the record of this hearing and your nomination.

We are grateful to both of you for your commitment to public service at a tough time internationally, and for the commitment of your families as well.

Unless there is anything else to come before the committee—Senator Risch?

Senator RISCH. Mr. Ensher, on a personal note, is your family, your wife and your children, going with you?

Mr. ENSHER. They will be back and forth a great deal I suspect. Mona does have a very important job. The boys are in school and doing other things. But this will be a big change from Iraq and Afghanistan where at least we have the option. Thank you for asking.

And, Senator, from those two experiences, the one thing that I have learned or a thing that I have learned is the absolute criticality of CODELs and STAFFDELs. It is so important to reinforce the message that they are getting from we diplomats out there. It is so important for them to understand the political environment that we operate in and that drives the things that we do. So I cannot urge you strongly enough. I cannot invite you more enthusiastically than to come to the Kasbah if confirmed.

Thank you.

Senator RISCH. Thank you.

Senator CASEY. Ambassador Krol, any closing statements?

Ambassador KROL. I would just echo my colleague Henry and welcome you all to Uzbekistan, the Great Silk Road, Samarkand, Bukhara, Khiva. It is a fascinating country and a very warm and hospitable people with long traditions and culture. I think having your staff and everyone coming out there makes a great deal of difference to the people.

Thank you.

Senator CASEY. Thank you both very much.

This hearing is adjourned.

[Whereupon, at 4:05 p.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF DANIEL SHAPIRO TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* 2011 has been a year of unprecedented change in the Middle East. How have the events in Egypt and Syria affected Israel's security situation? How do you see your role in supporting the Israeli-Egyptian relationship? What can the United States do to help ensure the integrity of the 1979 Egypt-Israel Peace Treaty? What can the United States do to ensure that the turbulence in Syria does not spill over into Lebanon or threaten Israel?

Answer. If confirmed, I will ensure that we continue our close cooperation and consultation with Israel regarding any developments that might pose a threat to Israel's security.

Egypt is undergoing a period of significant transition. Our relationship with Egypt remains strong, and we continue to work constructively and collaboratively with the Egyptian Government on a range of issues. We remain encouraged that the current Egyptian Government has repeatedly expressed its commitment to adhere to past agreements, including its Treaty of Peace with Israel.

The Department of State fully appreciates the significance of Egyptian-Israeli peace to our regional interests and to regional stability. In our discussions with Egyptian leadership across the political spectrum, we have and will continue to underscore the importance of upholding this and Egypt's other international obligations.

On Syria, our policy is that the abhorrent and deplorable actions of the Syrian Government against the Syrian people must end immediately. The Syrian Government must also immediately stop arbitrary arrests, detention, and torture.

*Question.* What can be done to counter efforts to delegitimize Israel? Are there steps that Israel could take that would decrease the popular pressures in Egypt and Jordan to recalibrate their relations with Israel?

Answer. In the U.N. system and in many international organizations, members devote disproportionate attention to Israel and consistently adopt biased resolutions, which too often divert attention from the world's most egregious human rights abuses. We will continue our ongoing effort in the full range of international organizations to ensure that Israel's legitimacy is beyond dispute and its security is never in doubt.

We will do all we can to ensure that Israel has the same rights and responsibilities as all states in these bodies—including membership in all appropriate regional groupings at the U.N.

The peace agreements between Israel and Egypt, and Israel and Jordan, are fundamental for long-term regional peace and stability in the region. We strongly support Israeli, Jordanian, and Egyptian efforts ensure productive relations and strengthened connections between their governments and peoples in support of regional peace and stability.

*Question.* What is the administration's position on the Hamas-Fatah unity government? What factors will it use in determining the future relationship with, and financial support for, the Palestinian Authority?

Answer. We understand Fatah and Hamas have reached a reconciliation agreement. What is important now is that the Palestinians ensure implementation of that agreement advances the prospects of peace rather than undermines them.

We will continue to seek information on the details of the agreement and to consult with Palestinians and Israelis about these issues.

We understand the concerns of some Members of Congress. As a new Palestinian Government is formed, we will assess it based on its policies and will determine the implications for our assistance based on U.S. law.

We are confident President Abbas remains committed to the principles of nonviolence, recognition of the state of Israel, and acceptance of previous agreements and obligations between the parties.

To play a constructive role in achieving peace, any interim Palestinian Government formed in the period before elections must ensure its actions fully implement these principles. The U.S. stance toward such a government will be fully consistent with U.S. law.

Our position on Hamas has not changed; Hamas is a designated Foreign Terrorist Organization.

*Question.* In August 2010, the President said that he believed it might be possible to reach an Israeli-Palestinian peace agreement within a 1-year timeframe, a period which roughly corresponds with the end of Palestinian Prime Minister Salam Fayyad's 2-year institution-building program.

- Do you still believe a peace agreement is possible? How do you evaluate Salam Fayyad's program?

Answer. A comprehensive Middle East peace agreement remains a central U.S. policy objective. As we have said many times, the status quo between Israelis and Palestinians is not sustainable. Neither Israel's future as a democratic Jewish state, nor the legitimate aspirations of Palestinians can be secured without a two-state solution that is achieved through serious and credible negotiations that address issues of concerns to both sides.

The Palestinian Authority has set forth a clear vision for strengthening the institutions of a future Palestinian state, improving delivery of essential services, and implementing a reform agenda. Over the past year and a half, the PA has made steady progress in putting in place policies to reform the security sector, foster economic growth, expand public services, decrease reliance on donor assistance, effectively manage public expenditures and improve tax revenue collection. However, as we have often stated, the Palestinian institution-building program is mutually reinforcing with efforts on the political track; it cannot achieve a Palestinian state absent a negotiated outcome.

*Question.* On March 16, 2003, Rachel Corrie, an American citizen, was killed by an Israel Defense Forces bulldozer in Rafah, Gaza while protesting home demolitions. Both the Obama and Bush administrations have affirmed that Israel's investigation into Ms. Corrie's killing did not meet the standard of being "thorough, credible, and transparent" that was assured by the Israeli Government in 2003. On June 30, 2010, Department of State spokesperson P.J. Crowley stated, "We continue to stress to the Government of Israel at the highest levels to continue a thorough, transparent, and credible investigation of the circumstances concerning her death."

- Please provide information on steps taken under the current administration, including the U.S. Embassy in Tel Aviv, to encourage the Government of Israel to undertake a thorough, credible, and transparent investigation into Ms. Corrie's death. What specific steps will the administration take to ensure accountability is obtained in the case? What specific steps will you commit to take, if confirmed, to encourage a reopening of a credible investigative process?

Answer. Since Rachel Corrie's death in March 2003, the Department of State and the U.S. Embassy in Tel Aviv have been in close contact with the Corrie family to provide them with support and assistance. For 7 years, we have pressed the Government of Israel at the highest levels to conduct a thorough, transparent, and credible investigation into the circumstances of her death. The Israeli Government has responded that it considers this case closed and does not plan on reinvestigating the incident. In March 2010, an Israeli court began hearing the family's civil case against Israeli authorities. We hope that this venue will finally provide them with the answers that they seek.

We will continue to work with and assist the Corrie family as appropriate.

RESPONSES OF STUART JONES TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* On February 20 King Abdullah of Jordan outlined an ambitious program for political and economic reform. What can the United States do to support these initiatives?

Answer. The United States enjoys a warm relationship with King Abdullah and with the people of Jordan. If confirmed, I look forward to supporting their efforts to implement political and economic reform. Maintaining our MOU assistance levels is the first priority in supporting the Government of Jordan's political, economic, and social reform agendas. U.S. economic assistance aims to help Jordan on its path to growth and development by enhancing private sector competitiveness, trade, employment opportunities, and workforce development to promote economic growth. Our USAID programs are providing technical assistance to strengthen Jordan's tax administration and improve efficiencies through results-based budgeting and a more effective financial management information system. Democracy and governance (DG) programs capitalize on the renewed energy within civil society to promote civic participation, judicial independence, legal reforms (including electoral reform), respect for human rights, and anti-corruption measures.

*Question.* An opening of the Jordanian political system could allow the Islamic Action Front to play a more prominent role in Jordanian politics. What is the United States policy toward the IAF?

Answer. The Islamic Action Front (IAF), an opposition, Islamist party, has been a part of the Jordanian political system since 1992. They are a well-established, legal opposition party that participates nonviolently in the mainstream political process. In the previous Parliament, the IAF held six seats. The movement boycotted October 2010 parliamentary elections and is therefore not represented in the current Parliament. The IAF continues to state its loyalty to the monarchy and allegiance to the system but has called for reforms to the system. The IAF opposed the appointment of the new Prime Minister in February 2011, refused to join the new Cabinet, and also boycotted the National Dialogue Committee. The IAF's specific statements are generally viewed as not representative of wider Jordanian popular opinion.

The Embassy continues to meet at the working level with IAF officials, however, the IAF is often not interested in meeting with Embassy officers.

*Question.* Jordan has expressed an interest in a bilateral agreement on peaceful nuclear cooperation. What is the status of these discussions?

Answer. Negotiations between the United States and Jordan regarding an agreement for civil nuclear cooperation are ongoing. Since Jordan currently imports 96 percent of its energy needs, it is vulnerable to world energy prices which continue to strain its economy. We would like to help Jordan with its energy security by assisting with development of peaceful energy alternatives.

Beyond the ongoing nuclear cooperation, we are also working on additional energy alternatives with Jordan. In order to promote the diversification of energy supply and a reduction in greenhouse gas emissions, the United States has engaged with the GOJ on unconventional natural gas resource development through the Global Shale Gas initiative (GSGI). A Jordanian delegation attended the inaugural GSGI Regulatory Conference in August 2010, and another GOJ delegation is scheduled to visit the United States at the end of 2011. Furthermore, in January 2011, a memorandum of understanding on shale gas development was signed between the United States and GOJ on shale gas development. This agreement set forth the framework under which the U.S. Geological Survey (USGS) plans to conduct a resource assessment of Jordanian shale gas resource potential and help build capacity through technical level workshops.

*Question.* What has been Jordan's response to the Fatah-Hamas agreement signed in Cairo on March 4?

Answer. The Government of Jordan took note of the agreement, is watching its implementation closely, and continues to engage in supporting a comprehensive peace in the Middle East and remains committed partner to that end. We are confident that the Jordanian Government will continue to play a constructive role in emphasizing to all parties the importance of securing a comprehensive peace.

*Question.* As a result of the Arab Spring, there may be increasing pressure throughout the region to align policies more closely with public opinion. In the case of Jordan, there may be more pressure to recalibrate Jordan's relationship with Israel. What can the United States do to support this important relationship?

Answer. Jordan, like the United States, remains committed to the vision of two democratic states, Israel and Palestine, living side by side in peace and security, and Jordan has been a critical partner in our efforts to make progress toward comprehensive peace in the Middle East. Jordan is one of only two Arab countries that have signed peace treaties with Israel (in 1994), and it considers the achievement of comprehensive peace a top priority for the region and one that is crucial to the security and well-being of future generations living in the region. King Abdullah and successive Jordanian governments have consistently spoken out publicly in support of comprehensive Middle East peace based on a two-state solution. Jordan views its peace agreement with Israel as an important component of the comprehensive peace it seeks to achieve.

The United States will continue to encourage a strong bilateral relationship between Israel and Jordan by engaging both countries' leaders on the peace process, developments in the region, and regional security issues. We will continue to support ongoing programs that foster closer bilateral ties, especially between the two private sectors such as the Qualifying Industrial Zones program and encourage multilateral programming and partnership on resources, particularly on water use and science and technology.

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RESPONSES OF GEORGE KROL TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* Uzbekistan has assumed an increasingly prominent role in the Northern Distribution Network (NDN), an important series of air and ground routes that carry supplies to our troops in Afghanistan. According to recent figures, the United States now ships over 1,000 containers each week to Afghanistan through the NDN, with an estimated 98 percent of that traffic passing through Uzbekistan.

- How are we balancing the need for reliable access to such routes with our responsibility to address Uzbekistan's significant human rights concerns, including persecution of religious minority groups, forced child labor, restrictions on domestic and international nongovernmental organizations, and torture and ill-treatment in its criminal justice system?

Answer. Encouraging Uzbekistan to continue its support for the Northern Distribution Network (NDN) and working with it to improve its respect for human rights are not mutually exclusive goals. Both increasing NDN capacity and respect for basic human rights are in Uzbekistan's and America's national security interests as they can lead to greater and more durable security and stability for Uzbekistan and the region. Uzbekistan understands that NDN helps address one of its major national security concerns: establishing a stable and secure Afghanistan on their southern border. On this basis, we seek to maintain Uzbekistan's support for NDN. At the same time, we argue that respect for human rights also establishes greater domestic stability and security, which also meets Uzbekistan's national interest. We will continue to encourage Uzbekistan's authorities at all levels privately and publicly, bilaterally and multilaterally, to meet its international obligations to respect the full range of universal human rights, including freeing prisoners of conscience, eliminating child labor, and ending torture and mistreatment in prisons. To these ends, we will engage multilaterally with other diplomatic missions in Tashkent, the European Union (EU) and in international organizations, including the Organization for Security and Cooperation in Europe (OSCE) and the International Labor Organization (ILO) to reinforce the message that the Government of Uzbekistan meet its human rights obligations. We will continue to vigorously assist, support, and take up the cause of civil society and victims of human rights abuses in Uzbekistan. We will continue to make clear to Uzbekistan's authorities that the type of partnership we can have with the Government of Uzbekistan and the assistance we can provide it under current congressional legislation depends on its respect for human rights in accordance with its international obligations. We have and will continue to be constant and consistent in this principled approach.

*Question.* In its FY 2012 budget, the administration has requested $100,000 in Foreign Military Financing (FMF) for Uzbekistan. What specific conditions will Uzbekistan have to meet to be eligible for these funds?

Answer. The administration requested $100,000 in Foreign Military Financing (FMF) assistance in the FY 2012 budget to help the Government of Uzbekistan protect the Northern Distribution Network (NDN) supply lines. The FMF request was made as a signal of our willingness to cooperate with Uzbekistan on security issues. The current conditions on Uzbekistan's eligibility for FMF assistance are included in the FY 2011 State and Foreign Operations Appropriations Act and require

progress on respect for internationally recognized human rights and a credible investigation of events in Andijon in 2005. The administration is working with the Government of Uzbekistan, through Annual Bilateral Consultations and other processes, to facilitate improvement in the areas related to the conditions currently included in the law and will continue to push for improvements in the government's respect for human rights.

*Question.* On March 15, Human Rights Watch (HRW) announced that it was forced to end its 15-year presence in Uzbekistan after the government revoked its Tashkent office permit. HRW had maintained registration in the country after Andijan in 2005, but the Government of Uzbekistan constantly denied visas and accreditation for its staff.

The committee understands that the matter of HRW's "liquidation" is now before the Supreme Court of Uzbekistan. What steps is the administration taking to urge the Government of Uzbekistan to allow the organization's office to operate freely and with full accreditation for its staff?

Answer. We are raising the accreditation of Human Rights Watch and the legal proceeding to close its office in Tashkent vigorously at all levels of the Government of Uzbekistan. This issue, and the return of other reputable nongovernmental organizations supporting human rights in Uzbekistan, is one of the priority matters on our bilateral agenda with Uzbekistan, which is raised at our annual bilateral consultations and reviews. We also work with the European Union and in the Organization for Security and Cooperation in Europe (OSCE) to reinforce our efforts to press the Government of Uzbekistan to open its country to international NGOs and to increase space for all forms of civil society.

*Question.* According to the State Department's 2010 Country Report on Human Rights Practices in Uzbekistan, "torture and abuse were common in prisons, pretrial facilities, and local police and security service precincts." What strategy will you employ to encourage the Government of Uzbekistan to end torture in its criminal justice system?

Answer. We will continue to raise the cases of torture and abuse that occur in prisons to all levels of the Government of Uzbekistan privately and, when warranted, publicly. We support programs implemented through the Organization for Security and Cooperation in Europe (OSCE) to train and educate Uzbekistani prison officials on respecting the human rights of prisoners and preventing abuse. We recently began a new USAID rule of law program that will work with defense lawyers and prosecutors to improve understanding and implementation of habeas corpus legislation, with the goal of reducing the overall number of citizens placed in pretrial detention where a significant portion of abuse occurs. We also are strongly encouraging the Uzbekistani authorities to continue to allow the International Committee of the Red Cross (ICRC) access to prisons run by the Ministry of Internal Affairs and to extend this access to individuals incarcerated in prisons run by the National Security Service. This issue continually is one of the priority agenda items in our bilateral consultations with the Uzbekistani Government and one that is part of our bilateral work plan. During her visit to Uzbekistan in December 2010, Secretary Clinton spoke with President Karimov on a number of human rights issues, including several specific cases of concern and prison conditions in general. She also met separately with representatives of Uzbek civil society, including human rights activists.

*Question.* If confirmed, what steps will you take to press the Government of Uzbekistan to release the growing number of prisoners of conscience, both secular activists and religious believers, being held in prison in that country?

Answer. We will continue to vigorously raise the cases of prisoners of conscience at all levels of the Government of Uzbekistan both privately and when warranted publicly. Past efforts contributed to the release of some prisoners such as Mutabar Tadjibayeva; Sanjar Umarov, and Farhod Mukhtarov. We have made clear to the Uzbekistani authorities that the unjust imprisonment of religious believers and secular civil society activists severely restricts the extent of cooperation and assistance the United States can provide to the Government of Uzbekistan in many areas of potential joint endeavor. At the same time, the United States will support and champion the victims of unjust imprisonment and work multilaterally with other diplomatic missions, the European Union, and through international organizations including the Organization for Security and Cooperation in Europe (OSCE) and the U.N. Human Rights Council (UNHRC) for their release and for a change of approach by Uzbekistani authorities.

RESPONSES OF HENRY ENSHER TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* Some have been surprised that the wave of unrest that swept through North Africa in recent months has been relatively weak in Algeria. Why do you suppose Algerians have been relatively less vocal in demanding change than their Tunisian, Egyptian, and Libyan counterparts? How would you characterize the Algerian opposition and civil society?

Answer. While there have been numerous protests in Algeria since January, these have been more socioeconomic rather than political in nature, as various groups have called for higher wages, better housing, access to education, and stronger employment prospects. Algeria experienced horrific violence in the 1990s, with some estimating nearly 200,000 deaths during a 10-year civil war. Algerian citizens are, therefore, treading cautiously as change sweeps through the region, preferring to address issues at their own pace. They nevertheless remain committed to demanding improvements along these issues. Specifically, we have not seen widespread calls for President Bouteflika to step down, and his government has begun the process of reform.

In February, Algeria lifted the 19-year-old State of Emergency Law. The United States welcomed this action as a positive step and publicly reaffirmed our support for the universal rights of the Algerian people, including the freedom of assembly and expression. President Bouteflika on April 15 also announced a slate of democratic and economic reforms in response to popular protests, including the appointment of a commission to draw up amendments to the constitution. He proposed to submit to Parliament reform legislation on elections, political parties, NGOs, local government and women in government, and to revise the media laws so as to decriminalize press violations. We encourage the Government of Algeria to move swiftly toward the implementation of these measures, as we have encouraged other governments, including in Tunisia and Egypt, to do. We are committed to working with the Government of Algeria to ensure that it is responsive to the legitimate demands of its people.

*Question.* In February, President Abdelaziz Bouteflika announced the lifting of the Algerian emergency law, in place for almost two decades. Please describe the implementation of this and other reform gestures the government has announced. To what extent are restrictions on the freedoms of assembly, association, and expression enshrined elsewhere in Algerian law? Has the Algerian Government indicated a willingness to initiate a broader reform of these limitations?

Answer. Algeria's Government has repeatedly stated its commitment to democracy, and its most recent Presidential election in 2009 was certified by international observers as being generally free and fair—one of the few elections for a head of state in the Arab world to be conducted under such conditions. Algeria's independent press is also one of the more active and outspoken in the Arab world. That said, Algerian democracy would benefit from a more empowered and effective legislature, stronger and more democratically governed political parties, a more independent judiciary, and a more professional and better protected press, including electronic media. We have ongoing Middle East Partnership Initiative (MEPI) programs of varying sizes and scopes that target our goals in each of these areas.

We welcome President Bouteflika's announced reforms as a significant step forward for Algeria and its people. The proposed measures are wide-ranging and address many legitimate concerns of Algerian citizens, including reforming laws regulating political parties, NGOs, local government and women in government. President Bouteflika also announced that his government will take steps to decriminalize press offenses, which should lead to more open and free media. As both President Obama and Secretary Clinton have said on many occasions, there is a need for political, social, and economic reform throughout the region, and President Bouteflika's April 15 speech touched on each of these areas. President Bouteflika has announced a September deadline for legislative action on these reforms. We look forward to the concrete implementation of these reforms by the Government of Algeria and will closely monitor their effects on the situation in Algeria and the region. It is too early to predict how these measures will impact Algeria and its people, but we are pleased that the Government of Algeria has begun the process of reform.

*Question.* How can the United States help foster a more conducive economic environment in Algeria that will successfully attract U.S. businesses to invest in the country, beyond the hydrocarbon industry?

Answer. We are encouraged by growing economic ties between our two countries. President Bouteflika, during his April 15 speech on reforms, recognized economic

enterprises—public as well as private—as key to job creation, and promised that the Government of Algeria would draft a "national investment program" for companies.

American companies are active in hydrocarbons, banking and finance, services, medical facilities, telecommunications, aviation, seawater desalination, energy production, and information technology sectors. Algeria is one of United States largest trading partners in the Middle East/North African region. We are supportive of Algeria's efforts to diversify its economy by attracting foreign and domestic investment outside the energy sector. We are working with the Algerian Government to help create appealing business conditions in key areas for foreign and domestic investors, including the adoption of clear rules and regulations, streamlining administrative processes, and increasing access to government decisionmakers. Algeria has much potential, and U.S. firms could play an important role in realizing that potential.

Additionally, an annual international trade fair in Algiers each June draws significant U.S. participation and highlights the U.S. corporate presence very positively. A trade mission this spring is being organized by the U.S.-Algeria Business Council which will demonstrate the interest of the Algerian Government and business sectors in working with U.S. businesses.

*Question.* The Maghreb is arguably one of the world's least integrated regions. What is the potential for Algeria to play a more significant regional role in security, economic and political matters? How can the United States foster better regional integration in the Maghreb?

Answer. Algeria has the ability to be a regional leader on a variety of fronts, including on economic, counterterrorism, and political issues. However, this capacity to lead is hampered by its cold relationship with its neighbor, Morocco. We consistently urge both Algeria and Morocco to recognize that better relations between their two countries will foster deeper regional integration, enable both countries to better address key bilateral and regional issues such as terrorism, illegal migration, drug trafficking, and trade promotion. While Algerian-Moroccan relations are uneven, we welcome the recent exchange of ministers and the signing of a Memorandum of Understanding on Agricultural Development. Practical cooperation at the working level has often coexisted even with the unhelpful rhetoric at higher levels in the past. We have consistently encouraged both Algeria and Morocco to de-link the issue of Western Sahara from their bilateral relationship. The launching of the North African Partnership for Economic Opportunity at last December's first U.S.-Maghreb Entrepreneurship Conference is just one example of the United States ability to foster closer regional cooperation among all the countries of North Africa.

Algerian law also makes certain forms of defense sales very difficult. Their laws require payment for items after they have been delivered. Since this goes against U.S. law, participating in Foreign Military Sales is not possible. Algeria does buy some defense items through Direct Commercial Sales and is negotiating with the United States on workarounds to its restrictive laws. They are also increasing the number of individuals they send to the United States for training, creating a closer relationship between our nations.

*Question.* In light of the Arab Spring, some observers have noted that American diplomats have tended to engage too narrowly on ruling elites and security officials in capital cities at the expense of broader civil society. Do you agree with this characterization? If confirmed, will you commit to encourage the Embassy in Algiers to engage with a diverse cross-section of Algerian society?

Answer. Through a variety of programs, both within and outside of the State Department's Middle East Partnership Initiative (MEPI), we are working with the Algerian Government and civil society to develop key elements of a democratic society such as the media, political parties, and the judiciary, as well as reforming critical systems such as the education, banking and financial sectors. We also work closely with independent human rights organizations, journalists, political parties, and other nongovernmental organizations. Human rights are a significant part of our ongoing dialogue with the Algerian Government, as with all other governments.

Additionally, while Algeria has traditionally been a country that afforded women considerable rights, we are always interested in ways in which we can help to further improve their status. Our educational programming, and in particular a judicial capacity-building program through the American Bar Association (ABA), have targeted building on Algeria's historical openness to equal rights for women. Algeria's women have an employment rate well above the average for the Arab world; several government ministers and leader of a large Algerian opposition party are women.

## RESPONSES OF DANIEL SHAPIRO TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

### FATAH-HAMAS UNITY GOVERNMENT

*Question.* I am very concerned about the announcement that President Abbas has conceded to form a unity government with Hamas. Hamas rejects peaceful efforts to end the Israeli-Palestinian conflict and continues to call for the destruction of the State of Israel. While I welcome statements from the administration recognizing that Hamas is a terrorist organization and requiring that it accept the Quartet conditions of recognizing Israel's right to exist, rejecting violence, and endorsing previous Israeli-Palestinian peace agreements in order to participate in the transitional government and elections, I think this agreement is going to require more than supportive statements.

- What is your view on whether the United States should work with a Palestinian Authority government that includes an unreformed Hamas? Do you support, pursuant to U.S. law, suspending aid to the Palestinian Authority, if after reviewing the situation it is determined that Hamas will not comply with Quartet conditions?
- Where do you see the peace process heading in light of President Abbas' decision to reconcile with an unchanged Hamas? Do you really expect Israel to sit down and negotiate with a Palestinian Government which includes the terrorist group Hamas?
- Could you also comment on Egypt's role in bringing about the agreement and whether their involvement foreshadows a change in their longstanding relationship with Israel?

Answer. We understand Fatah and Hamas have reached a reconciliation agreement. What is important now is that the Palestinians ensure implementation of that agreement advances the prospects of peace rather than undermines them.

We will continue to seek information on the details of the agreement and to consult with Palestinians and Israelis about these issues.

We understand the concerns of some Members of Congress. As a new Palestinian Government is formed, we will assess it based on its policies and will determine the implications for our assistance based on U.S. law.

We are confident President Abbas remains committed to the principles of nonviolence, recognition of the state of Israel, and acceptance of previous agreements and obligations between the parties.

To play a constructive role in achieving peace, any interim Palestinian Government formed in the period before elections must ensure its actions fully implement these principles. The U.S. stance toward such a government will be fully consistent with U.S. law.

Our position on Hamas has not changed; Hamas is a designated Foreign Terrorist Organization.

Egypt is undergoing a period of significant transition. Our relationship with Egypt remains strong, and we continue to work constructively and collaboratively with the Egyptian Government on a range of issues. We remain encouraged that the current Egyptian Government has repeatedly expressed its commitment to adhere to past agreements, including its Treaty of Peace with Israel.

The Department of State fully appreciates the significance of Egyptian-Israeli peace to our regional interests and to regional stability. In our discussions with Egyptian leadership across the political spectrum, we have and will continue to underscore the importance of upholding this and Egypt's other international obligations.

### COUNTERING THE DELEGITIMIZATION OF ISRAEL

*Question.* Over the last several years there has been a noticeable increase in anti-Israel and anti-Jewish sentiment, even by close U.S. allies. As you are aware, there has also been a concerted effort at the United Nations to demonize Israel, as well as to use U.N. bodies to circumvent the peace process. As U.S. Ambassador to Israel it will be important for you to oppose these efforts and to work within the administration to ensure that we do everything we can to blunt these destructive efforts.

- What priority do you give to U.S. diplomatic efforts at the U.N. and on a bilateral basis to draw attention to growing anti-Israel bias and to efforts to jeopardize the peace talks by circumventing the negotiating table?
- If confirmed, how will you work to promote Israel's rightful inclusion in the region and more broadly in the international community?

Answer. U.N. members devote disproportionate attention to Israel and consistently adopt biased resolutions, which too often divert attention from the world's most egregious human rights abuses. We will continue our ongoing effort in the full range of international organizations to ensure that Israel's legitimacy is beyond dispute and its security is never in doubt.

We will do all we can to ensure that Israel has the same rights and responsibilities as all states—including membership in all appropriate regional groupings at the U.N. As the President said last September before the entire U.N. General Assembly, efforts to chip away at Israel's legitimacy will continue to be met by the unshakeable opposition of the United States.

If confirmed, I will work to promote full and equal Israeli participation in consultative groups throughout the U.N. system as one of our highest priorities across the U.N. system. I will work with my Department of State colleagues at the Security Council, the General Assembly, and at all specialized U.N. agencies as they work closely with their Israeli counterparts to find ways to maximize Israeli participation.

We strongly support Israel's continued election to U.N. bodies. With support from us and many others, Israel has been elected to all U.N. bodies and leadership positions to which it has sought membership over the last decade. In December 2009, for instance, the U.S. Mission to the U.N. in New York succeeded in formally adding Israel to the JUSCANZ negotiating group for the U.N. Fifth Committee, which handles budgetary matters. The United States achieved another major step forward when the JUSCANZ consultative group at the Human Rights Council in Geneva decided by consensus in January 2010 to include Israel in the group.

In 2010 Israel chaired the Kimberly Process on conflict diamonds.

SYRIA

*Question.* Over the course of the last 2 years you have played a key role in the formulation and execution of U.S. policy toward Syria. You have travelled to Syria and met with President Assad. Now in the last month we have seen the Assad regime brutally crackdown on the Syrian people. Hundreds of innocent Syrians have been killed with many more arbitrarily arrested or beaten.

- Is it time to signal that it is time for Assad to go, as we did with Mubarak and Ghadaffi?
- How do you foresee events in Syria affecting Israel's outlook on the region?

Answer. I have been nominated to serve as the Ambassador to Israel. If confirmed, my responsibilities will not cover Syria. That said, the Obama administration's policy is that the abhorrent and deplorable actions of the Syrian Government against the Syrian people must end immediately. The Syrian Government must also immediately stop arbitrary arrests, detention, and torture.

Given the number of variables involved, it would not be prudent to speculate on future developments in Syria.

We are closely monitoring the constantly evolving situation throughout the region and consult with our Israeli counterparts on a regular basis on any developments that might pose a threat to Israel's security.

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RESPONSE OF STUART JONES TO QUESTION SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* Assistant Secretary Feltman is in Jordan this week to meet with King Abdullah and members of civil society to reportedly discuss the Israeli-Palestinian peace process, the Libya conflict and Jordan's domestic reforms.

- Jordan, like many parts of the region has been the scene of protests calling for political and economic reform. What steps do you see the Kingdom taking to address the protestors concerns? How important will the reform agenda—supporting civil society actors, human rights activists, and independent journalist, be for you as Ambassador? Are you willing to foster moderate and peaceful communities who are seeking democratic change by providing assistance and standing in solidarity with their efforts? Are you concerned about the ambitions of extremist elements in Jordan or do you see that concern as a red herring being voiced by the King in order to limit reform?

Answer. King Abdullah has been responsive to the demands of the Jordanian people. In early February, he dissolved the Cabinet and appointed a new Prime Minister. He established a National Dialogue Committee in March with a 3-month mandate to write new political parties and elections laws. On April 26, King Abdullah formed a royal committee to propose constitutional amendments designed to promote political reform.

If confirmed, I hope to continue a strong U.S. assistance program for Jordan. U.S. economic assistance aims to help Jordan on its path to growth and development, while supporting the Government of Jordan's political, economic, and social reform agenda. Economic support funds promote economic growth/job creation by enhancing private sector competitiveness, trade, employment opportunities, and workforce development. Democracy and governance (DG) programs capitalize on the renewed energy within civil society to promote civic participation, judicial independence, legal reforms (including electoral reform), respect for human rights, and anticorruption measures. DG programs build the capacity of local governments, independent media, and political parties.

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RESPONSE OF GEORGE KROL TO QUESTION SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* Uzbekistan has emerged as one of the most repressive countries in the former Soviet Union. President Karimov has ruled the country with an iron fist for over 22 years and has a well-documented track record of persecuting individuals perceived to be his critics. Next Friday marks 6 years since forces directly accountable to President Karimov killed hundreds of unarmed people who participated in a demonstration on May 13, 2005, without warning as they ran from the square. Last year, Uzbek authorities intensified their crackdown on freedom of expression, prosecuting a correspondent for the U.S. Government-funded Voice of America news service. Well over a dozen human rights defenders, political activists, and journalists—many of whose cases the U.S. Embassy has quietly raised with the Uzbek Government for years—remain in prison. Torture is widely reported to be endemic in the criminal justice system. At the end of 2010, the Uzbek Government continued to suppress even tiny public demonstrations calling for more democratic freedoms, and denied accreditation to Human Rights Watch's representative, effectively expelling the last independent international NGO from Uzbekistan.

- The United States has raised many of these issues over the years, but has usually opted for private rather than public diplomacy, obtaining few results. What specific steps will you take if confirmed to more effectively promote human rights in Uzbekistan?
- Given Uzbekistan's lack of credibility on human and civil rights, how will you ensure that U.S. policy in Uzbekistan is consistent with its public support for the aspirations of democracy activists and peaceful protesters across the Middle East and North Africa?

Answer. Uzbekistan's harsh actions against civil society, the media, political, and religious figures and its policies restricting media, political, and religious freedoms have for a long time greatly concerned the United States. We have severely limited our assistance and cooperation with the Government of Uzbekistan since the 2005 Andijon events and subsequent severe crackdown. But concern is not a policy. We will relentlessly raise individual cases of repression both privately and publicly at all levels of the Uzbekistani Government and will seek to identify opportunities to support and expand space for civil society and human rights activists. We will seek out the voices of civil society in the country and we will do all we can to support, protect, and expand civil society. We will work multilaterally with diplomatic missions, the European Union, Organization for Security and Cooperation in Europe (OSCE), the U.N. Human Rights Council, the International Labor Organization (ILO), and other relevant international organizations, institutions, and partners to promote human rights in Uzbekistan. We will continue vigorously and strongly to encourage the Uzbekistani Government to expand the space for civil society, media, political discourse and allow religious freedom for all peaceful believers. We will continue to advance the view that a robust and unfettered civil society and free media can provide greater stability and security for Uzbekistan lest popular resentments grow as choices become even more limited for the hugely growing youth sector of Uzbekistan. Regardless of regional, cultural, and historical differences between Central Asia and the Arab world, this is the major lesson we take from the recent events in the Arab world, which infuses our policy toward promoting human rights in Uzbekistan. We will continue to remind Uzbekistani authorities that there are, and will be, severe bilateral and international consequences for human rights abuses such as those maintained in current congressional legislation passed after the Andijon events restricting direct U.S. assistance to the Government of Uzbekistan and its designation as a Country of Particular Concern since 2006 for its restrictions on religious freedoms. At the same time we will continue to engage with and, if resources permit, expand our support for embattled civil society and

independent media in Uzbekistan and seek creative ways to provide that support more effectively under harsh and restrictive conditions.

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RESPONSES OF DANIEL SHAPIRO TO QUESTIONS SUBMITTED BY SENATOR ROBERT P. CASEY, JR.

*Question.* Events of recent months have highlighted the unique role Israel plays in the Middle East as a reliable, stable, and democratic U.S. ally who not only shares our interests, but also our values. That said, ongoing unrest in the region has raised questions about Israel's qualitative military edge (QME) and the future of longstanding peace treaties with Egypt and Jordan.

- How do you see the unfolding events in the region affecting Israel's security, and what new challenges may Israel face in the months ahead? If confirmed, what steps will you take to ensure that Israel's security remains a top priority for U.S. assistance funding?

Answer. Since the Reagan administration, the United States has remained committed to safeguarding Israel's Qualitative Military Edge (QME). This administration has consistently reaffirmed its unshakable support to Israel's QME. We have expanded the level and frequency of our QME consultations with the Israeli Government. If confirmed, I would continue to fully uphold the U.S. commitment to Israel's QME.

The United States also protects Israel's qualitative military edge through the provision of substantial security assistance. For roughly three decades, Israel has been the leading recipient of U.S. security assistance through the FMF program. Currently, Israel receives nearly $3 billion per year.

The United State also grants Israel privileged access to advanced military equipment, such as the F–35 Joint Strike Fighter, to help it deter potential aggressors and maintain its conventional military superiority. Israel will be the only state in the region flying the F–35.

We are closely monitoring the constantly evolving situation throughout the region. Any developments that in our judgment pose a threat to Israel's QME will be carefully considered in pending or future sales of arms or services in the region.

*Question.* The United States has clearly stated that the only path to a two-state solution to the Israeli-Palestinian conflict is direct negotiations based on the Quartet principles. However, Palestinian Authority President Mahmoud Abbas continues to seek support at the U.N. for recognition of Palestinian statehood, thereby circumventing the direct peace process. These efforts are counterproductive and will only serve to delay the day in which we see two states living side by side in peace and security.

- Where do you see the peace process heading, particularly in light of President Abbas' decision to form a unity government with Hamas, a designated terrorist group? If confirmed, how will you work to discourage the Palestinians from working outside the parameters of direct peace negotiations?

Answer. We believe that President Abbas remains committed to peace. He supports PLO commitments renouncing violence and recognizing Israel. He has remained firm in his faith that an independent Palestine living side by side with Israel in peace and security is both possible and necessary.

As we have said many times publicly and privately, we object to attempts to resolve permanent status issues in international bodies like the U.N. The Israelis and Palestinians must work out the differences between them in direct negotiations. We are working closely with the parties to bring about a negotiated outcome that will lead to the establishment of an independent, viable state of Palestine and a secure future for an Israel that is fully accepted in the region.

We understand Fatah and Hamas have reached a reconciliation agreement. What is important now is that the Palestinians ensure implementation of that agreement advances the prospects of peace rather than undermines them.

We will continue to seek information on the details of the agreement and to consult with Palestinians and Israelis about these issues.

We understand the concerns of some Members of Congress. As a new Palestinian Government is formed, we will assess it based on its policies and will determine the implications for our assistance based on U.S. law.

We are confident President Abbas remains committed to the principles of nonviolence, recognition of the state of Israel, and acceptance of previous agreements and obligations between the parties.

To play a constructive role in achieving peace, any interim Palestinian Government formed in the period before elections must ensure its actions fully implement

these principles. The U.S. stance toward such a government will be fully consistent with U.S. law.

Our position on Hamas has not changed; Hamas is a designated Foreign Terrorist Organization.

*Question.* As Hezbollah gains an increasing amount of political influence in Lebanon in the wake of the government collapse in January, how do you assess the U.S. role in Lebanon and what actions can the United States take to ensure that military assistance to Lebanon does not fall into the hands of Hezbollah forces?

Answer. I have been nominated to serve as the Ambassador to Israel. If confirmed, my responsibilities will not cover the U.S. relating with Lebanon. The Obama administration's policy is that we will do all we can to avoid a conflict between Hezbollah and Israel. As we saw in 2006, such a war would be devastating for civilians in both Lebanon and Israel.

The Government of Lebanon continues to state its support for the full implementation of U.N. Security Council Resolution 1701—our primary security-related goal in Lebanon—and to cooperating with UNIFIL to maintain the calm and a weapons-free zone in south Lebanon. Ending our assistance to the LAF would contradict this commitment and be seen as a victory for Hezbollah and Iranian interests in Lebanon.

The Cabinet formation process is still underway in Lebanon. We continue to stress, both publicly and privately with the Government of Lebanon, that we expect that the next government will continue to meet Lebanon's international commitments, which include UNSCR 1559 and 1701, and the Special Tribunal for Lebanon. When the new government is formed, we will review its composition, policies, and behavior, including Lebanon's commitment to its international commitments. Since the government has not yet been formed, it is premature to judge it and to make any determinations about the future of U.S. assistance to Lebanon. It is important that we continue to plan for ongoing assistance through FY 2012 in order to leave all options open.

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RESPONSE OF STUART JONES TO QUESTION SUBMITTED BY SENATOR ROBERT P. CASEY, JR.

*Question.* Jordan is an important counterterrorism partner in the fight against Islamic groups in the Middle East, and its 1994 peace treaty with Israel has played an important role in the Middle East peace process. Given the growing unrest in the region and increasing influence of terrorist groups such as Hamas and Hezbollah, what measures should the United States take to support King Abdullah II's reform efforts? How might increased U.S. assistance to Jordan serve our interests in the region, particularly in regard to Israel's security?

Answer. The Secretary has stated that we have no better ally than Jordan in countering terrorism and in modernizing the Middle East. Foreign assistance supports the United States-Jordan bilateral relationship, a critical alliance that continues to further U.S. global, regional, and bilateral objectives. Jordan continues to be a top recipient of U.S. economic and military assistance. As a sign of the strong, continuing U.S. commitment to Jordan, and in an effort to further our strategic goals in Jordan and in the region, the U.S. Government signed a Memorandum of Understanding with Jordan in September 2008, expressing the U.S. Government's support for providing predictable levels of assistance to Jordan over 5 years beginning in FY 2010. The MOU stipulates the USG will provide $360 million in ESF and $300 million in FMF annually, subject to congressional appropriation and the availability of funds. The FY 2012 request reflects this commitment.

U.S. security assistance supports the Jordanian Armed Forces' (JAF) 5-year plan for modernization, readiness, and enhanced interoperability between the JAF, U.S., and NATO forces to advance regional and global security. In addition, our security assistance will support procurement and installation of technologies to enhance the Jordanian Government's control of its borders. This assistance strengthens Jordan's capabilities to support and contribute to Middle East peace efforts, international peacekeeping operations, counterterrorism efforts, and humanitarian assistance within the region.

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RESPONSE OF GEORGE KROL TO QUESTION SUBMITTED BY SENATOR ROBERT P. CASEY, JR.

*Question.* A young Uzbek psychologist, Maxim Popov, has been imprisoned for 7 years for his work distributing a manual on HIV/AIDS and harm reduction. Fund-

ing for the creation and translation of versions of this manual has come from international donors, including USAID.

- As Ambassador, what will you do to encourage the Uzbek Government to release Mr. Popov and the growing number of prisoners of conscience being held in the country's prisons?

Answer. We will continue to vigorously advocate at all levels of the Uzbekistani Government for the release of Mr. Popov. His case has been a priority issue discussed in our bilateral consultations, along with the cases of other prisoners of conscience. We have made clear that continued imprisonment of prisoners of conscience like Mr. Popov restricts U.S. cooperation with the Government of Uzbekistan in other areas of mutual interest. We also work multilaterally with other diplomatic missions, the European Union and through international organizations such as the Organization for Security and Cooperation in Europe (OSCE) and the U.N. Human Rights Council to encourage Uzbekistan to release immediately such prisoners of conscience as Mr. Popov.

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RESPONSE OF HENRY ENSHER TO QUESTION SUBMITTED BY SENATOR ROBERT P. CASEY, JR.

*Question.* Algeria's Berber community has experienced significant government discrimination and neglect, particularly in regard to language and cultural rights. For example, Berber activists continue to seek official language status for Tamazight, a Berber language, but President Bouteflika and other Algerian officials have opposed this change.

- If confirmed, how will you work with the Algerian Government to encourage enhanced respect for the rights of Berbers and other minority groups in Algeria?

Answer. The United States is committed to minority rights and freedom of religion in Algeria and around the world. The freedom of persons belonging to minority groups to practice their own customs and traditions, including learning and speaking a language, is a basic right that the United States supports. Algeria has allowed and supported the teaching of Tamazight in public schools and universities in Berber areas since 2001. Algeria must ensure that minorities are free to practice their religions and customs as they wish. We are in regular contact with a wide variety of religious and cultural leaders in Algeria, and maintain an active dialogue with the Algerian Government on religious and cultural freedom issues. With both we stress the need for the laws governing the operation of religious and cultural organizations in Algeria to be applied in an equal and transparent manner.

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RESPONSES OF DANIEL SHAPIRO TO QUESTIONS SUBMITTED BY SENATOR BENJAMIN L. CARDIN

*Question.* A top priority for the government and people of Israel is ensuring Iran is not allowed to achieve a nuclear weapons capability. I believe that from a U.S. perspective as well, allowing Iran to achieve such a capability would pose an unacceptable risk to the safety and security of the United States, Israel, and our other allies. With events unfolding rapidly in the region, with Libya at war, and Syria brutally cracking down on its people, it is easy to lose focus on the Iranian threat. Do you agree a nuclear weapons capability in the hands of Iran would pose an unacceptable risk to the United States and Israel? As Ambassador, will you ensure Israel's perspective and thinking on the Iranian threat is communicated effectively back to Washington?

Answer. A nuclear armed Iran poses an unacceptable risk to the United States, Israel, and globally. A strong international partnership including the United States and Israel stands united in opposition to Iran's illicit nuclear program. This coalition is determined to pressure Iran until it changes course. The clear message is that the Iranian leadership's continued defiance results in harsh political and economic penalties. If confirmed as Ambassador, I will ensure that Israel's perspective and thinking on Iran, and its nuclear program, is clearly conveyed to policymakers Washington.

*Question.* Over the course of the last 2 years you have played a key role in the formulation and execution of U.S. policy toward Syria. You have travelled to Syria and met with President Assad. Now in the last month we have seen the Assad regime brutally crackdown on the Syrian people. Hundreds of innocent Syrians have been killed with many more arbitrarily arrested or beaten. Where should the United States go from here? Is it time to signal that it is time for Assad to go, as we did

with Mubarak and Ghadaffi? How do you foresee events in Syria affecting Israel's outlook on the region?

Answer. I have been nominated to serve as the Ambassador to Israel. If confirmed, my responsibilities will not cover Syria. That said, the Obama administration's policy is that the abhorrent and deplorable actions of the Syrian Government against the Syrian people must end immediately. The Syrian Government must also immediately stop arbitrary arrests, detention, and torture.

Given the number of variables involved, it would not be prudent to speculate on future developments in Syria.

*Question.* Israel is our strongest ally and the only democracy in the region. What is the administration doing to ensure respect for Israel and its security by the emerging new governments in Egypt and Tunisia?

Answer. Egypt is undergoing a period of significant transition. Our relationship with Egypt remains strong, and we continue to work constructively and collaboratively with the Egyptian Government on a range of issues. We remain encouraged that the current Egyptian Government has repeatedly expressed its commitment to adhere to past agreements, including its Treaty of Peace with Israel.

The Department of State fully appreciates the significance of Egyptian-Israeli peace to our regional interests and to regional stability. In our discussions with Egyptian leadership across the political spectrum, we have and will continue to underscore the importance of upholding this and Egypt's other international obligations.

Tunisia, like most Arab States, does not currently have diplomatic relations with Israel. The administration continues to actively pursue the full normalization of relations between Israel and all countries in the region as part of a comprehensive peace.

# NOMINATION

**THURSDAY, MAY 26, 2011**

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

Hon. Gary Locke, of Washington, to be Ambassador to the People's Republic of China

The committee met, pursuant to notice, at 10:25 a.m., in room SD–419, Dirksen Senate Office Building, Hon. John F. Kerry (chairman of the committee) presiding.

Present: Senators Kerry, Menendez, Cardin, Webb, Lugar, and Risch.

## OPENING STATEMENT OF HON. JOHN F. KERRY, U.S. SENATOR FROM MASSACHUSETTS

The CHAIRMAN. The hearing will come to order. We are really delighted today to welcome our Secretary of Commerce, the former Governor of the State of Washington, and a very good friend, Gary Locke, who has been nominated by the President to be our Ambassador to the People's Republic of China.

Welcome, Mr. Secretary. We're happy to have you here, and I'm excited about this appointment.

I'm delighted also to welcome the Secretary's family. I just met Emily, who is 14 years old, who is sitting behind him there; and Dylan, who is 12; and Madeline, who is 6, who told me where she is going to school and that she would be much happier if the hearing were over and her dad could just leave right now. [Laughter.]

And Gary's terrific partner in life and in this effort, Mona. We're really happy to have you all here.

This nomination is a very important nomination. All of our Ambassadors are important, and we have great respect for the service of everybody. But it is without a doubt that the relationship with the People's Republic of China stands as one of the most important relationships for our country today, and much of our cooperation with China will help to shape this century, in terms of conflicts as well as economic opportunities and relationships.

If confirmed by the Senate, which I fully expect, Secretary Locke will join an elite group of distinguished statesmen, from former President George H.W. Bush to Winston Lord and Stapleton Roy and others who have served in this position.

I think it is obvious to all but, nevertheless, worth pointing out yet again that Secretary Locke's story is quintessentially American. It's the American story. A descendent of hardworking immigrants, Secretary Locke's personal integrity, intelligence, and strong work ethic led him from Seattle to college in New Haven, Yale University, and then on to Boston University Law School.

Later, as Governor of Washington, he reached out to China and helped to strengthen the trade ties between his State and China. It's clear that that relationship really is a microcosm of the larger relationships that we need to develop and work on today. He doubled the State's exports at that time to over $5 billion per year.

At the Department of Commerce, Secretary Locke led the administration's first Cabinet-level trade mission to China, a clean-energy mission. He has also served as the cochair of the U.S.-China Joint Commission on Commerce and Trade.

The President's latest assignment for Secretary Locke may well be his most challenging. The relationship between the United States and China is absolutely vital to get right. We need to avoid falling into the trap of zero-sum competition, and we need to forge a mutually beneficial relationship based on common interests.

I think it's safe to say that the recent visit of the Presidents of China and the United States here in Washington advanced that effort, but there's still a lot of work to be done.

I'm not going to speak at length about the long list of issues that we have to work on, but let me mention, particularly, advancing human rights; ensuring peace and stability across the Taiwan Strait; managing trade disputes; protecting the environment; and, most importantly, cooperating jointly to help lead the world out of conflicts in other areas where our joint leadership can have a huge impact on the course of events.

I want to make just two overarching points. First, with its newfound economic clout, China, in my judgment, needs to do more than simply abide by international norms, although that's important. We are hoping that China will contribute to strengthening the international system that has helped it to prosper.

Beijing, we believe, can step up and can shoulder more of the responsibility that comes with its growing power. We welcome the opportunity to share the exercise of that responsibility, together with other nations that care to step up.

In the area of nonproliferation, for example, we need China not only to enforce U.N. sanctions and abide by Nuclear Suppliers Group guidelines, but we want China to be a full partner in efforts to secure a diplomatic solution to the nuclear weapons threats that are posed by Iran and North Korea. It is our judgment that all of our interests are put at risk by their current illicit efforts, to some degree.

Convincing China that its own interests will be served by taking on more responsibility for strengthening the international system will be one of Secretary Locke's most important tasks as our Ambassador, and, obviously, it won't be easy.

Even though China may have some of the hallmarks of a great power, some of its leaders have remained focused more on meeting their own domestic challenges rather than taking on new international obligations.

This brings me to my second point. Even though China has one of the longest and richest histories on the planet, and even though it has vast global trading networks today, and it is the world's second-largest economy, it still lags behind many states, many nations, in its respect for basic human rights.

In recent months, China's Government has intensified efforts to control access to information, to restrict freedom of speech and assembly, and to interfere in the peaceful practice of religion. This crackdown, in our judgment, and we have been clear about this at all times in our history, represents a violation of universal rights, rights specifically guaranteed under Chinese law. Such violations are ultimately contrary to the best interests, in our judgment, of any government, as we are seeing in the Mideast and elsewhere today.

As Premier Wen Jia-bao himself pointed out last October: "The people's wishes and need for democracy and freedom are irresistible."

Some say that China is not ready for more democracy and freedom, but Premier Wen had his own rejoinder to that. He said, "Freedom of speech is indispensable for any country, a country in the course of development and a country that has become strong." Premier Wen, in our judgment, is absolutely correct about this, but it is clear that some in China see things differently.

Greater tolerance for dissent would, in our judgment, help China produce better results across a range of government and private-sector activities.

Effectively integrating our concern for human rights into every facet of our relationship will be one of the Ambassador's most important and most daunting challenges.

If confirmed, Secretary Locke will be responsible, obviously, for helping to build the kind of candid and cooperative partnership that is essential for both countries.

I've had the pleasure of engaging with Chinese leaders on a number of these issues. I think we have made progress in those discussions. I think there has been an increased level of candor and an increased level of cooperation on a number of different vital issues of concern. And I look forward to Secretary Locke's ability to continue to help develop that relationship. We want a partnership with China.

There are some, even in our country, who often talk about choices that would actually push China into a different relationship. There are some who even want China labeled as something other than a partner or a possible friend. I believe, personally, and I think others here do, that that would not serve our interests and that is not necessary.

But all of these relationships take work. Countries always organize around and react to their needs. That's been true all through history. It's not going to change overnight. The art is to try to meld those needs into a common effort and to try to find ways to cooperate wherever possible in the greater interests and good of the larger global community, even as we meet our own needs at home.

Mr. Secretary, I believe that the President has made a good and wise choice in nominating you. We certainly look forward to your

testimony today and to confirming you. And most importantly, we look forward to working with you in this important task.

Senator Lugar.

**OPENING STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA**

Senator LUGAR. Mr. Chairman, I join you in welcoming Secretary Locke and his distinguished family. The post for which he is nominated is one of the most difficult and complex in the entire Federal Government. I appreciate this opportunity to express our views about the priorities of the United States-Chinese relationship and learn about the nominee's vision.

China's global leverage has increased as it has positioned itself as the leading creditor nation with more than 18 percent of the world's current account balance surplus. According to recent data, China is the United States Government's largest foreign creditor, holding approximately 25 percent of the almost $4.5 trillion we owe to other countries.

Greater thought must be given to how we work with China to establish a more sensible global balance that depends less on Chinese credit.

China remains an extremely important market for United States exports. For example, the American Soybean Association cites China as the largest export market for United States soybeans in 2010, with nearly $11 billion in sales to China.

But the United States continues to have a severe trade deficit with China; the benefits of the Chinese market have not reached their full potential for American businesses and workers, in part because of impediments to fair competition in China. We continue to hear complaints about inconsistent application of rules, requirements for "indigenous innovation," nontariff barriers to trade, inconsistent market access, and lack of enforcement of intellectual property rights.

Civil society within China continues to face immense challenges in promoting the rule of law and human rights reform.

In addition to economic issues, the next Ambassador to China will also have to focus on a wide array of security problems. These include obtaining greater Chinese cooperation on issues related to North Korea, Iran, Pakistan, Burma, and other nations, as well as maintaining the security of Taiwan.

The Ambassador must confront the Chinese Government on stopping the cyber attacks on the United States Government, American companies, and individual Americans that originate in China.

More broadly, our Government must work for a better understanding of the interaction between China's military and civilian leaders. Earlier this year, during the visit between the Senate leadership and President Hu, his role and relationship to Chinese military leaders were among the points raised by Senators. This topic underscores the need for closer communication between the United States and Chinese defense establishments, which has been frequently endorsed by Secretary Gates.

The Ambassador must have a deep understanding of China's integration strategy for its Southeast Asian neighbors.

China also is dedicating massive financial resources to securing and developing natural resources in many parts of the globe including Latin America and Africa.

Another specific area of concern that has received too little attention is the incongruent reality of our public diplomacy in China. A Foreign Relations Committee minority staff report revealed that while China has more than 70 "Confucius Centers" operating in the United States, only five American Centers exist in China. The United States must press this point of equity for the establishment of American information outposts within China.

Finally, the American Ambassador and our Government must give consistent attention to human rights deficiencies in China. Unfortunately, political and religious freedoms in China continue to deteriorate. This committee needs a firm commitment from the nominee that he will work to advance the rule of law and human rights in China. He must press Chinese leaders regarding the growing campaign of censorship, arbitrary detentions, repression, and disappearances.

I look forward very much to today's hearing to learn more about Secretary Locke and his strategy for approaching the Chinese in ways that will effectively enhance the economic prosperity of Americans and the national security of our country.

I thank you very much, Mr. Chairman.

The CHAIRMAN. Thank you very much, Senator Lugar.

Mr. Secretary, your full statement will be placed in the record as if read in full. We look forward to your testimony. Thank you.

**STATEMENT OF HON. GARY LOCKE, OF WASHINGTON, TO BE AMBASSADOR TO THE PEOPLE'S REPUBLIC OF CHINA**

Secretary LOCKE. Thank you very much, Senator Kerry and Senator Lugar and Senator Webb.

It's a pleasure to be in front of this committee, and I'm very humbled to come before you as President Obama's nominee to be the next United States Ambassador to the People's Republic of China.

It's a sign of the importance of the bilateral relationship between our two great nations that the President has nominated a current member of his Cabinet to serve in this new capacity. I want to thank President Obama for his support and his confidence in me.

I'm proud to be joined today by my family, my beautiful wife, Mona, and our three lovely children, Emily, Dylan, and Madeline. No matter where public service taken us, whether from the other Washington to this Washington, and, if the Senate confirms me, on to Beijing, they, and especially Mona, have been the irreplaceable constants, providing much love and much support.

I also know that if my father, Jimmy, were still alive—he passed away this past January—he would be proud, that if I am confirmed, to see his son become the first Chinese-American U.S. Ambassador to the country of his and my mother's birth.

My father came to United States as a very, very young boy. He joined the United States Army before the outbreak of World War II and was part of the Normandy invasion and some of the fiercest battles in France on their journey to Berlin. And after the war, he

returned to China, where he met and married my mom, and he brought her back to Seattle where they started a family.

China is a nation they would hardly recognize from their childhoods. It's a country filled with ultramodern cities, where hundreds of millions have been lifted out of poverty.

The administration welcomes a strong, prosperous, and successful China, but this new status comes with important responsibilities. This administration seeks to engage China on regional and global affairs to advance international peace and stability in ways consistent with prevailing international norms, rules, and institutions.

As Vice President Biden said recently, how the United States and China cooperate will define, in significant part, how we deal with the challenges the world faces in the 21st century.

If confirmed by the Senate, I pledge to help build the positive, cooperative, and comprehensive relationship that Presidents Obama and Hu have agreed that our two nations should aspire to.

For more than a decade, opening markets in China has been a focus of mine, as Governor of the State of Washington, as an attorney in private practice, and now as Commerce Secretary. If confirmed, helping United States companies do more business in China will be a big part of what I will do every day. Increasing exports to China will help create jobs and economic growth here at home, but it will also improve the quality of life of the Chinese people by providing more access to American-made products and services, the best in the world, and help China's leaders reach their goals of modernization.

At the same time, as Ambassador, I will also work to expand bilateral cooperation on a host of critical international issues, from stopping nuclear proliferation, to rebalancing the global economy, to combating climate change. We've made significant progress on a number of those concerns, even as challenges remain.

And our work together on North Korea and Iran, though we continue to encourage China to do even more, is an important sign that we can cooperate to address sensitive issues in the United States-China relationship.

While there are many areas of collaboration, there are also areas of vigorous disagreement. That includes human rights, where we have very significant concerns about China's actions in recent months, especially the crackdown on journalists, lawyers, bloggers, artists, and religious groups.

The protection and the promotion of liberty and freedom are fundamental tenets of U.S. foreign policy. And if confirmed, I will clearly and firmly advocate for upholding universal rights in China.

And as much as the job of Ambassador is to communicate our position to China's leaders, I also pledge to reach out to the people of China. And my goal will be to directly convey and express the values that America stands for and the desire for ever-closer bonds of friendship between our two peoples.

Let me close by saying that, should I be confirmed, I pledge to work closely with this committee, and I hope to host each of you and your staffs in China. We have an outstanding team of career professionals at the Embassy and at the consulates in China. And if granted the privilege of serving, I will do my best to honor their

work as they pursue and promote American interests and objectives in China. We have much to do.

Chairman Kerry and Senator Lugar, Senator Webb, thank you for this opportunity to address you, and I welcome your questions and your comments.

[The prepared statement of Secretary Locke follows:]

PREPARED STATEMENT OF GARY LOCKE

Chairman Kerry, Ranking Member Lugar, and members of the committee, it is humbling to come before this committee as President Obama's nominee to be the next U.S. Ambassador to the People's Republic of China. It is a sign of the importance of the bilateral relationship between our two great nations that the President has nominated a current member of his Cabinet to serve in this new capacity. I want to thank him and Secretary Clinton for their support and their confidence in me.

I am proud to be joined today by my family. No matter where public service has taken us—from one Washington to the other, and now on to Beijing—my wife, Mona, and our three children, Emily, Dylan, and Madeline, have been the irreplaceable constants, providing love and support.

I also know that if my father Jimmy were still alive, he would have been proud to have seen this day and to reflect on its significance—the first Chinese-American nominated to be the U.S. Ambassador to China, the country of his and my mother's birth.

If confirmed, my family will join me in taking up the charge of representing the promise of America as a land of freedom, equality and opportunity.

Of course, one of the highlights of this endeavor, if confirmed, will be joining a brand new family: U.S. Mission China. I know that the outstanding team of career professionals at our Embassy and consulates will provide the knowledge and advice critical to making this transition a smooth one. If confirmed, I will do my best to honor their service, as they pursue and promote American interests and objectives in China. We have much to do.

Should I be confirmed, I will work to build the positive, cooperative, and comprehensive relationship that President Obama and Chinese President Hu have agreed our two countries should aspire to. In doing so, I will support our ongoing efforts to expand bilateral cooperation on a host of critical international issues, from climate change to stopping the proliferation of nuclear weapons and materials. I will support enhanced exchanges among our two peoples, especially our youth, which is so important to long-term mutual understanding. At the same time, I will be realistic and honest about the many challenges and differences that exist between us, including our serious differences on human rights, and will work toward managing those differences, while remaining true to our values as Americans.

Please allow me to expand on these general comments by examining a few issues in greater detail.

Developing commercial cooperation with China has been a focus of mine for more than a decade. As Washington State's Governor, I presided over the doubling of exports to China. As an attorney in private practice, I helped American companies navigate the Chinese business environment. And as Commerce Secretary, I have traveled to China four times, made it the first stop of the administration's first Cabinet-level trade mission and cochaired two Joint Commission on Commerce and Trade sessions in which we've won important commitments from the Chinese Government.

If confirmed, helping U.S. companies do more business in China will be a big part of what I do every day as Ambassador. It's a win-win proposition. American workers benefit, because the more U.S. firms export, the more they have to produce, and the more they have to produce, the more people they have to hire. That means more jobs here at home. But the people of China also benefit, because the more access they have to American-made products and services—the best in the world—the better the quality of life will be for the Chinese people. China's 12th Five-Year Plan also anticipates the need for a more balanced economic relationship that will require continued increases in U.S. exports and ever-broader collaboration with U.S. companies working with their Chinese counterparts. This is good for the United States and will help China reach its modernization goals.

I firmly believe improved United States-China cooperation is critical to the world community, and if the Senate grants me the privilege of representing the U.S. in China, I will take with me a profound understanding of the promise our relationship holds.

There is so much we can accomplish when we work together. From the search for new, cleaner sources of energy—our companies are working together through the Energy Cooperation Program—to our successful Innovation Dialogue—there are many issues where cooperation is not aspirational but reality. I have been proud to be part of that expanding cooperative relationship during my tenure as Commerce Secretary.

But I am aware of the challenges that exist as well. The Obama administration has made frank and honest conversation an important part of our dialogue with China, and if confirmed, I intend to seek to engage China's leaders in the same manner. As our relationship continues to expand, candor between the leaders of our two countries is necessary to strengthen the bonds of trust.

Action, of course, will also deepen that trust. That's why I will, if confirmed, closely follow Vice Premier Wang Qishan's recent pledge to continue China's campaign to improve intellectual property protection and enforcement, as well as President Hu's January 2011 commitment to de-link innovation policy from procurement preferences. Demonstrating measurable progress on these and other commitments is an important element of building trust in the economic and commercial sphere between our two countries.

We also want to see renewed efforts by China to reform state-owned enterprises (SOEs). We seek to ensure that large SOEs and other national champions are functioning as commercial enterprises within the Chinese economy. I have previously made clear that China's lack of followthrough on transparency and intellectual property rights protection and enforcement commitments made during previous bilateral dialogues has meant that U.S. companies have not seen the benefits of those commitments. Rebalancing our economic relationship will require the type of market opening that the implementation of these commitments will bring. The commercial relationship between our nations stands at a crossroads, a relationship that can no longer be characterized by China making and the United States taking. If confirmed, I will make implementation of existing and future commitments a policy priority in my interactions with the Chinese Government

Should I be confirmed, it will be one among many priorities, as we work to ensure our shared goals of regional stability and increased prosperity.

To that end, I hope to be an able messenger of the Obama administration's policies for the Asia-Pacific region generally and to the Chinese Government specifically, if confirmed. Working through a whole of government approach, the administration seeks to engage China on regional and global affairs to advance international peace and stability—and in ways consistent with international rules, norms, and institutions. At the same time, the administration will continue to work with allies and partners in Asia to foster a regional environment in which China's rise is a source of prosperity and stability for all its neighbors.

Along these lines, developing the military-to-military relationship will lead to greater strategic trust between the United States and China, and we are working to strengthen our existing military-to-military dialogues, The first meeting of the civilian-military Strategic Security Dialogue that took place at the S&ED earlier this month and the visit of People's Liberation Army Chief of the General Staff Chen Bingde last week were also important steps toward sustained, substantive dialogue to reduce misunderstanding, misperception and miscalculation.

Given the pace of China's military modernization, building mutual trust is necessary to defuse tensions that may arise, but also critically important to living with each other as fellow Asia-Pacific nations. The United States is an Asia-Pacific power, and we have a strong commitment to defending U.S. interests and values in the region.

While the United States and China will inevitably have differences from time to time, it is far from preordained that those differences should lead to conflict. As President Obama has stated, "We need to improve communication between our militaries, which promotes mutual understanding and confidence."

With regard to Taiwan, the United States has welcomed the progress in cross-strait relations achieved over the past 2 years. The United States remains committed to our one China policy based on the three joint communiques and the Taiwan Relations Act. We do not support Taiwan independence. We believe that cross-strait issues should be resolved peacefully in a manner acceptable to people on both sides of the strait. We oppose unilateral actions by either side to alter the status quo across the Taiwan Strait. We urge China to reduce military deployments aimed at Taiwan and to pursue a peaceful resolution to cross-strait issues. If confirmed as Ambassador, I will continue to make these views clear to China's leaders.

China has also been an important diplomatic player on issues concerning North Korea. That has included playing a central role as chair of the six-party talks. China has repeatedly stated that it shares our goal of a denuclearized Korean

Peninsula. If confirmed, I will continue to work closely with China to press the DPRK to cease its provocative behavior, take meaningful steps to denuclearize, and to ensure full implementation of U.N. Security Council Resolutions 1718 and 1874.

China also has played an important role in the diplomatic efforts to address the threat posed by Iran's nuclear program. The United States has been pleased with the unity that China and other P5+1 partners have maintained in our negotiations with Iran, and we continue to jointly insist that Iran comply with its international obligations. The administration worked closely with China to pass U.N. Security Council Resolution 1929 last June, and have called upon China to ensure that this resolution is fully implemented and to take additional steps to restrict any new economic activity with Iran that might provide support to its nuclear program, including in the energy sector. Iran's nuclear program was a key topic of President Obama's talks with President Hu, and we welcomed President Hu's assurance that China is committed to implementing U.N. Security Council Resolution 1929 and other resolutions on Iran fully and faithfully.

The United States ability to work together on issues such as North Korea and Iran is an important sign that we can cooperate to address more sensitive issues in the relationship. That includes human rights issues. The protection and the promotion of liberty and freedom are fundamental tenets of American foreign policy. If confirmed as Ambassador, I will be a forceful advocate for promoting the respect of universal human rights in China. We do so not only because of who we are as Americans. Rather, we do so because greater respect for human rights is also in China's interest. As Secretary Clinton said at the S&ED earlier this month: "[W]e know over the long arch of history that societies that work toward respecting human rights are going to be more prosperous, stable, and successful. That has certainly been proven time and time again, but most particularly in the last months."

So, the administration is troubled—and I am troubled—by the well-documented deterioration of the human rights environment in China. To name just one prominent case, the detention of artist and activist Ai Weiwei raises many issues about China's commitment to building a society based on the rule of law. The United States is also very concerned about the increased repression of Tibetans and Uighurs, continuing restrictions on religious freedom, and increased efforts to control the Internet and constrain civil society. As my predecessors have, I will raise human rights issues and individual cases with Chinese Government officials at the highest levels.

But as much as the job of Ambassador is to communicate the U.S. position to China's leaders, I will also make reaching out directly to the Chinese people a priority. Technology is providing new avenues of communication with ordinary Chinese citizens. My goal will be to express as directly as possible the values that America stands for and the desire for ever-closer bonds of friendship between our two peoples.

I'll close by touching on the nuts and bolts of diplomatic work. I bring a personal history as a problem-solver and an effective manager. As such, if confirmed, I will focus our diplomacy on results. As Secretary of Commerce, I focused on delivering more effective and efficient services to American businesses and workers in a way that reduced costs and simplified the bureaucratic process. If confirmed, I will approach the U.S. mission in China in much the same way, looking for ways to engage in public diplomacy that work best to get our message across to the Chinese Government and out to the Chinese people.

If confirmed, I also plan to aggressively confront a number of the challenges that Mission China faces. I understand that our facilities in Shanghai need to be upgraded to meet the demands that increased visa applications have put on the post there. Reduced ability to process visa applications has a concrete cost to our economy in lost travel and tourism exports. For this reason, I will continue the efforts made throughout our posts in China to improve visa appointment wait times without losing a focus on security. I have worked closely with the State Department's Bureau of Consular Affairs on visa issues as Governor and Commerce Secretary and now look forward to continuing that partnership as Ambassador, should I be confirmed.

I have enjoyed the process of conferring with many of you as the nominee to be the next U.S. Ambassador to China. I hope that I have conveyed to you that I am prepared to undertake this unique opportunity to continue my service to our Nation.

As I seek your support for my nomination, I look forward to having the opportunity to continue to learn from your deep experience and knowledge about the Asia Pacific region, China, and foreign relations generally. If you and your colleagues do vote to confirm me as Ambassador, I pledge to work closely with you and your staffs through regular consultation, and I hope I will have the privilege of hosting each of you and your staffs in China.

Chairman Kerry, Ranking Member Lugar, and members of the committee, thank you for this opportunity to address you. I welcome your questions and comments.

The CHAIRMAN. Thank you very much, Mr. Secretary.

I neglected, in my opening, to point out, but I think it's more appropriate that you do anyway, your status as the first American of Chinese descent. I think that is really an amazing part of the story, and I'm confident it gives you a very special level of credibility and capacity to validate a number of issues. I think we're well-served in that regard.

I would like to ask you—obviously, there are a lot of issues. But I want to get your sense of how we manage the economic component at this point in time. There is a degree of anxiety within the Congress with respect to the currency issues and the trade practices, some of the procurement practices, et cetera. We've had these meetings with the Chinese. We've discussed these things.

Some Americans would suggest that this discussion has been going on for quite a while without the kind of results that impact their perception of the unfairness of the playing field, whether it's intellectual property or other things. The progress seems slow to a lot of folks. I wonder if you would comment on whether that's just the way it is going to be? Does that represent a difference of opinion over it? Does it represent the imbalance of negotiating leverage? What's your take on why it is taking so long to open up a greater level of both transparency and accountability with respect to those issues and accomplishing progress?

Secretary LOCKE. Well, thank you very much. I think we would all agree that progress has been slow, but, in fact, we are making progress. And I think progress has been accelerating in just the last few years.

Obviously, both China and the United States, and the G20 nations, have talked about a rebalancing the world economy, and part of that rebalancing includes American consumers being less in debt. It also means that we, as a country, have to get our fiscal house in order. And the President has very ambitious goals, as evidenced by the budget he has proposed over the next several years that will freeze domestic spending. And there's a lot of discussion now on reducing our debt and our deficit.

But, also, China recognizes that it must export less and must focus more on domestic consumption. And we in the United States must also export more.

So these are opportunities of win-win before us that can actually have United States companies exporting more to China and, certainly, meeting the needs of both the Chinese leaders and the people of China.

There's a great hunger and a great demand for things that are made and produced in America, from services to products to agriculture. And just in the last year alone, United States exports to China, goods rose by 32 percent, whereas, across the United States, exports to other countries grew on average 17 percent. Our exports to China are growing at a faster rate, by roughly 50 percent, than elsewhere to the rest of the world.

And we are seeing movement on the currency. China has recognized it needs to allow its currency to float more freely. We, of course, think that it should float more and faster. But when you

also combine the effect of inflation in China in the last year, we've seen the movement of the currency by roughly 10 percent. Obviously, we still want more.

We have a variety of different fora, whether it's the Strategic and Economic Dialogue, as well as the Joint Commission on Commerce and Trade, where we address these very specific as well as global issues. We have made progress, but we have to make sure that we monitor the progress of China, make sure that they adhere to their commitments, whether it's on intellectual property—the Chinese have a campaign right now that's supervised by the State Council Vice Premier Wang Qishan. That campaign has been extended to really ensure that the Government agencies and state-owned enterprises purchase legitimate software. But we've got to monitor that, and we're demanding and insisting on accountability and audits to make sure that the Chinese follow through.

But, still, it's a very important relationship, and certainly one in which we need to convey to the Chinese that it is in their mutual self-interests to engage in free and fair trade, and to also, as you indicated earlier, not just abide by international norms and institutions, but be a world player and help lead and help solve some of the many issues facing the world.

The CHAIRMAN. Well, let me come to that for a minute. Obviously, everybody understands that the Chinese leadership and people are smart, very analytical, very capable of defining what they see as their interests. I wonder, given the fact that you constantly hear from them the refrain about, notwithstanding their wealth that has been created on one side of the ledger, they still have 450, 500 million people—perhaps twice the size of the United States even, to try to bring into a more urban/industrial standard of living out of agrarian roots. That's the constant challenge.

There's a unique focus, as you're well aware, among Chinese leadership on their internal challenges. We talk about their interests, we want to persuade them to see that their interests are also served by an outward focus. How do you do that, in your judgment? What is it that you think they're missing, conceivably, when they see their interests as being very specifically focused on this internal struggle?

Secretary LOCKE. Well, their interests, and with respect to some of their internal challenges, focus, for instance, on food, feeding a growing population, shortages of food, insufficient energy—in recent days, you've seen reports of limitations or reductions in electricity available for factories and even households—to the health and welfare of their citizens.

And there is a great desire, given the contact with the West, given the ability of the people of China to either visit and see what other developing countries are enjoying, to even seeing American life on television shows, there is a hunger for greater prosperity and a higher standard of living. And the Chinese Government is very concerned about making sure that there is stability within the country.

And these are the areas in which the United States companies and the United States Government can help meet those needs of both the Chinese leaders and the aspirations of the Chinese people that can, for instance, help reduce our trade deficit; help American

companies sell more of their American-made goods and services, including agriculture, to China; and to meet those objectives of the Chinese people and leaders.

Those are just—we need to convince and inform both the leaders of China and the people of China that America stands willing to help, and it can result in a mutually beneficial relationship.

The CHAIRMAN. Well, let me just ask one last question with respect to that, sort of hone in on China's interests.

When we met with President Hu here, I raised, and I think some other people raised, the question with him about their efforts with respect to North Korea. They tell us that they don't want a nuclear North Korea, that North Korea's current activities are contrary to China's interests, and they voted with us, obviously, in the U.N. to impose sanctions. But despite the, sort of, public affirmations of being with us in terms of our goals, the methods they adopt, and even the enforcement, often takes a very different track.

A recent U.N. report faulted China for not adequately enforcing the sanctions against North Korea. We know that the North Korean leader Kim Jong-il is in Beijing, I think right now, as we're here, focusing on the economic ties between the two countries.

How do we get China to exert what we believe is greater leverage with respect to North Korea's behavior, particularly their aggressive behavior toward the South, and some of the dangerous moments that have been created in the last few years as a consequence of that? You would sort of think there was a greater ability. Are we misjudging their capacity, or are they judging their interests differently?

Secretary LOCKE. No, I don't think that we're misjudging their capacity. In fact, China has been a vital partner in the six-party talks, and China has a very unique role, given its influence and its ties with North Korea.

We, obviously, urge China to do more to influence North Korea's behavior. And I think that the recent provocations by North Korea and the reaction by the South is giving China pause and causing China to realize that it has to step up to diffuse the situation, to make sure that no further provocations occur, which could then result in retaliatory actions by South Korea, which would simply destabilize the entire region.

So I think that there's a greater urgency and understanding of how delicate the situation is, and how North Korea must be brought back to the six-party talks, and how, simply, they must abandon their nuclear aims and objectives. I think that China understands that.

The CHAIRMAN. Do you think China can do more?

Secretary LOCKE. China can definitely and must do more.

The CHAIRMAN. Thank you, Mr. Secretary.

Senator Lugar.

Senator LUGAR. Secretary Locke, as I mentioned in my opening statement, I remain concerned, as do many Americans, that while we have welcomed the building of 70 Confucius Centers in the United States, China has authorized only five American Centers to be built on Chinese soil. I want to focus for just a moment to get your views on public diplomacy as it pertains to our relationship with China.

In addition to this problem, recent budget prioritization efforts have rendered it likely that we are to see the Voice of America ending its effort to jam shortwave radio broadcasts but with a refocus on the Internet instead. Additionally, I'm pleased the Broadcasting Board of Governors received an additional $10 million recently to help circumvent what's known as the Great Firewall.

The administration's efforts to get more American students to China through the 100,000-strong program are certainly laudable but remains very badly underresourced. Meanwhile, China's largest state-run media, Xinhua, opened its new office in Times Square just last week.

These are just fragments of the problem, but nevertheless,how do you perceive American diplomacy being pushed, so that we are able to get an audience with the Chinese people themselves, in addition to the conversations we've been having with the Chinese leadership?

Secretary LOCKE. Well, I think it's very important that we engage with the Chinese people directly. It's not enough just to talk with the Chinese leaders, because the appetite for more freedom and democracy among the Chinese people rests with the people themselves. The more exposure we can give them to American values, freedoms, democracies, the more interaction they have with Americans, whether it's American tourists, American students in China, or even Chinese tourists and Chinese businesspeople coming to the United States, will I think promote those democratic reforms and the appetite for greater liberties and freedom.

Obviously, the State Department would welcome more funding for many of these programs of diplomacy, but I think we also need to be aware of the new methods by which people communicate with each other over the Internet. And so we will continue what Ambassador Huntsman did in terms of blogging and messages over the Internet to the Chinese people.

But I also believe that, as I have experienced as Governor, we want to continue reaching out to the Chinese people using radio and television shows, and their versions of almost like Oprah, which reach hundreds of millions of people, which are repeated over and over and over again.

And so those are the types of mechanisms and media strategies that we would like to deploy.

Clearly, we need to—I believe that there is a growing interest among America's young people to study in China. We need to encourage more exchange programs by American colleges, universities, and just encouraging more semesters and years abroad. And that's how we can also help fulfill the President's goal of having at least 100,000 American students studying in China.

Senator LUGAR. Well, when you become our Ambassador and you have boots on the ground over there, I hope you will stay in touch with our committee and with those of us who are deeply interested in this, because, as you say, there are going to be budget problems. These are problems that Congress must face, as well as our Embassy in Beijing. I'm just hopeful that this will be a major focus of yours, as you've outlined very cogently this morning.

I would also hope that you will be a champion for intellectual property rights. This issue challenges many American companies in

China, as well as American individuals. What new lessons do you believe you've learned in improving the property rights situation during your time as Secretary of Commerce as these issues have come before you in that forum. And how do you think we might make progress, if you are in China?

Secretary LOCKE. I think we certainly need to interact with not just the leaders of China but also businesses of China and especially the young people of China, the students in the colleges and universities there. Because as they begin to innovate, as they begin to engage in cutting-edge research, they also need to understand that, without intellectual property rights protection, their discoveries, their hard-earned work, could be for naught.

I believe that we simply must convey the message that it is in the economic self-interests of the Chinese people and the Chinese Government to have strong intellectual property rights. And without strong IPR, innovation will either occur elsewhere or not at all within China.

And with state-owned enterprises or with government support of R&D, if there's not a strong intellectual property rights regime, those investments could be stolen, could be appropriated by others. And that's not in the self-interests of either Chinese entrepreneurs, Chinese companies, or the Chinese Government.

We're already beginning to see some increase in enforcement and strengthening of intellectual property rights. And we have many exchanges through Commerce Department, Justice Department and even American Bar Association groups traveling to China to help develop a rule of law.

But we must continue to push these issues, as we have in the Strategic and Economic Dialogue, and even in our Joint Commission on Commerce and Trade, cochaired by the Commerce Secretary and our U.S. Trade Representative, Ambassador Kirk.

I can tell you that in this most recent JCCT meeting, the Chinese agreed to extend their campaign on legitimate software among government agencies, national and at the subregional level. We need to hold their feet to the fire. We need to make sure that there are audits that we can all depend on. And, in fact, the Chinese president, Hu Jintao, reiterated that support in his visit to the United States this past January.

It is a very important, high-priority topic for the U.S. Government as a whole. It has been for me as Commerce Secretary and will continue to be a top priority as the Ambassador to China.

Senator LUGAR. Let me just ask one further question, without speculation that is undue, but many believe that inflation in China is picking up steam—at least many Chinese leaders seem to indicate that, in fact, a so-called bubble might form in the Chinese economy. This has many greater dangers than bubbles forming elsewhere, because of the enormity and the credit position we talked about earlier today, in which the Chinese are financing through sovereign funds a good part of our budget, as well as other countries'.

What role, in your view as potential Ambassador to China, do you believe we can play in being helpful in that situation? Because this could be of great consequence to us, to Europe, and to the world, if for some reason the Chinese do have an inflationary bub-

ble and a recession that markedly changes the current trends in international matters.

Secretary LOCKE. I think that, clearly, there—we need to help open up the Chinese market to some of our services, whether it's in insurance, whether it's in pensions and other areas of the financial services market. We also need to help lend our expertise to China as they deal with some of these economic issues.

But I really believe that the key is the rebalancing of the world economy, in which they are not so dependent on exports but also focusing more on domestic consumption.

Of course, if they have a recession, that could have an impact on that type of domestic consumption. But it's something that we're going to have to watch very, very carefully, and we are going to have to encourage even more exchanges and deliberations between our top financial services sector, as well as our financial institutions and our Government officials. Secretary Geithner has a whole host of collaborations and exchanges with his counterparts in China.

Let me just also add that 70 percent of Treasuries are actually held by domestic companies; 70 percent of our Treasuries are held by domestic entities. And of the 30 percent remaining held by other entities, China has about a third of that. And so China's hold on, or ownership of, our securities really is only 8 percent of our total debt, and in no way does China's position in any way influence U.S. foreign policy.

Senator LUGAR. Thank you very much.

Senator Webb.

Senator WEBB. Thank you, Mr. Chairman.

Secretary Locke, I would like to congratulate you on your nomination, and I know how great a moment this must be—not only for you—but for your family. We wish you the best in this assignment. I want you to know that I appreciate your having come by my office for the extensive discussions that we were able to have.

I have three questions that I would like to get your thoughts on today. The first is: I held a hearing, in my capacity as the chair of East Asia Subcommittee on this committee regarding the consistency and, lack thereof, in our characterization of governmental systems rather than human rights, per se.

We talk about human rights. "Human rights" is something of an amorphous term when you're looking at relations with different countries. It's important, but for instance you could characterize, even in a country like the United States with a free and open governmental system, someone could allege that a first amendment violation is a human rights violation, or an eighth amendment violation is a violation of someone's human rights. But when you get to countries such as China, what we really have is a fundamental difference in governmental systems that rarely gets discussed when we're in hearings like this. They do not have democratic systems and they don't have elections, as we understand them.

The Freedom House evaluations of freedom of the press rate China at the bottom among the 40 countries in the Asia-Pacific, other than Burma and North Korea, in terms of basic freedoms of the press.

So we are, on the one hand, in an environment where we do want to push our economic interests forward, and we do want to ensure that there aren't misunderstandings in terms of security issues. And we want to work toward a time when those can be resolved for the stability of the region. But we're still talking about two completely different systems of government.

What are your thoughts about the challenges of that, and what the future holds?

Secretary LOCKE. Well, obviously, there are major differences between our histories as countries; our cultures, our values; and, certainly, our governmental systems.

As you note, there's been much criticism of human rights issues and freedom of the press issues in China. Notwithstanding that, I believe that there's a great appetite and a hunger by the Chinese people for information as to what's happening all around the world. And the Chinese people are able to obtain much of that information. And what we must do as a country is to engage with the Chinese people directly and to convey the values that America stands for and our views on various issues.

And while much of the press is controlled by China, there is also a growing movement for greater freedom among the press. I think that it's incumbent upon the Ambassador and other American Government officials who operate in China, whether it's from our Embassy or even visiting Members of the Congress, to take advantage of those different mechanisms of talk shows, radio shows, meeting with students, using the Internet to communicate and to express the values for which we stand.

Senator WEBB. Thank you. My second question relates to the concern that I and many people have regarding the role that the Chinese Government should be playing in assisting in the resolution of challenges—a role that is more at a level of its emerging power around the world. You mentioned some cooperation in the areas of Iran, Burma, and North Korea in your opening remarks. There are other issues where I think we could encourage the Chinese to become more visible and proactive in the international environment as we reach towards solutions.

I've held two hearings on sovereignty issues, different kinds of sovereignty issues, both of which, I believe, we really could benefit from a more overt participation from the Chinese.

The first are the sovereignty issues in the South China Sea—the Spratly Islands, the Senkakus, the Paracels—where the position of China has been that they will only negotiate in a bilateral environment, which makes it impossible to solve those issues, quite frankly.

The other hearing, as I discussed with you when you visited my office, was on the issues of downstream water rights—the Mekong River particularly, but also the Red River that goes into the north of Vietnam. China is one of the few countries in the world that does not recognize riparian water rights downstream. With these hydroelectric dams being built, there are serious potential environmental consequences in the Lower Mekong and also in the northern part of Vietnam.

What can we and you do to encourage the Chinese to participate in finding solutions to these sovereignty issues in other than a bilateral environment?

Secretary LOCKE. I think that we need to impress on China that stability of the Asian region is, obviously, in the interests of not just the other countries but also China; and that, therefore, engagement on these issues is in its self-interest as well, dealing with water, dealing with disputed territorial claims; and that they should be addressed in a peaceful, collaborative way that adheres to international norms and rules.

Senator WEBB. Thank you. The final question I have is with respect to China's continued status as a developing country in terms of per capita income, which allows their Government to receive billions of dollars in multilateral assistance and concessional lending for a lot of their development projects at a time when they're sitting on trillions of dollars of surplus, because of their trade balances. What would your comment be on that?

Secretary LOCKE. Well, I think that there needs to be a more frank recognition that while China is considered a developing country, it is more developed than most other countries, and that various international mechanisms must recognize that.

For instance, that's the position of the United States in the current negotiations over the Doha Round. There are degrees of developing countries, many that are more developed than others, and that not all should be lumped in the same categories. And I think that applies with some of these same issues that you've just raised.

Senator WEBB. Thank you very much.

Senator LUGAR. Senator Webb, Chairman Kerry has asked that the gavel be handed to you, as chairman of the subcommittee, at this juncture, and I'm pleased to yield that gavel to you to continue the hearing.

Senator WEBB. All right, I will continue on. Thank you very much, Senator Lugar.

Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman.

Mr. Secretary, thank you for your service to our country. It's been exceptional, and I appreciate it very much.

This is an incredibly important position that you have been nominated to, and I have three lines of questioning that I will pursue: one is on Taiwan; one is on Iran; and the other is intellectual property issues.

I cochair the Senate Taiwan Caucus, and I am extremely concerned about the military imbalance in the Taiwan Strait. Successive reports issued by both Taiwanese and U.S. defense authorities clearly outline the direct threat faced by Taiwan as a result of China's unprecedented military buildup. And experts in both our country and in Taiwan have raised concerns that Taiwan is losing the qualitative advantage in defense arms that has served as its primary military deterrent against China. To counter this buildup, the Taiwanese have sought to modernize their fighter fleet, which I believe, in terms of Taiwan's defense and deterrent capacity, is in the U.S. national security interest, as well as is promoted and compelled by the Taiwan Relations Act.

Later today, I'll be sending a letter to the President, along with 44 Members of the United States Senate, requesting that the administration accept Taiwan's letter of request and move quickly to notify Congress of the sale of F–16s.

Could you share with me your view on the question of the military balance in the Taiwan Strait? And do you believe that the United States should proceed with the sale of 66 F–16s to Taiwan?

Secretary LOCKE. Let me first say that the United States remains committed to our one-China policy based on the three joint communiques and the Taiwan Relations Act. We believe that the cross-strait issues must be resolved peacefully, in a manner that is acceptable to the people on both sides of the strait. And the administration will continue to follow the Taiwan Relations Act and make available to Taiwan defense articles and services necessary to enable them to have a sufficient self-defense capability. We also believe that China must reduce its military deployments aimed at Taiwan.

Having said that, no decision has been made with respect to further sales of defensive items to Taiwan. That is under review, and that is being evaluated by both others within the Defense Department and the State Department.

Senator MENENDEZ. I expected that formal answer. Let me go further, since you are going to be the United States Ambassador to China. I understand the one government policy, but you can be devoured if you do not have the ability to defend yourself. Is it going to be very clear, from your position, should you be confirmed, that Taiwan has, within the one China structure, the continuing right to exist and to make its own self-determinative efforts there?

Secretary LOCKE. Well, that is a fundamental part of our one-China policy, that the United States stands with Taiwan to ensure that it can defend itself and that its self-defense capabilities are never eroded.

Senator MENENDEZ. The problem is that Taiwan has been seeking this help since 2006, which precedes this administration. We are going to close down the F–16 line, if we do not make this sale, leaving Taiwan in a position that is indefensible, at the end of the day. And to me, that will only exasperate matters for the one-China policy.

So I do hope that, within the administration, you'll advocate for making sure that balance is retained, which ultimately is in our collective interest. I mean, it is very rare that we get 44 Members, in a bipartisan way, of the U.S. Senate to join together to send a message to the administration.

Second, on Iran, there is a long history of Sino-Iranian relationship and nuclear cooperation. And both parties remain keen on enhancing their political and economic relationships. My concern is that the Chinese continue to share sensitive ballistic missile, chemical, and nuclear weapons technology with Iran.

As a matter of fact, last month, Jane's Defense Weekly reported that the Chinese inaugurated a missile plant in Iran. Given this history, what steps will you take, as Ambassador, to address with the Chinese Government the serious concerns held by the United States, as well as the international community, about its support and engagement with Iran?

Secretary LOCKE. Well, first of all, we note that China has actually played a very important role in diplomatic efforts to address the threat posed by Iran's nuclear program and was instrumental in helping craft the U.N. resolution. But we've also said that we're very concerned that China and Chinese companies not backfill, especially in the energy sector where other companies from around the world are leaving or departing Iran, because we know that, certainly, if other companies from China are engaged in helping develop Iran's energy sector, that will provide income, which can then be used to help develop and further develop Iran's nuclear capability, and that we very much oppose.

So we very much believe that China can and must do more. And, of course, we have, in the United States, passed our own set of sanctions and legislation. And I want to inform you and reiterate that on Tuesday, the State Department announced various proliferation-related sanctions against several companies and individuals from around the world, including three Chinese companies and one Chinese individual.

So we take what China is doing and what Chinese companies are doing very, very seriously. Any proliferation and additional work by Iran on nuclear arms is of paramount importance and of concern to the United States. And we believe that China can and must do more to not only abide by the U.N. resolution but help enforce it, and also to understand the position of the United States, even with respect to our sanctions policies.

Senator MENENDEZ. So you will do that robustly as the Ambassador?

Secretary LOCKE. Very much so, sir.

Senator MENENDEZ. Finally, intellectual property infringement—you have been at the forefront of trying to promote America's opportunities to send its products and services abroad. But I know that you know that the U.S. International Trade Commission just released a 332-page report on IPR infringement and its effect on U.S. competitiveness. That report suggests that the losses to U.S. industry are valued at $48 billion, resulting in over 2 million lost jobs.

When President Hu visited President Obama in early January, there were high hopes that the special intellectual property rights campaign would yield results, but we haven't seen any dramatic changes in China. One aspect of this issue that hits close to home in New Jersey, is the online journal piracy conditions that have not improved on the ground—we have a company in New Jersey with 50,000 workers in the United States and over 3,000 in my home State, that consistently finds itself with direct IPR violations where Chinese libraries consume the intellectual property rights of its medical and other journals.

Will you vigorously, as our Ambassador, impress and pursue the Chinese to seek enforcement of these intellectual property issues, both in the online context and in the broader context?

Secretary LOCKE. That was one of my top priorities as Commerce Secretary, and, perhaps, once a Commerce Secretary, always a Commerce Secretary. It's certainly a top priority for the United States Government, period. And that includes my work as Ambassador, if I'm confirmed.

Senator MENENDEZ. Thank you, Mr. Secretary.

Thank you, Mr. Chairman.

The CHAIRMAN. Senator Webb, you can continue to chair. I'm here just for a few minutes. I have another meeting to go to, so I apologize. I wanted to come back and tell Secretary Locke I wasn't racing away, but we have competing Finance Committee and a couple other things going on. I apologize.

Senator WEBB [presiding]. All right.

Senator Risch.

Senator RISCH. Thank you, Mr. Chairman.

Mr. Secretary, you certainly have a challenging job in front of you. There are lots and lots of different issues, and a lot of them have been aired here, and I'm not going to go over all of them.

But one of the things that is important to me, and I think important to all Senators, and this is particularly true for my service on the Intelligence Committee and on this committee, is that the United States has a policy of trying to contain both Iran and North Korea, and contain their nuclear ambitions.

And, of course, the only way countries like this can pursue their nuclear ambitions is to have very sensitive and highly technical materials that they buy from somewhere. And we all know that the United States is very diligent in containing the products that are produced here from winding up in the hands of either the Iranians or the North Koreans.

Unfortunately, we do find that there are Chinese products that wind up there. And China says the right things. It, publicly, takes the position that they don't support that. And yet, it is Chinese companies that are doing business through the back door, or the black market, or what have you, that do allow certain technological equipment to get in the hands of both North Korea and to Iran.

And so, I want to encourage you, in the strongest terms, to reinforce with the Chinese our concern about that, and how you can't talk about it in one setting and yet turn a blind eye in the other setting, as your companies profit from helping arm these particular countries. So that's as much a statement as it is a question, and I know you've talked about it a little bit, but I'd appreciate, perhaps, if you could enhance your testimony in that regard.

Secretary LOCKE. Well, again, in both North Korea and in Iran, China played a very constructive role in helping pass and formulate the U.N. resolutions——

Senator RISCH. And we appreciate that.

Secretary LOCKE [continuing]. That imposed sanctions on both North Korea and Iran. But it's important, as you indicated, that those obligations be enforced throughout the world.

And that's why, for instance, on Tuesday the State Department announced proliferation-related sanctions against several companies, including Chinese companies and Chinese individuals, in addition to entities from elsewhere around the world.

Stopping proliferation is the utmost priority of the United States Government, and that includes the Ambassador to China. And we need to convey to the Chinese people and to the leaders of China that it's also in their national security interests to avoid proliferation of weapons of mass destruction and the nuclear capability of both North Korea and Iran, and that whatever commercial benefits

some of their companies may obtain by continuing to sell or transfer technology to North Korea or Iran, that the risks and the potential destabilizing order in the world are not outweighed, that peace and security for the entire world outweigh any potential commercial advantages gained by few companies or individuals.

Senator RISCH. And I think that's an important point to make, is that the profits are very modest compared to the harm that can be done internationally and overall, by putting these highly sensitive products that have been developed by a very sophisticated people into the hands of those who want to use it not for good. So I think that's a very important argument, and I appreciate that.

Thank you very much, Mr. Secretary.

Thank you.

Senator WEBB. Thank you, Senator Risch.

Senator Cardin.

Senator CARDIN. Do you——

Senator WEBB. I have a follow-on question. I'm acting now in my capacity as chair of the East Asia Subcommittee. I know you outrank me. If you want the gavel, you got it, but I've still got one more question. [Laughter.]

Senator CARDIN. No, I——

Senator RISCH. Maybe we can have an election over there. You know, I can help. [Laughter.]

Senator CARDIN. Thank you, Mr. Chairman. I appreciate that very much, Chairman Webb.

I want to follow up on a couple points that were raised by my colleagues.

And, Secretary Locke, it's a pleasure to have you here, and I just personally want to thank you for your willingness to allow your name to come forward for this position. Your background and training is what we need representing our Nation in China. And your record in Commerce I think will be very valuable to your role as Ambassador. So I thank you, and I thank your family, for your willingness to continue in this role.

I want to follow up on points raised by several of my colleagues on commerce issues, starting first with intellectual property. I know Senator Menendez just questioned on that.

I just want to underscore the importance to American manufacturing and to American production that we impress upon the Chinese their international responsibilities on enforcement of intellectual property issues. It's in the manufactured products; it's in creative products; it's in so many different areas that China has been a major abuser of allowing products to be manufactured or stolen in their country, violating U.S. intellectual property issues.

I just really wanted to underscore that point. And I heard your response to Senator Menendez, and I just want to encourage you to make this a very high priority.

I want to talk a little bit about China as it relates to, also, the currency manipulation issue. You and I have had a chance to talk about that. But if there is one issue that probably is the most dominant, as far as a level playing field for U.S. manufacturers and producers and farmers, it's having a level playing field on currency. And I would hope that you would make that also a top priority on your portfolio.

China has made some progress recently, only because they felt it was in their direct economic interest to do that. That seems to be the way that they move forward. They don't do it because of respect for a level playing field. And I would hope that our policy would be very clear that they must allow their currency to float, reaching its economic balance and not an arbitrary balance.

Those two, I guess, are my principal economic issues that I would hope that you would take forward and move forward on, and I would be glad to get your response.

Secretary LOCKE. Again, intellectual property rights in China remains very problematic. It's a top priority for the United States Government. It was a top priority for me in all of my discussions with Chinese officials as Commerce Secretary and even before joining the United States Government, even as a lawyer on behalf of U.S. companies helping open markets for U.S. companies in China. It will be a top priority for me as Ambassador to China, if confirmed by the Senate.

And we know that the inability or the lack of China's currency floating and being set by market forces puts American companies at a disadvantage and at an unfair position.

All of our work at the Department of Commerce, which will continue as Ambassador to China, if confirmed, is to ensure that American companies have fair and open access to China. And that includes nontariff barriers. It includes currency. It includes a level playing field. It also includes intellectual property rights, because as the recent report that Senator Menendez indicated, U.S. companies are losing tens of billions of dollars because of violations of intellectual property rights. That's of great concern to us in the United States Government and will continue as Ambassador to China.

Senator CARDIN. One final point and that is that China is becoming a more interesting country, as it relates to our policies in the Middle East. We've seen recent events between Pakistan and China indicating that they're becoming more interested in that region. China, of course, holds one of the permanent seats in the United Nations and, obviously, we have to work with China in that regard.

I would just like to get your assessment as to where we think we can make advancements in China's help as it relates to our policies in Iran or Pakistan or Afghanistan, in the region, as to how China could be a more constructive partner for the United States.

Secretary LOCKE. The United States and China actually have collaborated on a whole host of issues, including countering terrorism. And, of course, that's of great interest and of particular importance in Afghanistan and Pakistan. And so we share interests in stability in that region, and in countering terrorism.

And we, therefore, are encouraging China, given its alliances with, for instance, Pakistan, to do more in the area of countering terrorism. And I believe that because Afghanistan and Pakistan are so close and part of the region bordering China that they have deep interests in ensuring stability in that region as well.

So we need to really partner with them and urge China to do even more in helping promote and using the alliances that they have to promote that stability.

Senator CARDIN. Well, thank you. I know they since you have taken on the position in the Cabinet, you have been living in the State of Maryland. We welcome you in Maryland any time. We hope that you will come back soon, and we're very proud of your nomination.

Secretary LOCKE. We've been very, very pleased to live in Maryland.

Senator CARDIN. Thank you.

Senator WEBB. As a Senator from Virginia——

[Laughter.]

Senator WEBB [continuing]. Let me just say, we have pretty nice neighborhoods in Virginia as well.

Senator CARDIN. He made the right choice.

Secretary LOCKE. Let me just say, it was a tough choice——

[Laughter.]

Secretary LOCKE [continuing]. No, honestly—between the great school systems in Virginia and in Maryland.

Senator WEBB. The thing I learned in politics is, quit while you are ahead. [Laughter.]

Maryland has good places, too.

Let me first just say, as a quick follow-on to something Senator Cardin said. I mentioned in a hearing about a week ago, when we had General Jones, that, in context of what we were discussing a little while ago, and then Senator Cardin raising it with the Afghanistan region, we tend to examine and debate the Afghanistan situation moving laterally out into Afghanistan to Pakistan, and Pakistan to India. But, I believe the movement toward resolution in that part of the world could give China a major opportunity to demonstrate that it can assume some leadership with a country that it has had a special relationship for a long time. And I would hope that you would find a way to encourage that.

I want to ask you a question about the transshipment of arms. This is particularly troubling with respect to China's relationship with North Korea, and some allegations that have been made.

Last week, China blocked the release of a United Nations report by a seven-member panel tasked with monitoring sanctions against North Korea. The report concludes that North Korea has been exporting missiles and technology in violation of U.N. sanctions, with diplomats saying that these shipments were transiting China to Iran.

We have other allegations over the past year or so with respect to Burma, Congo, and Burundi. All of them go back to that fact that at some places in China there were transshipments, usually from North Korea, but not exclusively.

One commentator a couple days ago said: "Many analysts argue that China is committed to upholding its U.N. obligations, but it has a problem of lax export-control enforcement. But while China cannot marshal the resources to prevent the transshipment of North Korean weapons, it can commit 300,000 Internet police to monitor online traffic and stifle free speech."

What is the State Department's policy on this issue, and to what degree do you believe it is a priority issue in terms of our future relations?

Secretary LOCKE. Well, we're very, very concerned about these allegations of transshipment, and we believe that the reports should be released so that there can be greater transparency and scrutiny on what is happening by North Korea.

And getting back to the issue of the region itself, and the special relationships that China has developed with several of these countries, we believe that China should use its influence as a source for stability and security and prosperity for the entire region. And we will be encouraging China to use that special relationship to increase that security and stability of the region.

That also applies to North Korea. We're very, very deeply concerned about transshipment of weapons systems material from North Korea to other parts of the world.

Senator WEBB. Thank you. Could you provide us with the State Department policy on this issue of the transshipment? We've had some difficulty getting a clear statement from the State Department on transshipment, per se.

Secretary LOCKE. I will try to do that, sir.

[The written information from Secretary Locke follows:]

Stopping the transshipment of North Korean weapons is a high-priority issue. The United States has strongly urged all member states, including China, to implement U.N. Security Council Resolutions (UNSCRs), 1718 and 1874 in a full and transparent manner. We have regularly communicated our concerns to the Chinese Government that North Korea may seek to use Chinese airports or seaports to transship items and technology that are banned for transfer to other states under UNSCRs 1718 and 1874 and reminded China that UNSCR 1874 calls upon States to inspect all cargo to and from North Korea in their territory, including seaports and airports, where there are reasonable grounds to believe that the cargo contains items that are banned for sale or transfer under the resolutions.

We have ample ground for concern that these sorts of transactions have occurred. For example, the May 2010 report of Panel of Experts set up to advise the UNSCR 1718 (North Korea) Sanctions Committee stated that a shipment of T–54/T–55 tank parts and other military goods bound for the Republic of Congo and seized by South African authorities was transshipped via the port of Dalian in China.

The United States has urged China to be more vigilant in its enforcement of both UNSCR 1718 and UNSCR 1874, as well as its own national export control laws, including through greater scrutiny of North Korean cargoes transshipping via Chinese ports. We continue to urge China to inspect North Korean cargoes and, if items prohibited under these UNSCRs are found, to seize and dispose of those items as required by UNSCR 1874. We routinely raise these concerns in our regular dialogues with China, and we have also offered to provide technical assistance to Chinese authorities to improve customs and other export control enforcement activities.

Most recently, during the Dubai Transshipment Conference, Acting Assistant Secretary of State Vann Van Diepen announced a series of 10 best practices that we would urge all states, including China, to adopt in order to better regulate the transshipment of sensitive items. As China is a key transshipment hub, we will continue to encourage China to adopt these measures and to increase its vigilance against North Korea proliferation activities.

Senator WEBB. Thank you. And with respect to your comment, and my follow-on to Senator Cardin on Pakistan, I again reiterate that I think this is a major opportunity for United States-China relations. If the Chinese were able to step in, given their history with Pakistan, to assist in a solution in that part of the world that they're going to benefit from it, quite frankly, with the increased stability in the region and their economic interests. It would be a great signal to be able to send in terms of cooperation between our two countries.

Senator Risch, did you have a follow-on question?

Senator RISCH. Thank you very much.

Senator WEBB. I am instructed by Chairman Kerry to indicate that the hearing record will remain open for 48 hours for any Senator who wishes to make a further statement or ask questions for the record.

Other than that, I, again, would congratulate you on your nomination, and I know what a special thing this must be for your family and also for those who went before you. It was very touching to hear about your father during your testimony this morning. And I wish you the best of luck.

And the hearing is now closed.

Secretary LOCKE. Thank you very much, Senator.

[Whereupon, at 11:39 a.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF GARY LOCKE TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* North Korea.—North Korea's development of nuclear weapons and long-range ballistic missiles represents a critical test of our ability to work together on matters critical to the security of both nations.

- Over the past 2 years, what specifically has China done to help restrain North Korea and maintain stability on the Korean Peninsula?

Answer. China is an important partner in regional diplomacy and in maintaining regional stability. Given its unique history and relationship with North Korea, China is well positioned to use its influence with North Korea. The administration has discussed with China on a regular basis the steps it can and should take to reduce provocations by North Korea. In June 2009, China's vote was critical for the adoption of U.N. Security Council Resolution 1874, which imposed additional sanctions on North Korea. The United States has called on all members of the U.N. Security Council and all U.N. Member States, including China, to fully and transparently implement U.N. sanctions and to urge North Korea to refrain from further provocations.

We have been disappointed by China's insufficient reaction to provocative and irresponsible North Korea behavior in the past, but welcomed the progress made on North Korea during the January 2011 summit between President Obama and Chinese President Hu Jintao. During the summit President Obama told President Hu that North Korea's nuclear and ballistic missile program is increasingly a direct threat to the security of the United States and our allies and expressed appreciation of China's role in reducing tensions on the Korean Peninsula. Furthermore, in the Joint Statement issued by both countries during President Hu's visit to Washington in January 2011, the United States and China "expressed concern regarding the DPRK's claimed uranium enrichment program," "opposed all activities inconsistent with the 2005 Joint Statement and relevant international obligations and commitments," and "called for the necessary steps that would allow for the early resumption of the six-party talks process to address this and other relevant issues." We welcome these statements and continue to look to China to take similar and additional positive steps to help maintain stability and prevent provocative actions by North Korea.

*Question.* If confirmed, how would you seek to convince China that its own desire for stability on its borders requires it to do more to rein in its unruly neighbor?

Answer. The United States and China share common goals of peace and stability on the Korean Peninsula and its denuclearization. We have continually discussed with China how it can and should best use its influence with the North, including during President Hu's January 2011 state visit and the recently concluded Strategic and Economic Dialogue. During President Hu's state visit, the United States and China emphasized the importance of achieving an improvement in North-South relations and agreed that sincere, constructive inter-Korean dialogue is an essential step. The United States and China also expressed concern regarding North Korea's claimed uranium enrichment program. Both sides oppose all activities that are inconsistent with the 2005 Joint Statement and relevant international obligations and commitments. We will continue to make North Korea one of the top items on the United States-China agenda and to press China to work toward advancing our shared goal of a denuclearized Korean Peninsula.

*Question.* Does China's growing economic support for North Korea undercut U.N. sanctions designed to put pressure on the government of Kim Jong-il? What is the rationale behind China's investment?

Answer. U.S. officials have repeatedly discussed with Chinese counterparts the importance of full and transparent implementation of U.N. Security Council resolutions related to North Korea. Despite a common concern with North Korean nuclear activities, China continues to give North Korea a significant role in its regional strategic security calculus. As such, ensuring North Korea does not collapse and maintaining regional stability appear to remain top priorities for Beijing, and China's ongoing economic aid and investment support those goals. I cannot speak on behalf of China, but Chinese officials have stated that they believe North Korea's economic development is a key step toward stabilizing the region.

*Question.* Role in Afghanistan.—China is playing an active role in Central Asia through the Shanghai Cooperation Organization, expanding trade and security ties with nations that used to be under the shadow of the former Soviet Union. Next door in Afghanistan, China has focused on the narrow objective of extracting raw materials and minerals, despite the concerted efforts of Special Envoy Holbrooke and others to convince the Beijing Government to do more to promote peace and sustainable development.

- If confirmed, what steps would you take to encourage China to invest not only in Afghanistan's resources, but also the country's long-suffering people?

Answer. The administration believes that there is a role for China to play in helping the international community deal with the challenge of peace and stability in Afghanistan and in addressing the economic challenges that country faces. We have already discussed with the Chinese the importance of generating local employment in Afghanistan that creates self-sustaining economic development to replace aid with trade. If confirmed, I will work closely with the Secretary's Representative for Afghanistan and Pakistan to promote effective United States-Chinese cooperation in the region.

*Question.* Human Rights.—I am troubled by China's recent crackdown against dissidents, lawyers, artists, bloggers, and democracy advocates—seemingly anyone who dares to criticize the government or question the Communist Party's supremacy. Some dissidents have simply disappeared after being taken into custody by plainclothes security personnel. China's security services tightly control access to information and the use of the Internet, including new social media. China's leaders seem determined to preempt any move toward a "Jasmine" democracy movement. At the Strategic and Economic Dialogue (S&ED) and the U.S.-China Human Rights Dialogue last month, the United States made it clear that China is "backsliding" on human rights.

- If confirmed, will you make human rights a clear high-level priority with China? What steps will you take to integrate this issue into other aspects of this vast relationship such as economics, the environment, and consumer product safety, to name just a few areas?

Answer. Promoting human rights—including freedom of religion, speech, and assembly—is a central objective of U.S. diplomatic engagement with China. If confirmed, I will make it a top priority to continue to urge China to uphold its internationally recognized obligations to respect universal human rights, including the freedoms of expression, association, assembly, and movement.

The U.S. Government believes that by adhering more closely to international human rights standards, creating greater access to justice, and strengthening rule of law, the Chinese Government would help create the conditions necessary for greater long-term social stability. To emphasize that message, the administration has incorporated human rights into discussions with Chinese officials on a range of issues, including economic and environmental issues. If confirmed, I will ensure that U.S. human rights concerns are raised regularly, broadly, and at all levels.

*Question.* What impact do you think the Arab Spring might be having in China? What is your assessment of the risk of major social unrest?

Answer. The Arab Spring demonstrates to the world the universal desire for freedom and opportunity. The United States continues to stress to our Chinese counterparts that by adhering more closely to international human rights standards, creating greater access to justice, and strengthening rule of law, the Chinese Government would help create the conditions necessary for greater long-term social stability.

Our message is simple: A nation must respect its citizens' fundamental rights, just as prosperous modern economies require rule of law, open information flows,

and a vibrant civil society. Expansion of civil and political rights would ultimately be a source of stability in Chinese society.

*Question.* What should the United States do to support greater Internet freedom in China? Do you support U.S. Government investments in circumvention technologies? What about broadcasting?

Answer. The U.S. Government remains deeply concerned by China's efforts to censor the Internet. Last month's announcement that a new "State Internet Information Office" has been established to direct, coordinate, and supervise online content management, as well as to investigate and punish illegal Websites, runs counter to our view that Internet freedom is an extension of the freedoms of speech, assembly, and expression.

Governments that use security as a pretext for clamping down on free expression are making a mistake. In the long run, they are limiting their political and economic development. Censorship is ultimately unsustainable.

The U.S. Government strongly supports increased freedom of expression in China, including on the Internet. As part of our ongoing dialogue with China, we have emphasized to the Chinese Government our view on the importance of an open Internet. The ability to operate with confidence in cyberspace is critical in a modern society and modern economy.

The administration speaks out clearly and presses China to cease its censorship of its people. U.S. officials regularly urge China to respect internationally recognized fundamental freedoms, including freedom of expression, and the human rights of all Chinese citizens. The Internet should be available to all, and the administration will continue to push China to expand opportunities for its citizens to connect online domestically and globally.

The State Department supports a number of organizations committed to Internet freedom. Enabling access for citizens in closed societies is a priority for the Department.

*Question.* How will you approach individual cases of political dissidents such as Nobel Laureate Liu Xiaobo, respected human rights lawyer, Gao Zhisheng, and artist, Ai Weiwei? What are your views on the case of U.S. geologist, Xue Feng, who as you know, has been imprisoned under China's expansive "state secrets" law?

Answer. The U.S. Government is deeply concerned by the trend of extralegal detentions, arrests, and convictions of lawyers, activists, and other individuals for exercising their internationally recognized human rights. The President and Secretary Clinton have specifically called for the release of Liu Xiaobo; U.S. officials have also urged the release of other political prisoners in China, including those under house arrest and those enduring enforced disappearances, such as Gao Zhisheng. Regarding Ai Weiwei, the United States continues to be deeply concerned by his detention, which is inconsistent with China's commitments to respect the fundamental freedoms and human rights of all Chinese citizens.

If confirmed, I will continue to press for the individual release of Liu Xiaobo, Gao Zhisheng, Ai Weiwei, and other individual prisoner cases of concern. I will also engage with the Chinese people directly to convey the human rights values for which America stands.

The U.S. Government has been closely involved in Dr. Xue's case since he was detained more than 3 years ago. The Embassy has conducted 40 consular visits to Dr. Xue to monitor his welfare and deliver messages from his family, with the most recent visit on May 19, 2011. If confirmed, the Embassy under my leadership will continue to visit Dr. Xue regularly and press China to release him on humanitarian grounds and immediately return him to the United States.

*Question.* Tibet.—A visit to Tibet by staff of the Senate Committee on Foreign Relations last year found a mixed picture: Economic development has improved the lives of many Tibetans. But they are also often discriminated against in employment and economic opportunities. Moreover, economic development is occurring against a backdrop of political repression, with intrusive Chinese controls on freedom of speech, freedom of association, and freedom of religion. China resists any effort by the United States to take an interest in Tibetan affairs. But it seems to me that it must be possible for us to find a way to work together on this issue as we do on other sensitive matters.

- How can we work with China to ensure that the Tibetan people can enjoy the benefits of economic development while protecting their fragile environment and preserving their rich culture?

Answer. The administration has not shied away from seeking opportunities to raise candidly with China's leaders our concerns about the poor human rights situa-

tion in Tibet, while at the same time recognizing there are benefits of economic development in Tibetan areas. If confirmed, I will continue to support further dialogue between China and the representatives of the Dalai Lama to resolve concerns and differences, including the preservation of the religious, linguistic, and cultural identity of the Tibetan people.

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RESPONSES OF GARY LOCKE TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

ADDRESSING POTENTIAL CONFLICTS OF INTEREST

*Question.* Prior to your service as Secretary of Commerce, you led the China practice of a major U.S. law firm. What steps do you intend to take to avoid any appearance of favoritism or conflict of interest with respect to former clients of yours if confirmed as Ambassador to China?

Answer. If confirmed as U.S. Ambassador to China, I will strictly adhere to all ethics requirements and regulations. In all that I do, I will also behave in way that this committee, the White House, and the American people expect that I should.

With regard to my former employer and clients before government service, I resigned from Davis Wright Tremaine LLP in March 2009 when I was confirmed by the U.S. Senate to serve as Secretary of Commerce. I severed all connections with the firm, financial and otherwise, upon my appointment.

As Secretary of Commerce, I complied not only with the 1-year regulatory recusal period but also with the 2-year recusal period of the President's ethics pledge during which I was prohibited from participating in certain particular matters related to my former employers or former clients. If confirmed as U.S. Ambassador to China, on an ongoing basis I will continue to recuse myself from any particular matters involving the firm or a former client if I believe that to act otherwise would give rise to an appearance of partiality or impropriety in the eyes of a reasonable person.

TRADE AND COMMERCE

*Question.* As Secretary of Commerce, what is the process by which you have evaluated the effectiveness of the International Trade Administration related to the promotion of U.S. exports?

Answer. The Department of Commerce, particularly the International Trade Administration (ITA), has been leading implementation of President Obama's National Export Initiative (NEI). Expanding U.S. exports is important to our Nation's economic recovery and long-term economic growth.

Exports contributed greatly to growing our economy in 2010, and supported over 9 million U.S. jobs. U.S. exports of goods and services in 2010 increased nearly 17 percent over 2009—the largest year-to-year percentage change in over 20 years. This puts us on pace to achieve President Obama's goal of doubling exports by the end of 2014.

ITA supports the NEI by directly working with U.S. companies to expand their exports overseas, address trade barriers, and ensure a level playing field for U.S. exporters through trade enforcement and compliance. As Chair of the Trade Promotion Coordinating Committee, I have also worked to strengthen interagency cooperation between the multiple federal agencies engaged in trade promotion. I am pleased to report that the National Export Strategy, which will be delivered to Congress shortly, will include for the first time cross-cutting NEI metrics to better evaluate the Federal Government's efforts as a whole to expand U.S. exports.

The reality is that only 1 percent of U.S. companies are currently exporting and, of that 1 percent, 58 percent are exporting to one overseas market only. As Secretary of Commerce, I directed ITA to focus their efforts on helping this 58 percent—typically small- and medium-sized companies—export to additional countries.

ITA's effectiveness is measured by the Government Performance Results Act, which includes the priority goal of increasing the number of small- and medium-sized enterprises (SMEs) that ITA assists in exporting to a second or additional country by 40 percent from 2009 to 2011. In addition to these measures, I receive quarterly updates on the effectiveness of our core trade promotion programs-trade missions, the International Buyer Program, and advocacy.

*Followup Question.* How did you evaluate how effectively ITA promoted U.S. exports?

Followup Answer. Working with ITA, I set annual goals and received quarterly updates on the effectiveness of our core trade promotion programs-trade missions (including the number of participants and value of exports), the International Buyer

Program (including the number of foreign buyers recruited to the United States and the number of U.S. companies participating in matchmaking activities with foreign buyers and value of U.S. exports facilitated), and advocacy (focused on the value of U.S. export content facilitated through government-led advocacy on behalf of U.S. companies competing for foreign procurements). Results from these evaluations are discussed in my original response to your third question for the record.

In addition, to promote U.S. exports to China, it was the first country on my May 2010 clean energy trade mission, the first cabinet-level trade mission of the Administration. On a trade mission, I act as a force multiplier for ITA's efficacy as an export promotion agency.

*Question.* According to the evaluation process, what are the strong points of present U.S. trade promotion efforts through the Commerce Department and what are areas where additional attention should be focused?

Answer. ITA continues to deliver high-value export promotion services and counseling to U.S. businesses, allowing them to take advantage of the 95 percent of consumers located outside the United States. Businesses often report that ITA's global footprint is important to ITA's effectiveness in ensuring access to overseas markets and proximity to local U.S. companies. ITA is located in 108 offices in the United States and over 125 offices in over 75 countries.

During calendar year 2010, ITA helped over 5,500 U.S. companies export for the first time or expand their exports overseas, 85 percent of which were SMEs. ITA's Advocacy Center, which helps level the playing field for U.S. companies competing for foreign government procurement contracts, was particularly successful. In 2010, the Advocacy Center helped U.S. companies export $18.7 billion of U.S. content overseas, a 212-percent increase over 2009. ITA's International Buyer Program also performed well, recruiting nearly 13,000 foreign buyers to attend trade shows in the United States, a 43-percent increase over 2009 resulting in sales by U.S. companies of $818 million. This program is particularly important for small- and medium-sized companies who are export-capable, but do not have the resources to travel overseas to connect with foreign buyers.

While our trade missions team had a strong year recruiting over 400 companies to participate in 35 trade missions, the value of export successes achieved fell short of our goal. To address this issue, I have asked the team to increase the followup they do with participating U.S. companies to better understand and evaluate our services.

To maximize limited resources to assist U.S. companies to expand their exports and create jobs here at home, the Department of Commerce is focusing on leveraging technology and expanding partnerships. Export.gov is the Federal Government's Website to provide U.S. companies access to all export information from market research and export financing to addressing issues of intellectual property rights protection and understanding foreign regulations. While I am proud of some initial steps we have taken to ensure that information is more accessible and user-friendly, additional focus on strengthening and customizing content will help the Department of Commerce deliver relevant information to U.S. companies seeking to export. Similarly, additional attention to expanding and strengthening our partnerships with state and local governments, trade associations, and the private sector will help ensure that more U.S. companies can compete and win in the global marketplace.

*Question.* What specific steps will be included in your efforts to double U.S. exports to China as part of President Obama's initiative? What is the base line export figure (and date of its issuance), used by the Department of Commerce which must be doubled to meet the President's initiative as relates to China?

Answer. We are actively engaged in helping U.S. exporters to China through advocacy, commercial diplomacy, policy discussions, and trade promotion. We participate with China in the Strategic & Economic Dialogue (S&ED) and Cochair the Joint Commission on Commerce and Trade (JCCT). Our policy efforts aim to open China's market to U.S. exports and reduce the incidence of intellectual property rights infringement. In the United States, we work closely with State and local partners and support trade missions hosted by the Department of Commerce's commercial section in the U.S. Embassy in China. In China we also recruit delegations of buyers to attend major trade shows held in the United States. We also work with other Department of Commerce units, such as the Patent and Trademark Office (PTO), which are colocated in the commercial section.

Ensuring that U.S. companies and workers have the opportunity to compete on a level playing field is critical to advancing business competitiveness in the United States and abroad, and is a key component of the NEI. The goal of the NEI is to

double the annual value of U.S. exports of goods and services from the baseline level of $1.57 trillion in calendar year 2009 to $3.14 trillion in calendar year 2014. The baseline number comes from the Bureau of Economic Analysis' estimate of Trade in Goods and Services available at: http://bea.gov/international/index.htm#trade. In 2010, exports to China rose nearly 32 percent, almost double the rate of increase for the rest of the world. As a result of last year's strong performance by U.S. exporters, we are on track to meet the goal of doubling exports.

Accordingly, a key focus of our efforts in the Department of Commerce is strong enforcement of our unfair trade laws. Foreign government subsidies can also have a debilitating effect on U.S. exporters' competitiveness abroad. ITA's subsidies enforcement activities help prevent or remedy the harm that foreign government subsidies cause to U.S. businesses and workers. The Department of Commerce also regularly advocates on behalf of U.S. exporters that are subject to foreign trade remedy (antidumping, countervailing duty, or safeguard) actions, in part by ensuring that the nations that pursue these actions do so in accordance with their WTO commitments.

*Question.* As Commerce Secretary, you are most familiar with intellectual property right challenges for U.S. companies in China. What specific lessons have you learned which will assist in improving the IPR situation with China?

Answer. During my tenure at the Department of Commerce, I believe that our progress on IPR issues has come from persistence and consistent pressure. On key issues, such as software legalization, we have made progress by consistently raising the issue at every opportunity, including this year's S&ED, President Hu's state visit, and at the JCCT. Apart from these high-level bilateral engagements, we maintain consistent pressure through the work of the International Trade Administration and U.S. Patent and Tradmark Office. ITA maintains a Website that provides live and archived webinars on important Chinese IPR issues affecting U.S. businesses and a China specific toolkit. PTO has two IPR attachés stationed in China, with a third on their way. Additionally, the JCCT IPR Working Group, cochaired by PTO, regularly discusses IPR challenges with the Chinese Government.

*Question.* What progress in China, if any have you observed in the areas of data protection and counterfeiting?

Answer. The Department of Commerce has been actively engaged in addressing counterfeit medicines and pharmaceutical data protection with the China State Food and Drug Administration (SFDA) and other ministries under the U.S.-China JCCT.

The United States continues to advocate for effective pharmaceutical data protection in bilateral discussions with China under the JCCT. Over the past few years, China has increased its engagement in these discussions. In September 2009, the Department of Commerce and SFDA organized a workshop on pharmaceutical data protection to exchange views and information on how China and several other trading partners, including the EU, Japan, and the United States, protect pharmaceutical data against unfair commercial use. SFDA recently commissioned a study and is expected to amend Chinese data protection regulations in the coming years. As part of its JCCT commitments, China agreed to hold further discussions on pharmaceutical data protection in 2011. The Department of Commerce is working with other agencies and industry to advance progress on improving the data protection system in China.

Although much remains to be done, China has made some progress in addressing the production, distribution, and export of counterfeit medicines. In 2009, China set up the Interagency Coordination Conference for Fighting the Production and Sale of Counterfeit Drugs (ICC) comprised of 13 Chinese ministries. Surveillance of counterfeit pharmaceutical ingredients sold on the Internet and advertised at trade shows has been elevated. In 2009, SFDA and the Public Safety Bureau reported concluding over 20 major counterfeiting cases with seized goods valued at over 250,000 RMB (US$38,600) and 231 suspects apprehended. China has increased penalties and punishment for counterfeiting and begun exposing persons or organizations involved in counterfeit medicines activities in the media. SFDA has also set up a Counterfeit Medicines Complaint Center, which is expected to be fully operational this summer. In addition, China has increased its technical capacity for detecting counterfeits, such as investing in mobile drug detection laboratories.

*Question.* How are China's restrictions on the Internet affecting the operation of U.S. business related to China?

Answer. U.S. companies have reported to the Department of Commerce a number of restrictions on the Internet that affect their business operations in China, including Website blocking and mandatory installation of Internet filtering software.

A number of U.S. companies have reported that their Websites are inaccessible to Web users from within China, and they are frustrated by the loss of potential online business. Google, for instance, reported experiencing technical blocking of access to an entire Website service (e.g., search engine, online store). In July 2010, Google announced that the Beijing Government had renewed its license to operate a Website in mainland China, allowing them to offer products that do not require any censorship. Under the new arrangement, Google users on the Chinese mainland must deliberately click on a link to the Hong Kong search engine in order to access the uncensored Hong Kong domain. The U.S. Government will continue its efforts to engage the Chinese Government to allow U.S. companies to compete effectively in China's growing online service market.

In June 2009, the U.S. information technology industry raised concerns regarding the Ministry of Industry and Information Technology's Circular 226, mandating all computers sold in China be preinstalled with Green Dam Internet filtering software as of July 1. Industry reported on the software's numerous technical problems as well as the adverse competitive impact of the technology mandate. Mandating the software risked the loss of billions of dollars of immediate and future revenue to U.S. computer manufacturers, because the technically flawed Green Dam software would have led to computer crashes, including screen blackouts, and sullied the reputation of major U.S. brands. After a 3-week period of escalating high-level U.S. Government engagement with China, MIIT indefinitely postponed the implementation of Circular 226.

*Question.* The Economic Espionage Act of 1996 was established to protect trade secrets including proprietary information of U.S. companies. Based upon your tenure as Commerce Secretary would you recommend changes to the original legislation to enhance its intended effectiveness?

Answer. As Commerce Secretary I am committed to protecting the U.S. economic sector, including U.S. businesses working in China, and to ensuring that the United States has implemented the strongest possible safeguards to prevent economic espionage. If confirmed, I will work diligently with my staff at the Embassy to ensure that everything possible is being done in this important area. It is most important that we use all the tools at our disposal to prevent economic espionage, including those set forth in the Economic Espionage Act. I defer to the Department of Justice, which can conduct prosecutions under the act, as to whether or not the act could be changed to enhance its intended effectiveness.

*Question.* What are the primary sector targets of economic espionage originating in China directed at U.S. business and industry?

Answer. Foreign collectors continued to target a wide variety of unclassified and classified information and technologies in a range of sectors. With regard to China, the FBI has reported that in 2010 they prosecuted more Chinese espionage cases than at any time in our Nation's history.

Today, foreign intelligence services, criminals, and private sector spies are focused on American industry and the private sector. Their efforts compromise intellectual property, trade secrets, and technological developments that are critical to national security. If confirmed, I will work diligently with my staff at the Embassy to ensure that we use all the tools at our disposal to prevent economic espionage.

*Question.* It is essential that the Trans-Pacific Partnership (TPP) contain strong intellectual property provisions, including those in the pharmaceutical area. As you know, the TPP will be viewed as a model on IP by some countries. Have you had opportunity as Commerce Secretary to provide input on this topic to U.S. officials involved with the TPP discussions?

Answer. The Department has provided and continues to provide input on the intellectual property provisions of the TPP, including providing expert technical advice to the U.S. Trade Representative, who is the lead negotiator.

*Question.* On May 10, 2011, in closing remarks made after the conclusion of the 2011 U.S.-China Strategic and Economic Dialogue with Secretaries Clinton and Geithner, Chinese Vice Premier Wang Qishan stated "The United States commits to accord China fair treatment in a reform of its export control regime, [and] relax high-tech exports control towards China [.]"

- What specific commitments have been made by the administration to the PRC and in connection with which technologies under the accord announced by Vice Premier Wang?

Answer. In the U.S.-China S&ED Economic Track Joint Outcomes Document, the United States and China agreed to the following statement: "The United States commits to give full consideration to China's request that it be treated fairly as the

United States reforms its export control system. The United States will continue discussions, including technical discussions, on the export control status of designated parts, components, and other items of interest. Both sides agree to work through the U.S.-China High Technology Working Group (HTWG) to actively implement the Action Plan for U.S.-China High Technology Trade in Key Sectors Cooperation, hold U.S.-China fora on high-tech trade on a regular basis, and discuss high-tech and strategic trade cooperation through the HTWG."

The United States has not committed to relax high-tech export controls toward China, nor has the United States made any other commitments beyond those in the Joint Outcomes Document.

- What specific commitments have been made by the administration to the PRC and in connection with which technologies under the accord announced by Vice Premier Wang? How does the administration's export control reform initiative take into account existing and future risks of diversion of U.S. technology and data to Chinese military end uses, particularly in space-related technologies, to include each of the following:
  - (a) Chinese development of counter-space systems, including anti-satellite weapons (ASAT);
  - (b) Chinese development of area-denial weapons;
  - (c) Chinese development of offensive space capabilities;
  - (d) Chinese development of improved capabilities to limit or prevent the use of U.S. space-based assets during times of crisis or conflict;
  - (e) Enhanced Chinese C4ISR, including space-based sensors, which could enable Beijing to identify, track, and target military activities deep into the western Pacific Ocean.

Answer. In the U.S.-China S&ED Economic Track Joint Outcomes Document, the United States and China agreed to the following statement: "The United States commits to give full consideration to China's request that it be treated fairly as the United States reforms its export control system. The United States will continue discussions, including technical discussions, on the export control status of designated parts, components, and other items of interest. Both sides agree to work through the U.S.-China High Technology Working Group (HTWG) to actively implement the Action Plan for U.S.-China High Technology Trade in Key Sectors Cooperation, hold U.S.-China fora on high-tech trade on a regular basis, and discuss high-tech and strategic trade cooperation through the HTWG.

The United States has not committed to relax high-tech export controls toward China, nor has the United States made any other commitments beyond those in the Joint Outcomes Document.

HUMAN RIGHTS

*Question.* China continues to imprison Nobel Peace Prize winner Liu Xiaobo and harass his wife. Former colleagues have been arrested. Human rights lawyer Gao Zhisheng has also been detained. These are only two of so many individuals who disappeared or been detained. Likewise, China has the dubious distinction of being tied with Iran for the number of journalists imprisoned.

Answer. I am deeply concerned by the trend of extralegal detentions, arrests, and convictions of lawyers, activists, and other individuals for exercising their internationally recognized human rights. President Obama and Secretary Clinton have specifically called for the release of Liu Xiaobo; the administration has also urged the release of other political prisoners in China, including those under house arrest and those enduring enforced disappearances, such as Gao Zhisheng. Chinese Government actions against family members and associates of activists are also very troubling. The State Department remains concerned that Liu Xiaobo's wife, Liu Xia, is being confined to her home in Beijing and her movements are being restricted. The Department has called on the Chinese Government to respect her rights, in accordance with Chinese law and international norms, and to allow her to move freely without harassment.

The Department of State has urged China to respect internationally recognized conventions that guarantee freedom of the press and freedom of expression and has called for the rights of journalists to report in China to be respected and protected. If confirmed as Ambassador, I will continue to press the Chinese Government on these issues and to urge China to respect the universal right to freedom of expression and to freedom of association and assembly.

*Question.* Religious leaders are routinely detained and services disrupted by security forces. Internet freedom activists and even ordinary citizens find themselves jailed for even the most innocuous statements regarding their government. With all

of this, which cases will you be placing as a priority and how will you raise them with the Chinese Government? It has not been uncommon in the past for U.S. Ambassadors to publicly stand with dissidents living under repressive regimes. If confirmed, do you view yourself as having a similar role in China?

Answer. Promoting human rights—including freedom of religion, expression, and assembly—is a central objective of our diplomatic engagement with China. The U.S. Government's priority is to ensure that China respects the rights of all of its citizens in accordance with its own constitution and international norms. Our message is simple: a nation must respect its citizens' fundamental rights, just as prosperous modern economies require rule of law, open information flows, and a vibrant civil society. Expansion of civil and political rights would ultimately be a source of stability in Chinese society. If confirmed as Ambassador, one of my key roles would be that of a spokesman for America and America's values, including the freedoms that are the foundation of our great Nation. I will raise human rights at every opportunity and continue to raise specific cases with Chinese officials. I will also support and promote our human rights agenda in the many dialogues we maintain with China, such as the Human Rights Dialogue and the Strategic and Economic Dialogue.

*Question.* Xue Feng is an American businessman unjustly convicted of trafficking in state secrets. His case has been repeatedly raised by senior administration officials, including the President, and by many Members of Congress, to no avail. Your predecessor, Ambassador Huntsman, made it a practice for either he or his Deputy Chief of Mission to pay monthly visits to Xue.

- If confirmed will you continue this practice? What other steps will you take to make sure Mr. Xue is released and returned to his family in Houston at the earliest possible date?

Answer. The U.S. Government has been closely involved in Dr. Xue's case since he was detained more than 3 years ago. We have no higher priority than the protection of American citizens' rights. The Embassy has conducted 40 consular visits to Dr. Xue to monitor his welfare and deliver messages from his family, including the most recent visit of May 19, 2011. If confirmed, I will ensure that Embassy officials continue to visit Dr. Xue regularly and will press China to release him on humanitarian grounds and immediately return him to the United States.

*Question.* The United States and China have been holding human rights dialogues since 1991. China's Ministry of Foreign Affairs has shown itself to be increasingly unwilling to discuss cases of individuals jailed for the nonviolent expression of their political and religious beliefs. The Ministry has also refused to provide information on them, insisting that the cases like those of Liu Xiabao and detained artist Ai Weiwei "have nothing to do with human rights."

- If in fact China is unwilling to address our concerns over what is happening to these people do you favor continuing the policy of holding human rights dialogues with China? Are you concerned that by continuing this policy we are providing cover to the Chinese Government in its relentless crackdown on activists, journalists, artists, lawyers, and worshipers in house churches?

Answer. Promoting human rights is a central objective of our diplomatic engagement with China. We used the most recent Human Rights Dialogue to express our deep concerns about the deteriorating human rights situation in China, press for systemic changes, and raise individual cases. Although I am concerned about China's crackdown and the recent escalation in human rights cases, I also favor continuing our human rights dialogues. These dialogues provide the U.S. Government with an opportunity to engage in an in-depth dialogue on key human rights issues with a large number of Chinese ministries. This provides an important opportunity to advocate that China adhere to international human rights standards, create greater access to justice, and strengthen rule of law in order to create the conditions necessary for greater long-term social stability. But this is just one forum in which we raise our concerns over human rights. The U.S. Government raises such concerns regularly and at high levels. For example, the Secretary and Vice-President Biden also raised our human rights concerns at the Strategic and Economic Dialogue in May 2011.

*Question.* Since October 2010, a Protestant house church leader, Fan Yafeng and his family have been subjected to house arrest while being denied access to legal counsel. Have U.S. officials expressed concern to Chinese authorities about this case? What is their response?

Answer. The Department of State and Embassy Beijing are well aware of the case of Dr. Fan, and many others who, like him, have been subjected to extrajudicial

punishments for exercising their universal rights. U.S. officials regularly raise our concerns about these cases with our counterparts, both in Beijing and in Washington. Unfortunately, to date, the Department has not received satisfactory answers from our interlocutors regarding the reasons or legal basis for these actions.

*Question.* In addition to Falun Gong and Christian practitioners in China, what are other groups, organizations or religions that are targeted by the Government of China for ongoing harassment and persecution?

Answer. There are several known groups of religious practitioners that are subject to official harassment based on their beliefs. These include several groups that, like Falun Gong, are designated "illegal" by the Chinese Government, including the Guan Yin (also known as Guanyin Famin or the Way of the Goddess of Mercy) and the Zhong Gong (a qigong exercise discipline). The government also considers several Protestant Christian groups to be "evil cults," including the "Shouters," Eastern Lightning, the Society of Disciples (Mentu Hui), Full Scope Church, Spirit Sect, New Testament Church, Three Grades of Servants (or San Ban Pu Ren), Association of Disciples, Lord God Sect, Established King Church, Unification Church, Family of Love, and the South China Church. If confirmed, I will continue to urge the Chinese Government to respect its citizens' right to religious freedom. In the Xinjiang Uighur Autonomous Region and Tibetan areas, government authorities conflate separatism and religious extremism with peaceful religious practice and place severe religious restrictions on Uighur Muslims and Tibetan Buddhists. We express our concerns that these restrictions are unacceptable, alienating, and have a destabilizing effect.

*Question.* Chinese authorities continue to use the children and grandchildren of Rebiya Kadeer as pawns in an effort to silence her criticism for their continuing persecution of the Uyghur people. Chinese authorities cut off her family phone lines so she can no longer contact her children and grandchildren who are not in prison. Ms. Kadeer also believes she is under active surveillance of the Chinese Government in the United States.

- Will you press within the State Department for high-level engagement with Rebiya Kadeer and would you make raising the cases of her sons a priority in your engagement with the Chinese Government?

Answer. Department of State officials regularly hold meetings with individuals whose work supports enhanced freedom of expression, expansion of civil society, and democratic development, including Ms. Kadeer. The State Department continues to raise the cases of Ms. Kadeer's two incarcerated sons, most recently at the U.S.-China Human Rights Dialogue in April 2011. If confirmed, I will raise these cases and other cases of prisoners of conscience.

NORTH KOREAN REFUGEES

*Question.* In the past, North Korean refugees have approached U.S. Government facilities in China, seeking asylum, protection, or resettlement to the United States. If confirmed, what will be your instructions to all U.S. officials in China should they be approached by North Koreans seeking assistance? What is the guidance? Will you issue any other instructions?

Answer. The Department of State annually issues formal guidance to all overseas posts regarding individuals presenting themselves at a U.S. Government facility seeking asylum. The Department has also issued specific guidance for North Korean asylum seekers; this guidance is regularly updated and reissued to all relevant posts. I have been briefed by the Department's experts on the situation of North Korean refugees in China, on the Department's guidance on handling North Korean asylum seekers, and on the role of Mission China as it pertains to these issues. If confirmed, I will ensure that all Mission China employees are aware of this guidance and follow it carefully. If confirmed, I will also review the guidance with my staff upon arrival in China. I would be happy to ask the Department to schedule a classified briefing for you or your staff on the details of the guidance.

*Question.* What will be your recommendations to officials of U.S.-related nongovernment interests in China; e.g., schools or corporations in the event they are approached by North Korean refugees seeking assistance? What is the guidance? What would you say to Americans (a U.S. company, for instance) in China if NK refugees seek assistance from them?

Answer. The Department of State annually issues guidance to all overseas posts regarding individuals presenting themselves at a U.S. Government facility seeking asylum. The Department has also issued specific guidance for North Korean asylum seekers; this guidance includes provisions for U.S.-related nongovernment property.

I have been briefed by the Department's experts on the situation of North Korean refugees in China, on the Department's guidance on handling North Korean asylum seekers, and on the role of Mission China as it pertains to these issues. If confirmed, I will ensure that all Mission China employees are aware of this guidance and follow it carefully. If confirmed, I will also review the guidance with my staff upon arrival, including how Mission China works with nonofficial Americans and American institutions on these sensitive issues. I would be happy to ask the Department to schedule a classified briefing for you or your staff on the details of the guidance.

*Question.* Chinese officials have rejected a recommendation to allow the United Nations High Commissioner for Refugees (UNHCR) to establish an operation within China to receive North Korean refugees for resettlement to a third country. Will you encourage Chinese officials to allow UNHCR to establish a presence within their country for this purpose?

Answer. China is one of the only Asian parties to the 1951 Refugee Convention and its 1967 Protocol. We encourage China to fulfill its obligations under the Convention and to cooperate with the U.N. High Commissioner for Refugees (UNHCR) and enable it to exercise its mandate without undue interference. We urge the Chinese Government to uphold the principles of international protection and to allow UNHCR to exercise its mandate fully, and free from government influence or pressure. We will continue to support efforts by the UNHCR to establish a presence in China, especially in the northeastern provinces.

UNITED STATES-CHINA PUBLIC DIPLOMACY

*Question.* As mentioned earlier, I remain deeply concerned by the Chinese Government's refusal to allow us to open more American Centers in China while they have more than 70 "Confucius Centers" here. Why have U.S. officials not pressed the Chinese more on allowing equal consideration?

Answer. The State Department also shares your concern about the obstacles we face in establishing American cultural centers in China. The barriers to the establishment of "American Corners" at public and university libraries—which the United States enjoys in almost every other country in the world—have effectively prevented us from similar operations in China. There are, however, alternative methods of creating places for Chinese audiences to learn about the United States and several options are being vigorously pursued. Recently, a number of U.S. universities such as Arizona State University, New York University, and University of Southern California, have entered into partnerships with Chinese universities to establish university-sponsored American cultural centers on Chinese campuses. This is an encouraging trend. The Department hopes to see the establishment of additional American cultural centers in China.

Discouraging Confucius Institutes in the United States would not lead to progress on our own cultural spaces in China. Confucius Institutes are the result of agreements between the Hanban, a quasi-private entity with close ties to the Chinese Ministry of Education, and individual U.S. universities and answer a growing demand from Americans to learn Chinese.

*Question.* Please provide a list, by all State-owned news outlets, of the number of journalists working for state media presently accredited to work in the United States. Please identify in which city or media market they are working. How many Voice of America and Radio Free Asia reporters have the Chinese Government granted visas to and where do they work?

Answer. A total of 209 accredited Chinese journalists have voluntarily registered with the State Department's Foreign Press Centers in Washington, DC, New York, and Los Angeles. There are 101 registered in New York, 89 in Washington, and 19 in Los Angeles. Because registration with the Foreign Press Center is voluntary, the list is not necessarily exhaustive for the entire United States.

Voice of America currently has two fully accredited journalists working in Beijing: one from VOA Mandarin and one from VOA's news room. There are no RFA journalists accredited to work inside China. Most of the major privately owned U.S. and international media organizations have correspondents accredited to work in China; we estimate that there are 200 correspondents and producers in China. We have raised our concerns regarding the VOA's difficulty in obtaining visas with the Chinese, and intend to continue doing so in the future.

The following is a list of accredited Chinese journalists by media outlet.

Accredited Chinese Journalists by Media Outlet Registered with the Foreign Press Centers

| Organization | Media type |
|---|---|
| New York: | |
| 1. 21st Century Business Herald | NEWSPAPER |
| 2. 21st Century Business Herald | NEWSPAPER |
| 3. Beijing Review | MAGAZINE |
| 4. Beijing Review | MAGAZINE |
| 5. Beijing Review Magazine | MAGAZINE |
| 6. Caijing Magazine | MAGAZINE |
| 7. CCTV | TV |
| 8. China Business News | NEWSPAPER |
| 9. China Central Television | WIRELESS NEWS AGENCY |
| 10. China Central Television (CCTV) | TV |
| 11. China Central Television (CCTV) | TV |
| 12. China Central TV | TV |
| 13. China Daily | NEWSPAPER |
| 14. China Daily USA | NEWSPAPER |
| 15. China Economic Daily | NEWSPAPER |
| 16. China News Service | WIRELESS NEWS AGENCY |
| 17. China News Service | WIRELESS NEWS AGENCY |
| 18. China News Service | WIRELESS NEWS AGENCY |
| 19. China News Service | WIRELESS NEWS AGENCY |
| 20. China News Service | WIRELESS NEWS AGENCY |
| 21. China News Service | WIRELESS NEWS AGENCY |
| 22. China Radio International | RADIO |
| 23. Economic Daily | NEWSPAPER |
| 24. Economic Daily | NEWSPAPER |
| 25. Jiefang Daily | NEWSPAPER |
| 26. Jiefang Daily | NEWSPAPER |
| 27. New Tang Dynasty | TV |
| 28. People's Daily | NEWSPAPER |
| 29. People's Daily | NEWSPAPER |
| 30. People's Daily | NEWSPAPER |
| 31. People's Daily | NEWSPAPER |
| 32. Phoenix Satellite Television (US) Inc. | TV |
| 33. Science & Technology Daily | NEWSPAPER |
| 34. Shanghai Oriental Morning Post | NEWSPAPER |
| 35. Sina | WIRELESS NEWS AGENCY |
| 36. Sing Tao Chinese Radio/Daily | NEWSPAPER |
| 37. South China Morning Post | NEWSPAPER |
| 38. Wen Hui Daily | NEWSPAPER |
| 39. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 40. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 41. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 42. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 43. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 44. Xinhua News Agency | NEWSPAPER |
| 45. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 46. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 47. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 48. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 49. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 50. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 51. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 52. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 53. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 54. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 55. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 56. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 57. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 58. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 59. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 60. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 61. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 62. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 63. Xinhua News Agency | WIRELESS NEWS AGENCY |

Accredited Chinese Journalists by Media Outlet Registered with the Foreign Press Centers—Continued

| Organization | Media type |
|---|---|
| 64. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 65. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 66. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 67. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 68. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 69. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 70. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 71. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 72. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 73. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 74. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 75. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 76. Xinhua News Agency | WIRELESS NEWS AGENCY |
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| 78. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 79. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 80. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 81. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 82. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 83. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 84. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 85. Xinhua News Agency | WIRELESS NEWS AGENCY |
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| 94. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 95. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 96. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 97. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 98. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 99. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 100. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 101. Xinhua News Agency | WIRELESS NEWS AGENCY |
| Los Angeles: | |
| 102. Caijing Magazine | MAGAZINE |
| 103. China Central Television (CCTV) | TV |
| 104. China News Service | WIRELESS NEWS AGENCY |
| 105. China News Service | WIRELESS NEWS AGENCY |
| 106. China Television Company (CTV) | NEWSPAPER |
| 107. Economic Daily | NEWSPAPER |
| 108. Geo TV | TV |
| 109. People's Daily | NEWSPAPER |
| 110. People's Daily / Global Times | NEWSPAPER |
| 111. Sing Tao Daily | NEWSPAPER |
| 112. The China Press | NEWSPAPER |
| 113. TTV - Taiwan Television | TV |
| 114. TVBS | NEWSPAPER |
| 115. TVBS; Radio Free Asia | TV |
| 116. Xin Min Evening News | NOT DETERMINED |
| 117. Xin Min Evening News | NOT DETERMINED |
| 118. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 119. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 120. Xinhua News Agency | WIRELESS NEWS AGENCY |
| District of Columbia: | |
| 121. 21st Century Business Herald | NEWSPAPER |
| 122. 21st Century Business Herald | NEWSPAPER |
| 123. Beijing Daily | NEWSPAPER |

Accredited Chinese Journalists by Media Outlet Registered with the Foreign Press Centers—Continued

| Organization | Media type |
|---|---|
| 124. Beijing Youth Daily | NEWSPAPER |
| 125. Caixin Media | MAGAZINE |
| 126. Caixin Media | NEWSPAPER |
| 127. China Business News | NEWSPAPER |
| 128. China Central Television (CCTV) | TV |
| 129. China Central Television (CCTV) | TV |
| 130. China Central Television (CCTV) | TV |
| 131. China Central Television (CCTV) | TV |
| 132. China Central Television (CCTV) | RADIO |
| 133. China Central Television (CCTV) | TV |
| 134. China Central Television (CCTV) | TV |
| 135. China Central Television (CCTV) | TV |
| 136. China Central Television (CCTV) | TV |
| 137. China Central Television (CCTV) | TV |
| 138. China Central Television (CCTV) | TV |
| 139. China Central Television (CCTV) | TV |
| 140. China Central Television (CCTV) | TV |
| 141. China Central Television (CCTV) | TV |
| 142. China Central Television (CCTV) | TV |
| 143. China Central Television (CCTV) | TV |
| 144. China Central Television (CCTV) | TV |
| 145. China Central Television (CCTV) | TV |
| 146. China Central Television (CCTV) | TV |
| 147. China Central Television (CCTV) | TV |
| 148. China Central Television (CCTV) | TV |
| 149. China Central Television (CCTV) | TV |
| 150. China Central TV America | TV |
| 151. China Central TV America | TV |
| 152. China Central TV America | TV |
| 153. China Daily | NEWSPAPER |
| 154. China Daily | NEWSPAPER |
| 155. China Daily | NEWSPAPER |
| 156. China News Service | WIRELESS NEWS AGENCY |
| 157. China News Service | WIRELESS NEWS AGENCY |
| 158. China Radio International | RADIO |
| 159. China Radio International | RADIO |
| 160. China Radio International | RADIO |
| 161. China Radio International (CRI) | RADIO |
| 162. China Youth Daily | NEWSPAPER |
| 163. China Youth Daily | NEWSPAPER |
| 164. China Youth Daily | NEWSPAPER |
| 165. Economic Daily | NEWSPAPER |
| 166. Feature Story News (FSN) | TV |
| 167. Global Times | NEWSPAPER |
| 168. Guang Ming Daily | NEWSPAPER |
| 169. Guang Ming Daily | NEWSPAPER |
| 170. Humphrey Fellow | MAGAZINE |
| 171. Legal Daily | NEWSPAPER |
| 172. Legal Daily | NEWSPAPER |
| 173. Liberation Daily | NEWSPAPER |
| 174. People's Daily | NEWSPAPER |
| 175. People's Daily | NEWSPAPER |
| 176. People's Daily | NEWSPAPER |
| 177. People's Daily | NEWSPAPER |
| 178. People's Daily | NEWSPAPER |
| 179. People's Daily | NEWSPAPER |
| 180. People's Daily | NEWSPAPER |
| 181. Science & Technology Daily | NEWSPAPER |
| 182. Science & Technology Daily | NEWSPAPER |
| 183. Shanghai Media Group | TV |
| 184. Shanghai Wenhui Daily | NEWSPAPER |
| 185. Shanghai Wenhui Daily | NEWSPAPER |
| 186. The China Press | NEWSPAPER |

Accredited Chinese Journalists by Media Outlet Registered with the Foreign Press Centers—Continued

| Organization | Media type |
|---|---|
| 187. The Economic Observer | MAGAZINE |
| 188. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 189. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 190. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 191. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 192. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 193. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 194. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 195. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 196. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 197. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 198. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 199. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 200. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 201. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 202. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 203. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 204. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 205. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 206. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 207. Xinhua News Agency | WIRELESS NEWS AGENCY |
| 208. Xinhua News Agency | NEWSPAPER |
| 209. Xinhua News Agency | TV |

ADOPTIONS

*Question.* As you are aware, many Americans are interested in international adoptions. China has reduced the number of children available for adoption internationally, leading to wait times of 5 years or more. Is this change due in part to the consequences of China's one-child policy? Also, there are reports that China may be making it more difficult to relinquish children resulting with more children being abandoned often leading to their death. Are you familiar with these issues and will you raise these points with Chinese officials if confirmed?

Answer. China is party to the "Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption." Therefore, all adoptions between China and the United States must meet the requirements of the Convention and U.S. law implementing the Convention. For example, the Convention requires that China attempt to find a permanent family in-country before determining that a child is eligible for intercountry adoption. China's rapid economic development and other socioeconomic factors, including the one-child policy, have led to greater availability of domestic options for adoption. This may contribute to longer wait times for parents seeking an intercountry adoption of children without special needs from China. The United States has an excellent working relationship with the Chinese Central Authority, the China Center for Children's Welfare and Adoptions and will continue to work to facilitate adoptions from China pursuant to the requirements of the Hague Intercountry Adoption Convention.

If confirmed, I will examine these issues in more depth with Embassy consular affairs officers to determine how we may best work with the Chinese to facilitate ethical and transparent adoptions by American parents. I will be sure to discuss American interest in adopting from China as opportunities arise.

This is an area of personal interest for me, as well. When I was Governor of Washington State, I helped several families from the Pacific Northwest navigate the adoption process so they could adopt children from China.

TIBET

*Question.* Have you read the bipartisan committee staff report on Tibet that was published earlier this year? Do you agree with all the recommendations for administration action and will you endeavor to carry them out? Will you commit to travel to Tibetan areas, including outside of Lhasa, to seek accurate information about these areas, which are among the few in China where foreigners do not have free access?

Answer. The Department of State, including the Special Coordinator for Tibetan Issues, has reviewed and briefed me on the contents of the report. I welcome its analysis and recommendations for action. The Department continues to work steadily to help sustain Tibet's unique religious, linguistic, and cultural heritage. Among the report's recommendations, and consistent with the Tibet Policy Act, the Department continues to urge the Chinese Government to engage in a substantive dialogue with the representatives of the Dalai Lama that will achieve actual results. In addition, Department officials also have urged China to relax restrictions on movements of U.S. Government officials, journalists, and Tibetan pilgrims to and from Tibetan regions. Travel to Tibetan areas, including outside of Lhasa, is an important priority for our Embassy in Beijing, and if confirmed I look forward to continuing to press for the opportunity to travel to the Tibet Autonomous Region and other Tibetan areas.

*Question.* Currently there is great concern over the events at Kirti Monastery, in the Tibetan part of Sichuan province, where a young monk immolated himself earlier this year. This prompted an unprecedented crackdown in April, when the Monastery was forcibly taken over by security forces; 25 monks remain in detention; 300 other monks have reportedly been taken away for "patriotic education"; and two laypeople were reportedly killed by security forces. How will you respond to this situation if you are confirmed?

Answer. The Department of State is closely following developments at Kirti Monastery. Department officials have expressed deep concern about reports that Chinese authorities forcibly removed 300 monks from the Kirti Monastery, sentenced two other monks to 3 years of imprisonment without due process, and that the whereabouts of 25 detained monks and laypeople are still unknown. Assistant Secretary Posner discussed our concerns about Kirti Monastery and China's counterproductive policies in Tibetan areas of China during the most recent Human Rights Dialogue. If confirmed, I will continue to raise our concerns with the Chinese Government and urge China to respect the human rights, including religious freedom, of the members of the Kirti community and all Chinese citizens.

CHINA AND DEVELOPMENT

*Question.* What steps is the United States taking, or should additionally take, to encourage China to disclose its lending to developing countries? Following years of debt relief from the multilateral financial institutions and bilateral donors for poor countries, many are concerned that those same poor countries are becoming increasingly indebted to China.

Answer. For developing countries, China's assistance is welcomed as additional resources to complement those from other donors. However, over the past decade, China's "foreign assistance"—a mixture of trade, loans, investment and aid—has raised governance and sustainability concerns, from both the traditional donor community and aid recipients. In addition, China remains reluctant to engage energetically on global development issues with the United States and other key donors.

In order to improve the transparency and effectiveness of China's development activities in third countries, USAID has been engaging China in dialogue on overseas development assistance and is seeking to create a number of cooperative development projects with China in several African countries.

If confirmed, I will continue to support and encourage more collaborative efforts and call for China to join multilateral groups of donor nations in devising and adopting best practices that address development challenges aimed at benefiting the poorest of the poor in developing countries.

SANCTIONS

*Question.* Earlier this week, the Department of State announced sanctions on four Chinese firms and individuals over trade links with Iran, Syria, and North Korea in goods or technology that may be used for missiles or weapons of mass destruction. How does the administration view Chinese cooperation on sanctions implementation, particularly since the passage of U.N. Security Council Resolution 1929 last June?

Answer. The prevention of the spread of nuclear weapons and related technologies is one of the Obama administration's highest priorities. Iran and North Korea were key topics of President Obama's talks with Chinese President Hu Jintao during his January 2011 visit. The administration will continue to uphold U.S. law and impose sanctions as necessary and warranted. Most recently, the United States imposed a number of sanctions under the Iran, North Korea, and Syria Nonproliferation Act

(INKSNA) against Chinese firms and individuals that engaged in proliferation-related transfers with Iran.

China has played an important role in the diplomatic efforts to address the threats from Iran and North Korea. China, as part of the P5+1 and U.N. Security Council, contributed to the crafting of U.N. Security Council Resolution 1929 and plays an important role in efforts to reach a resolution of the international community's serious concerns about Iran's nuclear program. In the January 19, 2011, United States-China joint statement, both sides called for full implementation of all relevant U.N. Security Council resolutions. We have been pleased with the unity that China and other P5+1 partners have maintained in our negotiations with Iran, and we continue to jointly insist that Iran comply with its international obligations. China has stated that it is committed to implementing Resolution 1929 and the other resolutions on Iran fully and faithfully, but China has stated that it does not support sanctions beyond those contained in UNSCR 1929 and previous UNSCRs on Iran. China agrees with the United States that a nuclear-armed Iran would pose a grave regional and international threat; however, we do not necessarily agree on the timeframe or method to solve the problem. We have worked closely with the Chinese on this issue, and will continue to raise this issue at all levels in meetings with Chinese officials.

As Secretary Clinton has said, if we have information about technology transfers that we believe is inconsistent with Security Council resolutions and Chinese laws, we bring such information to the attention of the Chinese Government and request that it investigate and take appropriate action to prevent any prohibited transfers. Furthermore, we will not hesitate to enforce our sanctions laws, as the most recent imposition of sanctions against Chinese entities and individuals under INKSNA demonstrates. Chinese controls over such transfers remain inhibited by an as yet underdeveloped export control apparatus and an apparent continued lack of political will to develop a comprehensive control system.

During their January 2011 meetings with President Hu, President Obama and Secretary Clinton both stressed the need for continued Chinese restraint in Iran's energy sector, by slowing existing activities and by not concluding any new deals. The administration has also pressed China not to "backfill" by assuming the business of other firms that have responsibly departed Iran's energy sector. We have seen some evidence in open sources that China has exercised some restraint in this area, but we continue to monitor closely China's activities in the energy sector. As Secretary Clinton has said, this administration will enforce the law with respect to Chinese firms. The United States and China share the same goal, and we need to work together to prevent Iran from becoming a nuclear weapons state.

The administration also discusses on a regular basis with China how it can and should best use its influence with North Korea, given its unique history and relationship with the DPRK. In June 2009, China voted in favor of adoption of U.N. Security Council Resolution 1874, which imposed additional sanctions against the DPRK. The United States has called on all members of the U.N. Security Council and all U.N. Member States, including China, to fully and transparently implement these sanctions and to refrain from further provocations.

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RESPONSES OF GARY LOCKE TO QUESTIONS SUBMITTED BY SENATOR JAMES E. RISCH

*Question.* Over the years, China's support of both conventional weapons transfers and Pakistan's nuclear and missile programs have caused concern. Recently, China has reached out to Pakistan to offer deeper relations as an alternative to the West. Given the instability in Pakistan, do you believe these overtures are helpful? What will you do to help the Chinese understand that instability in a nuclear-armed Pakistan does not promote stability?

Answer. The administration believes that there is a role for China to play in helping the international community deal with the challenge of peace and stability in Afghanistan and in cooperating to allow Pakistan to strengthen its democracy and to deal with the economic challenges that country faces. If confirmed, I will work closely with the Secretary's Representative for Afghanistan and Pakistan to promote effective United States-Chinese cooperation in the region.

*Question.* Recently, in front of the Senate Armed Services Committee Lieutenant General Carlisle said: "You need only look across the Pacific and see what [China] is doing, not just their air force capability, but their surface-to-air [missile] capability, their ballistic missile capability, their antiship ballistic missiles. All of those things are incredibly disturbing to us for the future."

- Do you believe China's military buildup is benign or should it be cause for U.S. concern? Do you agree with General Carlisle's assessment?

Answer. China has embarked on a comprehensive effort to transform its military into a modern force capable of conducting a growing range of military operations. The administration is mindful of China's military modernization plans and, in particular, the lack of transparency surrounding them. We monitor carefully China's military developments and, in concert with our allies and partners, will adjust our policies and approaches as necessary.

Both President Hu and President Obama have stressed that a healthy, stable, and reliable military-to-military relationship is an important component of our overall bilateral relationship. President Obama told President Hu that we need to develop a military-to-military dialogue that is ongoing and sustainable even in the face of the inevitable ups and downs of the overall relationship. We have now made progress in resuming military-to-military dialogue, which we believe can help to build trust and reduce misunderstanding, misperception, and miscalculation.

*Question.* China's neighbors are deeply concerned about China's assertion of sovereign control over the entire South China Sea. How should the United States deal with this issue? Do you think we could see another "Mischief Reef" scenario by the Chinese to assert its control over the sea? What should we do about similar Chinese assertions in the East China Sea?

Answer. As Secretary Clinton stated in Hanoi at the Association of Southeast Asian Nations (ASEAN) Regional Forum (ARF) last year, the United States shares a number of national interests with the international community in the South China Sea. These interests include regional peace and stability, freedom of navigation, respect for international law, and unimpeded commerce under lawful conditions. We urge that all claimants exercise restraint in dealing with these competing claims. We support a collaborative and peaceful diplomatic process by all claimants to resolve the various territorial and maritime disputes without coercion, and we call on all claimants to conform all of their claims—both land and maritime—to international law. To advance these goals, the United States supports the ASEAN-China declaration on the conduct of parties in the South China Sea and encourages the parties to reach a full code of conduct. With regard to a Mischief Reef scenario, I would not want speculate about hypothetical situations. We believe territorial claims in the East China Sea should also be resolved peacefully and in accordance with international law. We oppose the use or threat of force by any claimant. The United States does not take sides in territorial disputes in the South China Sea or East China Sea.

*Question.* Given how much U.S. debt is owned by the Chinese, will you let these economic issues, become an obstacle to addressing issues like human rights, political reforms, Chinese military buildup, or other substantive issues?

Answer. Approximately 70 percent of U.S. Treasury securities are held by domestic investors or the U.S. Government, with only 30 percent of U.S. debt held by foreign entities. Externally owned U.S. debt is held by a diversified group of countries, and we are not overly reliant on any one overseas holder of U.S. Treasury securities. China's holdings represent only about 8 percent of U.S. Treasury securities outstanding.

While China has a strong interest in the stability of our debt, as a creditor China's holdings of Treasury securities have no effect on any U.S. foreign policy decisions.

*Question.* Your predecessor Ambassador Huntsman set a good standard with human rights outreach in China. He spoke publicly and privately about these issues, met with dissidents and families, cultivated independent Chinese media outlets, and took other critical steps to create a climate of support for these issues within the Embassy and reiterated the importance to Chinese interlocutors.

- Do you see this as a floor or a ceiling in terms for ambassadorial human rights advocacy?

Answer. The protection and the promotion of liberty and freedom are fundamental tenets of American foreign policy. Promoting human rights—including freedom of religion, speech, and assembly—is a central objective of our diplomatic engagement with China. U.S. officials will continue to make very clear both publicly and privately our concerns about the deteriorating human rights situation in China. If confirmed, I will be a forceful advocate with the Chinese Government and the Chinese people for promoting the respect of universal human rights in China.

*Question.* Will you continue the practice of meeting with dissidents in and outside of China? What other kinds of initiatives do you envision taking to engage directly

with Chinese people and promote universal values? Will you attend any part of dissident trials like other ambassadors?

Answer. The Embassy maintains a wide variety of contacts within Chinese society, including with activists who work on a range of issues, and if confirmed I intend to continue such meetings but also to engage in broad outreach to both Chinese officials and the Chinese people to convey the human rights values for which America stands. Promoting human rights—including freedom of religion, speech, and assembly—is a central objective of our diplomatic engagement with China. Although the Embassy has submitted requests for permission to attend the trials of known activists, none has been granted to date. If confirmed, the Embassy under my leadership will continue to press for permission to attend such trials.

*Question.* A number of U.S. NGOs work in China or provide financial support to Chinese NGOs working on areas considered sensitive by the Chinese Government, such as human rights NGOs and those working in Tibet. In recent years, many of these groups and their domestic partners have come under pressure from the Chinese Government, particularly those who have a U.S. Government funding source, such as organizations that work with the National Endowment for Democracy and its affiliates, and U.S. NGOs working in Tibetan areas.

- Will you be willing to meet and consult with the U.S. NGOs doing sensitive work in China on how the Embassy can best support their efforts?

Answer. Yes. If confirmed, I will consult with a wide range of American citizens and organizations that deal with the many aspects of United States-China relations, including human rights. The State Department's Bureau for Democracy, Human Rights, and Labor supports many active and important programs in the rule of law and civil society development, among others. I have already met with Assistant Secretary Michael Posner to discuss his views on human rights in China, and if confirmed, will continue to conduct further consultations, including with NGOs, to learn more about programs and how to promote our common objectives in China.

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RESPONSES OF GARY LOCKE TO QUESTIONS SUBMITTED BY SENATOR ROBERT P. CASEY, JR.

*Question.* Under the Obama administration, China's record of blatant disregard for World Trade Organization (WTO) rules has remained abysmal, if not worsened.

- Secretary Locke, can you explain how your leadership at Commerce has helped address any of the major trade problems we continue to have with China, including currency, rampant intellectual property rights (IPR) theft, and massive industrial subsidies?

Answer. I fully appreciate your concerns regarding the currency practices of China. This is an important issue for me and the Obama administration. As you know, the authority to monitor and report on currency manipulation is delegated by law to the Department of Treasury. However, in all my meetings with Chinese officials I have repeated the administration's call for reform of Chinese currency practices. As the Secretary of Commerce, I have been steadfast in my commitment to vigorously enforce the U.S. trade remedy laws to ensure that U.S. workers and industries have the opportunity to compete on a level playing field. In every instance that a domestic industry filed an antidumping duty (AD) or countervailing duty (CVD) petition that met the statutory requirements for initiation, we initiated investigations. While the Department of Commerce has yet to receive a CVD allegation regarding China's currency that has met the statutory requirements for initiation, the Department has countervailed a variety of subsidy programs involving a wide range of imports from China and have placed duties to offset these unfair subsidies. Based on 2010 trade data, roughly $11.6 billion, or 3.2 percent, of imports from China were covered under orders in effect that year. At the end of 2010, there were 108 orders in place against Chinese products.

On IPR, we have made significant progress with China during my tenure, but we must continue to push China to do more. At the 2009 Joint Commission on Commerce & Trade (JCCT), China committed to clamping down on Internet piracy, strengthening the protection of IPR at state-run libraries, and addressing concerns over a Ministry of Culture circular relating to online music distribution.

During the 2010 JCCT, China announced that it would take significant steps to ensure that software used on government computers is legitimate and promote legal software use in enterprises, while the judiciary would undertake a study that would lead to a judicial interpretation on Internet infringement liability. Also, cooperation between the United States and China would continue on strengthening IPR protec-

tion at libraries and discussions would continue on patents and standards issues. Furthermore, China would clarify the responsibilities of market managers and landlords, and China would not adopt or maintain measures that make the location of the development or ownership of intellectual property a direct or indirect condition for eligibility for government procurement preferences for products and services.

At the 2010 JCCT and during President Hu's state visit to Washington, DC, in January 2011, we pushed China to commit to announcing more specific plans on software legalization and eliminating discriminatory innovation policies that take into account where IPR is developed when making government procurement decisions. China's commitments are only credible if they deliver results. We will be holding a JCCT midyear review to press for full implementation of China's 2010 JCCT commitments.

Regarding industrial subsidies, the administration is committed to vigorously challenging any Chinese subsidies that are inconsistent with China's WTO obligations, whether through multilateral action at the WTO or the strong enforcement of U.S. trade laws to remedy unfairly subsidized and injurious Chinese imports. Addressing unfair and harmful Chinese Government subsidies has been a key priority during my tenure at the Department of Commerce. Indeed, trade compliance and enforcement are key components of the administration's National Export Initiative. One of the ways we have pursued these efforts is through the Department of Commerce's strong enforcement of the CVD law which provides U.S. industries and workers with a reliable process to obtain effective relief from the injurious effects of imports from China benefiting from Chinese Government subsidies. Moreover, the Department of Commerce has a strong subsidies enforcement program which devotes considerable resources to identifying and addressing potentially harmful Chinese Government subsidies that may impact our exports abroad. We are thus engaged in a wide range of activities that seek to confront harmful Chinese Government subsidies, and thereby promote a level playing field for American companies and its workers.

*Question.* Senator Wyden and his staff estimate that only 1 percent of all countervailing and antidumping duties are collected, with the majority of evasion coming from China. What has the Commerce Department done under your leadership to deal with this problem?

Answer. The Department of Commerce's role in detecting and deterring circumvention of antidumping and countervailing duties is addressed in section 781 of the Tariff Act of 1930 (the Act). If the Department of Commerce determines that an order is being circumvented, Commerce directs U.S. Customs and Border Protection (CBP) to suspend liquidation of the entries and require a cash deposit of estimated duties on all unliquidated merchandise determined to be circumventing the order.

The Department of Commerce is currently investigating six allegations of circumvention of Chinese antidumping and countervailing duty orders. These include orders on steel wire garment hangers, laminated woven sacks, small diameter graphite electrodes, glycine, tissue paper, and cut-to-length carbon steel plate.

In the tissue paper inquiry, for example, the Department of Commerce recently made a preliminary determination that certain tissue paper processed and exported to the United States by a Vietnamese company was circumventing the AD order on tissue paper from China. Commerce directed CBP to suspend liquidation and collect cash deposits at a rate of 112.64 percent for all exports from the Vietnamese company retroactive to the date we initiated the circumvention inquiry. We will be considering comments from interested parties prior to making a final determination in this case in August.

In addition to the authority to address circumvention that is specifically prescribed to the Department of Commerce by statute, Commerce works in close cooperation with CBP, Immigration and Customs Enforcement (ICE) and the Department of Justice to assist them in responding to allegations of duty evasion, transshipment, and fraud that fall with within their jurisdiction.

Over the past several years, Commerce and CBP have been working to improve communications between the two agencies in order to strengthen enforcement of the AD/CVD laws. Cooperation among IA, CBP, ICE, and the Department of Justice has resulted in indictments, convictions, and prison sentences for evaders of AD/CVD orders. To cite just one example, our interagency cooperation led to the indictment in 2010 of Alfred L. Wolff Gmbh, a German food conglomerate, and 10 executives for conspiracy to illegally import more than $40 million of honey from China between 2002 and 2009 and avoid paying nearly $80 million in AD duties.

The Department of Commerce is committed to robustly enforcing the trade remedy laws in order to ensure that American businesses and workers have the oppor-

tunity to compete on a level playing field against their foreign competitors. The Department of Commerce will continue to work intensively to ensure the AD and CVD orders are not circumvented and will actively coordinate with its sister agencies to minimize evasion of AD and CVD duties.

*Question.* Do you support Senator Wyden's bill, "The Enforce Act," introduced last Congress, to enhance Custom's ability to enforce duty collection?

Answer. The administration has taken no official position with respect to Senator Wyden's bill. Nevertheless, we stand ready to work with you and other Members of Congress—as well as with the Department of Homeland Security—to take appropriate measures that ensure all countervailing and antidumping duties imposed are properly collected and duty evasion schemes are rightfully prosecuted.

*Question.* China's currency manipulation practices remain of serious concern. The Treasury Department's February 2011 report on international economic and exchange rate policies of U.S. major trading partners cited the need for greater flexible from China, noting that the Chinese currency remains "substantially undervalued." However, diplomatic efforts to push China to allow the Chinese yuan to appreciate more quickly have achieved little progress to date.

- As Ambassador to China, what "creative diplomatic" steps will you take to encourage the Chinese Government to end the unfair manipulation of its currency?
- What impact do you foresee potential currency manipulation legislation having on U.S. efforts to address this serious concern?

Answer. As President Obama and Treasury Secretary Geithner have clearly stated, China's decision to increase flexibility of its exchange rate will help safeguard global recovery in the wake of the financial crisis, and contribute to a balanced global economy. If confirmed, I will continue to press China to move forward in implementing an exchange rate policy that will be beneficial to both the global and domestic Chinese economy.

*Question.* Most trade experts believe that China is in the process of backsliding from the commitments it has made since joining the WTO.

- Do you agree with this assessment? If so, how will you use your new role as Ambassador to work to defend what is left of the U.S. manufacturing base?

Answer. China's efforts to implement its WTO commitments since its 2001 accession have led to increased exports and opportunities for U.S. companies. However, in some areas, China has yet to fully implement some of its commitments. We have also been seeing a troubling trend in recent years toward increased government intervention in China's economy. While bilateral trade with China continues to grow, a number of American businesses continue to face significant market access barriers and preferential policies that favor Chinese firms, especially SOEs. China must address these concerns, and if confirmed, I will work in concert with USTR to press the Government of China to fully implement and adhere to its WTO commitments. If dialogue fails, I am fully supportive of the administration using the full range of enforcement options, as it has been doing. We have been by far the most active—and successful—WTO Member in bringing WTO dispute settlement cases against China.

*Question.* The Strategic and Economic Dialogue has failed to create any meaningful progress on important trade and economic issues in our relationship with China. As Ambassador, how will you work to boost the effectiveness of this dialogue?

Answer. As Secretary Clinton has stated, the Strategic and Economic Dialogue is the premier forum in a bilateral relationship that is as important and complex as any in the world.

The three rounds of the S&ED demonstrate the importance of this forum for advancing our most important policy objectives with China. We use the S&ED to expand the areas where we cooperate and to narrow the areas where we diverge, while holding firm to our values and interests. We also employ the S&ED to form habits of cooperation that will help us work together more effectively to meet our shared regional and global challenges and also to weather disagreements when they arise.

This year's S&ED produced 48 concrete outcomes on the Strategic track. We announced, among other outcomes, the creation of the new U.S.-China Strategic Security Dialogue, the U.S.-China consultation on the Asia/Pacific, and announced new areas of cooperation in areas ranging from energy and environmental cooperation to scientific cooperation and people-to-people exchange. In the Economic Track, the United States secured important commitments to level the playing field for U.S.

companies and workers, shift the orientation of China's economy toward domestic demand-led growth, improve IP protection, and, in the process, promote greater U.S. exports to the large and rapidly growing Chinese market. We are already working to make sure China implements these important commitments in an effective and decisive manner. If confirmed, I will do my utmost, working with my colleagues at the Departments of State, Treasury, Commerce and other agencies, to continue to utilize the S&ED to make further progress on critical issues.

*Question.* In a letter to President Obama in January, I outlined the very real difficulties many Pennsylvania companies and workers face due to China's lack of enforcement of intellectual property rights. For example, C.F. Martin & Co.—a world-renowned Pennsylvania guitar manufacturer—has been fighting to register its mark with the Chinese Government since 2005. According to the company, a Chinese individual has been illegally registering the mark in order to produce and sell counterfeit guitars of low quality. The lack of protection on the part of the Chinese harms not only C.F. Martin & Co., but also countless other Pennsylvania companies and workers—and American exports more broadly. I have urged the administration to work with the Chinese to address concerns over intellectual property rights infringement.

- As Ambassador, how will you address the very real threat that Chinese intellectual property infringement poses to American businesses and workers?

Answer. Improving the protection and enforcement of IPR remains a top priority for this administration. U.S. trade losses due to counterfeiting and piracy in China remain unacceptably high. In addition, a strong intellectual property regime is critical to ensuring safe products for both U.S. and Chinese citizens.

At the December Joint Commission on Commerce and Trade, we made progress in ensuring the use of legitimate software in Chinese Government agencies and delinking the source and origin of IP from Chinese Government procurement preferences. During the January visit by President Hu, China further agreed to strengthen its efforts to protect IPR, including by conducting audits to ensure that government agencies at all levels use legitimate software and by publishing the auditing results as required by China's law.

The specific case you mention with C.F. Martin & Co. is an example of trademark "squatting." Unlike laws in most other countries, including the United States, Chinese law has a "first to file" system that requires no evidence of prior use or ownership, leaving registration of popular foreign marks open to third parties. Under Chinese law, these third parties (squatters) may then bring an infringement action or seek payment from the true brand owner if the owner attempts to use its brand in China. If confirmed as Ambassador, I will work with Chinese officials to update their laws to conform to international norms and alleviate this problem.

More broadly, I am committed to protecting U.S. business interests and will continue to work within established fora such as the Joint Commission on Commerce and Trade (JCCT) and the Strategic and Economic Dialogue (S&ED) to engage the Chinese on protecting and enforcing intellectual property rights in accordance with internationally recognized standards and their World Trade Organization (WTO) commitments.

*Question.* I believe a top priority in our relationship with China should be the Chinese Government's enforcement of international sanctions against Iran. It is no secret that while China eventually supported U.N. sanctions on Iran, it did so reluctantly and only after it succeeded in significantly watering down the sanctions. According to the State Department's Special Advisor for Nonproliferation and Arms Control, Bob Einhorn, Iran continues to use Chinese companies to procure proliferation-sensitive equipment for its nuclear and missile programs.

- What diplomatic tools does the United States have to press China to reduce its relationship with Iran? As Ambassador, how will you encourage timely responses from the Chinese Government to U.S. requests to stop specific shipments of proliferation concern? As Ambassador, how will you work to convince China to implement stricter export regulations to prevent the proliferation of sensitive items to countries of concern? What steps will you take to convince relevant Chinese companies to sever business ties with Iran?

Answer. The prevention of the spread of nuclear weapons and related technologies is one of the Obama administration's highest priorities. Iran and North Korea were key topics of President Obama's talks with Chinese President Hu Jintao during his January 2011 visit, and we continue to raise the issue at the highest levels. We will also continue to uphold U.S. law and impose sanctions as necessary and warranted. Most recently, the United States imposed a number of sanctions under the Iran, North Korea, and Syria Nonproliferation Act (INKSNA) against Chinese firms and

individuals that engaged in proliferation-related transfers with Iran. In addition, we will continue to implement the Comprehensive Iran Sanctions Accountability and Divestment Act (CISADA), and in that regard, we have urged China to exercise restraint and refrain from making any investments in Iran's energy sector.

China shares the international community's serious concerns about Iran's nuclear program, and has played an important role in the diplomatic efforts to address this threat. China, as part of the P5+1 and U.N. Security Council, contributed to the crafting of U.N. Security Council Resolution 1929. In the January 19, 2011, U.S.-China joint statement, both sides called for full implementation of all relevant U.N. Security Council resolutions. We have been pleased with the unity that China and other P5+1 partners have maintained in our negotiations with Iran, and we continue to jointly insist that Iran comply with its international obligations. China has stated that it is committed to implementing resolution 1929 and the other resolutions on Iran fully and faithfully, but China has stated that it does not support sanctions beyond those contained in UNSCR 1929 and previous UNSCRs on Iran. China agrees with the United States that a nuclear-armed Iran would pose a grave regional and international threat; however, we do not necessarily agree on the timeframe or method to solve the problem. We have worked closely with the Chinese on this issue, and we will continue to raise it at all levels in meetings with China. We continue to emphasize the need for greater urgency in responses to this threat.

*Question.* The United States has sanctioned 21 Iranian banks for providing financing for Iran's nuclear and missile programs. However, as Acting Treasury Undersecretary David Cohen noted, "Iran has a well-established practice of migrating illicit financial activities from one bank to another to facilitate transactions for sanctioned banks." As international banks throughout Europe are severing their ties with Iranian financial institutions, Iran has turned to Turkish, Emeriti, and Chinese banks to evade international sanctions—and there are ongoing reports that Chinese banks knowingly continue to do business with Iran likely in violation of U.S. sanctions.

- What is your assessment of reports that Chinese banks continue to facilitate Iranian financial transactions, in violation of U.S. sanctions? As Ambassador, what will you do to encourage the Chinese financial industry to sever its ties with Iranian firms?

Answer. As Secretary Clinton has said, if we have information about technology or financial transfers that we believe is inconsistent with Security Council resolutions and Chinese laws, we bring such information to the attention of the Chinese Government and request that it immediately investigate and take appropriate action to prevent any prohibited transfers. Furthermore, we do not hesitate to enforce our sanctions laws, as the most recent imposition of sanctions against Chinese entities and individuals under the Iran, North Korea, and Syria Nonproliferation Act (INKSNA) demonstrates. Chinese controls over such transfers remain inhibited by an as yet underdeveloped export control apparatus, weak financial industry controls, and an apparent continued lack of political will to develop a comprehensive control system. President Obama, Secretary Clinton, and other administration officials regularly stress to the Chinese the need for continued Chinese restraint in Iran's energy sector and urge that they slow down existing activities and not conclude any new deals. The administration has also pressed China not to "backfill" by assuming the business of other firms that have responsibly departed Iran's energy sector. We have seen some evidence in open sources that China has exercised some restraint in this area, but we continue to monitor China's activities in the energy sector. As Secretary Clinton has said before, this administration will enforce the law with respect to Chinese firms. If confirmed, I will continue to press these issues in my discussions with Chinese officials.

*Question.* According to human rights activists in Washington, the Chinese Government's recent crackdown on dissidents is the biggest they have seen in more than 20 years. I welcomed Secretary of State Clinton's May 10 statement denouncing China's human rights abuses and brutal crackdown on antigovernment protesters, which is in large part a response to the wave of unrest that has spread across the Middle East and North Africa. Beijing's detainment of lawyers, artists, and activists serves to highlight the government's ongoing lack of commitment to upholding internationally recognized human rights.

- If confirmed, what steps will you take the encourage China to uphold its human rights commitments and end its brutal crackdown on prodemocracy activists? How does this fit in with the broader United States-China relationship, given China's important role as a trade partner and main holder of U.S. debt?

Answer. The administration has made clear that we have a fundamental commitment to the universal rights of all people, including those in China. Human rights

is a central part of our United States-China bilateral relationship. The United States and China can cooperate on critical global challenges, such as producing balanced global growth, as well as on our bilateral economic and trade concerns, while having candid and direct discussions about the issues where we do not see eye to eye, such as human rights. If confirmed, I will forcefully advocate for the Chinese Government to respect the universal human rights of all its citizens, including those who advocate peacefully for reform.

*Question.* What signals can the United States send to Chinese dissidents to assure them of our steadfast commitment to universal human rights?

Answer. The U.S. Embassy in Beijing maintains a wide variety of contacts within Chinese society, and if confirmed I intend to engage in broad public outreach to both Chinese officials and the Chinese people and to convey the human rights values for which America stands. Promoting human rights—including freedom of religion, speech, and assembly—is a central objective of our diplomatic engagement with China. If confirmed, I will be a forceful advocate for promoting the respect of universal human rights in China.

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## RESPONSES OF GARY LOCKE TO QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

### FREEDOM OF RELIGION AND HOUSE CHURCHES

*Question.* The persecution of "House Churches" has recently come to our attention. Chinese house churches are a religious movement of unregistered assemblies of Christians in the People's Republic of China. They are also known as the "Underground" Church or the "Unofficial" Church. They are called "house churches" because as they are not officially registered organizations, they cannot independently own property and hence they meet in private houses, often in secret for fear of arrest or imprisonment. Because house churches operate outside government regulations and restrictions, their members and leaders are frequently harassed by local government officials. This persecution may take the form of a prison sentence or, more commonly, reeducation through labor. Heavy fines are also not unusual.

- Do you believe that the opposition of house churches by government officials arises from an ideological opposition to religion and support of atheism or more out of fear of potential disturbances to orderly society from mass mobilization of believers, similar to the Tiananmen Square protests of 1989, and mass protests of Falun Gong members in Beijing in 1999? Do you believe the administration has taken a strong enough approach in integrating religious rights at a systematic and structural level or will our current approach only lead to antipathy and further delays in cooperation on other issues?

Answer. With respect to religious freedom in China, the Secretary of State has designated it a "country of particular concern" every year that such designations have been made. We continue to engage China on its poor religious freedom record, including during the most recent U.S.-China Human Rights Dialogue and the Strategic and Economic Dialogue. The State Department raises cases of concern, including about individual incidents like the Shouwang Church in Beijing, on a regular basis at senior levels in both Washington and Beijing. If confirmed, I will continue to press the Chinese Government to respect all of its citizens' right to religious freedom, including for House church practitioners.

*Question.* If confirmed what will you do to ensure that freedom of religion is assured for Chinese citizens?

Answer. If confirmed, one of my primary roles would continue to be that of a spokesman for America and America's values, including the freedoms that are the foundation of our great Nation. That includes religious freedom. I will continue to advance the administration's policy of pressing China to improve its record on religious freedom and to respect the right to religious freedom of all its citizens.

### CHINA AND TAIWAN RELATIONS

*Question.* Presently China has over 1,400 short-range missiles pointed at Taiwan. This explicit threat from the Communist Chinese mainland was foremost in my mind when I addressed a letter to the administration, prior to the visit of President Hu Jintao early this year. In this bipartisan letter, signed by myself and 25 other Senators, I reminded the President of the U.S. commitment to Taiwan's defense under the Taiwan Relations Act of 1979.

- What assurances can you give me that will ensure that the Communist Chinese Government fully understands not only the legal ramifications but the moral commitment the United States has to guarantee the ability of Taiwan to defend itself?

Answer. First let me note that this administration welcomes the impressive steps both sides of the Taiwan Strait have taken in improving relations. We hope these efforts will continue and expand. The U.S. Government is committed to our one China policy based on the Three Joint Communiques and the Taiwan Relations Act. Our one China policy has been consistent for the past eight U.S. administrations and will not change. If confirmed, I will continue to advance that policy in my interactions with Chinese officials.

The United States has consistently told our Chinese counterparts that, in accordance with the Taiwan Relations Act, the United States makes available to Taiwan defense articles and services necessary to enable Taiwan to maintain a sufficient self-defense capability. We have also consistently said that cross-strait issues should be resolved peacefully in a manner acceptable to people on both sides of the strait and that we oppose unilateral actions by either side to alter the status quo. We urge China to reduce military deployments aimed at Taiwan and to pursue a peaceful resolution to cross-strait issues.

*Question.* There are rumors that the present Taiwan Government may not fully purchase all items previously agreed for sale by the United States. Should this sale go through to completion however, how will this affect the United States-China relationship, since the Chinese Government reacted so negatively when the arms sales list to Taiwan was announced last year?

Answer. I would prefer not to speculate on the hypothetical. I would simply note that China and Taiwan have made considerable progress in improving cross-strait relations and that we support these efforts and encourage both sides to continue these discussions, and that in accordance with the Taiwan Relations Act, the United States makes available to Taiwan defense articles and services necessary to enable Taiwan to maintain a sufficient self-defense capability. That policy has provided a basis for maintaining security and stability across the Taiwan Strait for decades. Decisions to make available to Taiwan defensive arms and services are considered through an interagency process based solely upon an evaluation of Taiwan's defensive needs.

CHINA AND AFRICA

*Question.* Africa is the world's second-largest and most-populous continent. Comprised of 53 nations and over 900 million people, it is both rich in minerals and oil. This has not gone unnoticed by the Chinese Government. China has stepped into somewhat of a vacuum, currying favor in both political and strategic alliances across the African Continent

- To what extent do you see China furthering its exploration into the African Continent and to what ends?

Answer. China's overall trade with Africa exceeded $100 billion last year, with about 89 percent of its imports from Africa consisting of oil, minerals, and other raw materials. With our Chinese counterparts, we have discussed how to diversify and sustain trade, which would not only help Africa but also serve China's own interests.

*Question.* Is the Chinese interest in Africa purely for the survival and economic interest of the Chinese and not the economic emancipation of Africa?

Answer. China's presence in Africa reflects the reality that it has important and growing interests in Africa including access to resources and markets and development of diplomatic ties. These objectives are not inherently incompatible with U.S. priorities. As the President and Secretary Clinton have both made clear, we do not see power and influence in zero sum terms, and that is true in Africa as well. The United States and other donors are concerned, however, that China's foreign assistance and investment practices in Africa have not always been consistent with generally accepted international norms of transparency and good governance. Despite differences of opinion on certain issues, we believe it is important that our two governments remain engaged and work together to meet the development objectives of African countries. Our approach has been to demonstrate that, through greater cooperation on a wide range of issues affecting Africa, China can meet its responsibilities as a Security Council member in the U.N. while also meeting its economic goals.

CHINA AND AFRICA

*Question.* Use of soft power diplomacy will continue to be a key driver of China's strengthened relations with Africa and likely to propel China to higher global economic and military influence than it currently commands. The outcome of the growing China-Africa relations is the construction and reconstruction of infrastructure especially roads, water works, and hospitals. China is hand cementing and expending its relations with Africa.

- How far do you think the use of soft power can propel China?

Answer. China enjoys a degree of influence which one might expect from a major trading nation with significant economic ties to most of sub-Saharan Africa. The United States and China have sought to increase our dialogue about Africa in order to improve understanding and seek tangible ways to cooperate through our Africa subdialogue under the Strategic and Economic Dialogue (S&ED). We have also instructed our missions in Africa to reach out to their Chinese colleagues to explore potential areas of cooperation and assess China's overall role in their respective countries.

*Question.* Does China support African led efforts to develop sound governance and sustainable development throughout the continent?

Answer. The United States and other donors have concerns that China's "no strings attached" practices in Africa have not always been consistent with its commitment to adhere to international norms of transparency and standards of good governance. China adheres to the Paris Declaration on Aid Effectiveness and Accra Agenda for Action. We have made these concerns known to China, including through our Africa subdialogue under the Strategic and Economic Dialogue (S&ED).

HUMAN RIGHTS AND CHINA

*Question.* I am concerned about the worsening human rights situation in China. In light of the ongoing crackdown on Chinese journalists, dissidents, and intellectuals, I remain disappointed that the administration has failed to integrate these issues into its policy at a systemic and structural level. It is often in the area of economics that human rights concerns are marginalized. Your background gives you a unique opportunity to help broaden the discourse with Chinese interlocutors on the need for political reform.

- What is your view of the language that the administration has used to discuss human rights issues?

Answer. I fully support the administration's candid discussion of the inadequacies that we see in China's human rights record. Both publicly and privately, the administration has been consistent in stating our concerns about the deteriorating human rights situation in China, pressing China to respect its citizens' fundamental rights, and stating that expansion of civil and political rights would ultimately be a source of stability in Chinese society.

*Question.* How will you contribute to efforts to incorporate human rights concerns into the relationship across the board, including on economic issues?

Answer. I am committed to pursuing a positive, cooperative, and comprehensive relationship with China that is grounded in reality, focused on results, and true to our principles and interests. To keep our relationship on a positive trajectory, however, we must be honest about our differences. We can cooperate on critical global challenges such as producing balanced global growth, while having candid and direct discussions about the issues where we do not see eye to eye, including human rights. If confirmed, I will address sensitive issues in the bilateral relationship and will raise human rights issues and individual cases with Chinese Government officials at the highest levels. If confirmed, I will also be a forceful advocate for promoting the respect of universal human rights in China.

*Question.* How will you bring other agencies into this discussion?

Answer. Human rights played an important role in both our public and private meetings during the U.S.-China Strategic and Economic Dialogue in May, which included nearly every element of the interagency community. If confirmed, I will continue to support the administration's efforts to make very clear across all the agencies our concerns about the deteriorating human rights situation in China.

*Question.* Will you work with like-minded governments on these issues, particularly our European and Asian friends and allies?

Answer. If confirmed, I will continue to work with allies and partners to address the inadequacies that we collectively see in China's protection of human rights.

*Question.* Your predecessor Ambassador Huntsman set a good standard in terms of human rights outreach in China. He spoke publicly and privately about these issues, and met with dissidents and their families, cultivated independent Chinese media outlets, and took other critical steps to both create a supportive climate for these issues within the Embassy and reiterate the importance of these issues to Chinese interlocutors. It should be done even when it seems futile and seems to invite repercussions. Chinese Government intimidation should not cause you to substitute your judgment for that of Chinese dissidents regarding the dangers they are willing to expose themselves to.

- Will you commit to continuing the practice of meeting with dissidents in China and outside of China?

Answer. The U.S. Embassy in Beijing maintains a wide variety of contacts within Chinese society, including with activists who work on a range of issues, and if confirmed I intend to continue such meetings but also to engage in broad outreach to both Chinese officials and the Chinese people to convey the human rights values for which America stands. Promoting human rights—including freedom of religion, speech, and assembly—is a central objective of our diplomatic engagement with China. If confirmed, I will be a forceful advocate for promoting the respect of universal human rights in China.

*Question.* What other initiatives do you envision taking to engage directly with Chinese people and promote universal values?

Answer. If confirmed, one of my top priorities will be to engage in direct outreach to the Chinese people, including to underscore the importance of respect for universal rights and freedoms. The objective of our public diplomacy is to reach out directly to the Chinese public to promote universal values. If confirmed, I will work closely with the Department's Bureau for Public Diplomacy and Public Affairs and our Mission China officers to ensure that our message reaches the widest possible range of Chinese society.

*Question.* I am concerned about the dozens of individuals who have disappeared or been detained and sentenced to political crimes because they advocated that the Chinese people should enjoy universally accepted freedoms. There are several cases that have come to my attention, because of the nature of the accused or the charges against them, should be given particular attention. In addition to Nobel Prize winner Liu Xiaobo and artist Ai Weiwei.

- Will you raise the following cases in your testimony before the committee and when you meet with Chinese officials as examples of individuals of concern?
  - Hada: http://en.rsf.org/china-authorities-holding-hada-s-wife-10-05-2011,40253.html
  - Shi Tao: http://en.rsf.org/china-information-supplied-by-yahoo-06-09-2005,14884.html
  - Huang Qi: http://en.rsf.org/china-cyber-dissident-huang-qi-kidnapped-12-06-2008,27465.html
  - Tan Zuoren: http://en.rsf.org/china-as-china-justifies-online-10-06-2010,37706.html

Answer. State Department officials raise individual cases of concern frequently and at all levels, in both Washington and at our Embassy in Beijing and our Consulates General throughout China. The Department urges the Chinese Government to treat detainees and prisoners humanely and in accordance with international standards and to release those detained unjustly. We press upon China the importance of affording all prisoners the protections of due process and transparent and fair legal proceedings. If confirmed, I will continue to emphasize the administration's message calling for the release of prisoners of conscience. I will also speak directly to Chinese leaders and call for the individual release of prisoners such as Liu Xiaobo, Gao Zhisheng, Ai Weiwei, and others such as those mentioned above. I will also engage with the Chinese people directly to convey the universal values for which America stands.

CHINA AND TIBET

*Question.* Tibetans have been enduring an intensifying crackdown since March 2008, exemplified by the crisis at Kirti Monastery in Sichuan province. Last month, the monastery was forcibly taken over by security forces; 25 monks remain in detention; 300 other monks have been taken away for "patriotic education"; and two laypeople were killed by security forces.

- Will you commit to travel to Tibetan areas, including beyond Lhasa, to seek accurate information in these closed-off areas, and to advocate for the religious, cultural, and human rights of Tibetans?

Answer. The Department of State has urged China to relax restrictions on movements of U.S. Government officials, journalists, and Tibetan pilgrims to and from Tibetan regions. Travel to Tibetan areas, including outside of Lhasa, is an important priority for our Embassy in Beijing, and, if confirmed, I will continue to press to have an opportunity to do so.

*Question.* Will you continue efforts to establish a U.S. consulate in Lhasa, which was established by the State Department as a priority in 2008?

Answer. The United States and China currently have six diplomatic posts in the other's country. Future post openings are subject to host government agreement, per the Vienna Convention on Consular Relations and our bilateral agreement with China.

The Department sent diplomatic notes in 2008, expressing reciprocal interest in expanding U.S. diplomatic presence in China, with Lhasa at the top of the U.S. list. To date, the Chinese have not responded. The Department remains committed to pursuing a post in Lhasa as a priority, and if confirmed I will continue to work on this objective.

*Question.* Will you work with the Special Coordinator for Tibetan Issues and her office to ensure that U.S. policy and communications to the Chinese Government are consistent and respect the longstanding two-track U.S. policy of (1) supporting dialogue between the Chinese Government and the Dalai Lama and his representatives; and (2) supporting efforts to preserve the unique cultural, religious and linguistic heritage of the Tibetan people?

Answer. If confirmed, I will work closely with the Special Coordinator for Tibetan Issues and her office to ensure that Tibetan issues are raised frequently and candidly with China's leaders. The Department of State is deeply concerned by the human rights situation in Tibetan areas and by the lack of progress during nine rounds of talks between the Chinese Government and the Dalai Lama's representatives. If confirmed, in consultation with the Special Coordinator, I will support further dialogue between China and the representatives of the Dalai Lama to resolve concerns and differences, including the preservation of the religious, linguistic and cultural identity of the Tibetan people.

CHINA AND TRAVEL

*Question.* I am troubled with the across-the-board restrictions and policy of selective access that China has applied to travel within China by U.S. diplomats and visiting U.S. Chinese officials have the ability to travel anywhere they want in the United States, and have the freedom to engage in a broad range of Chinese cultural promotion activities on American soil.

- Will you push for greater freedom of movement for U.S. diplomats in China, including travel to "sensitive" areas such as Tibetan areas and East Turkestan?

Answer. I will continue to advocate for greater freedom of movement for U.S. diplomats everywhere in China. The United States can only generate accurate information on developments in China by traveling frequently to all parts of the country and engaging with the people there. With the notable and unfortunate exception of Tibet and some Tibetan areas at "sensitive" times, Embassy officers generally face few restrictions on travel within China. However, they are generally unable to meet with provincial and local Chinese officials or institutions (including universities) unless they obtain approval from the Foreign Ministry and its local offices. U.S. diplomats regularly visit the Xinjiang Uighur Autonomous Region and Tibetan areas outside of the Tibet Autonomous Region to advance the full range of U.S. interests in those areas—particularly the safety and welfare of U.S. citizens. Chargé d'Affaires Robert Wang visited Xinjiang in May. None of these visits were officially approved, and hence U.S. diplomats could not engage with provincial and local officials or universities during their visits.

Travel to the Tibet Autonomous Region is restricted by the Chinese Government, and our official visits are approved on a case-by-case basis and then only rarely. Although then-Ambassador Huntsman was allowed to travel there in September 2010, many other requests have been denied. Visits to Tibetan areas of Sichuan are often denied on the ground by local police although the area is open in principle. This is a serious problem that I will seek to address. The U.S. Government has long pressed for free and full access to the Tibet Autonomous Region for American dip-

lomats and also for Members of Congress and foreign journalists. If confirmed, I will continue to raise this issue at high levels.

*Question.* How do you plan to push back on Chinese restrictions on legitimate U.S. cultural and educational activities in China?

Answer. Despite some opening up over the last few decades, China remains a challenging environment for the United States to conduct public diplomacy, due in large part to the Chinese Government's ongoing attempts to control the dissemination of information in China. In particular, in recent months, various Chinese authorities cancelled certain planned U.S. mission outreach activities. The Department of State has expressed our objections to these measures to senior Chinese officials on multiple occasions, and has emphasized how such actions impede our stated intention to improve people-to-people ties between our two countries. There has been a resumption of some of these activities in recent weeks.

To address these challenges, the State Department has been pushing for greater access and programming, using the opportunities we find, and protesting obstacles we encounter.

The Embassy has raised this issue repeatedly in meetings with Chinese leaders and other officials, including in both sessions of the U.S.-China High-Level Consultation on People-to-People Exchange (in May 2010 and April 2011). I would also encourage congressional leaders to raise this issue in contacts with Chinese officials as well. If confirmed, I will ensure that we continue to raise the issue. But just as important, I will continue promoting the development of new and innovative programming tools and platforms for reaching out to the Chinese people.

CHINA AND NGOS

*Question.* There are a number of U.S. NGOs that work in China or provide financial support to Chinese NGOs working on areas considered sensitive by the Chinese Government, such as human rights NGOs and those working in Tibet. In recent years, many of these groups and their in-country partners have come under pressure from the Chinese Government, particularly those who have a U.S. Government funding source, such as organizations that work with the National Endowment for Democracy and its affiliates, and U.S. NGOs working in Tibetan areas.

- Will you be willing to meet and consult with the U.S. NGOs doing sensitive work in China on how the embassy can best support their efforts?

Answer. Yes. If confirmed, I will consult with a wide range of American citizens and organizations that deal with the many aspects of United States-China relations, including human rights. The State Department's Bureau for Democracy, Human Rights, and Labor supports many active and important programs in the rule of law and civil society development, among others. I have already met with Assistant Secretary Michael Posner to discuss his views on human rights in China, and if confirmed, will continue to conduct further consultations, including with NGOs, to learn more about programs and support our common objectives in China .

*Question.* Should you be confirmed, will you meet with American organizations and individuals that work on human rights in China before you take up your post in Beijing?

Answer. Yes. If confirmed, I will consult with a wide range of American citizens and organizations that deal with the many aspects of United States-China relations, including human rights.

CHINA, THE MACAU SPECIAL AUTONOMOUS REGION AND THE EXPROPRIATION OF U.S.-OWNED VIVA MACAU AIRLINES BY THE GOVERNMENT OF MACAU ON MARCH 28, 2010

*Question.* The Chinese Communist Government has taken steps over the last decade to encourage the Macau Special Autonomous Region to open itself to foreign investment, to diversify its local economy, and serve as a platform for trade between China and the West. As a result of these initiatives, Macau has received billions of dollars in foreign investment and expertise from the United States, the largest source of foreign direct investment for Macau. This has all helped Macau expand its economy beyond the gaming industry.

However, actions taken in recent months by the Macau Government appear to signal a troubling downward trend in the treatment of U.S. investors. This raises serious questions about the Macau Government's attitude toward foreign investors and the ability of foreign companies to protect their investments. Most glaring among these is the expropriation of U.S.-owned Viva Macau Airlines by the Government of Macau on March 28, 2010.

This expropriation, apparently the first by the Macau Government against property owned by American investors, was recognized in the State Department's March 2011 Report on U.S. Citizen Expropriation Claims and Certain Other Commercial and Investment Disputes and represents not only a serious downward turn for the treatment of investors from the United States in Macau, but also a disregard for international aviation norms.

Viva Macau was denied legal recourse for over 11 months, but Macau's Court of Last Instance has finally ordered a hearing on the merits of Viva Macau's case against the Macau Government; though a fair trial is far from guaranteed. During those 11 months, I along with other Members of Congress have pushed the Chinese Central Government in Beijing and the Government of Macau to respect the rule of law and ensure that such expropriations not occur with such impunity.

Although the United States has limited leverage over the Government of Macau, the Chinese Communists Government obviously does. They oversee Macau's affairs through the State Council's Office of Hong Kong and Macau Affairs and the Foreign Ministry. In particular, I understand that Wang Guangya, the newly appointed Director of the State Council's Office of Hong Kong and Macau Affairs and China's former Ambassador to the United Nations, is the key policymaker with day-to-day responsibility for Macau.

In my letter of February 10, 2011, to Secretary Clinton on this matter, I asked that Ambassador Huntsman raise the Viva Macau cause with Wang Guangya to ensure that American interests in Macau are protected. I believe several other Members of Congress interested in protecting the interest of U.S. businesses and seeking to promote a mutually beneficial United States-China trade relationship have sent similar letters.

- In your potential new role as U.S. Ambassador to China, will you be vigilant in protecting the commercial interests of U.S. businesses injured by Chinese and Macau Government action, including ensuring those U.S. entities seeking remedies before local courts are given a fair trial?

Answer. Developing commercial cooperation with China has been a focus of mine for more than a decade. If confirmed, helping U.S. companies do more business in China and ensuring that Chinese Government policies and actions create a level playing field for U.S. businesses will be a major part of what I do every day as Ambassador.

As the second largest foreign investors in Macau after Hong Kong, U.S. businesses have invested more than $8 billion in Macau over the past 6 years. As a result, protecting U.S. business interests in Macau is one of the U.S. State Department's top priorities. Regarding Viva Macau, State and Commerce Department officials have met with MKW Capital Management's (MKW) partners and their Washington-based legal advisors Patton Boggs (PB) on numerous occasions since April 2010. U.S. diplomats at our Consulate General in Hong Kong continue to raise the matter with Macau Government officials on a regular basis, including with Macau's Chief Executive. In all such meetings, we have stressed the importance of transparency and due process for U.S. investors in Macau.

The State Department continues to monitor developments in this case closely and understands that Macau's Court of Final Appeal ruled in Viva Macau's favor on February 23 by returning the case to the Court of Second Instance. That Court will have to decide whether there was an administrative act from the government instructing Air Macau to revoke Viva Macau's air operator certificate and, if so, if such an act was legal. State Department officers have explained to MKW that Viva Macau should continue to pursue all local remedies available.

Longstanding U.S. policy toward the Macau Special Administrative Region of the People's Republic of China is to support "one country, two systems" and Macau's autonomy under the Basic Law. Under the Basic Law, Macau has jurisdiction over commercial/economic, legal, and all other matters outside national security and foreign affairs.

*Question.* Will you commit to raising the Viva Macau issue with the Chinese Government, including with Wang Guangya, and communicating the U.S. Government and Congress' interest in ensuring that Viva Macau is treated fairly by the government and courts of Macau?

Answer. Protecting U.S. business interests in Macau is one of the U.S. State Department's top priorities. Nonetheless, involving the Government of the People's Republic of China in Beijing in the Viva Macau case would, in our view, run counter to longstanding U.S. policy toward Macau, which is to support "one country, two systems" and Macau's autonomy under the Basic Law. Under the Basic Law, Macau has jurisdiction over commercial/economic, legal, and all other matters outside national security and foreign affairs. Therefore, we continue to believe that the best

channel for expressing U.S. concerns to the Government of Macau is through the U.S. Consulate General in Hong Kong, which has responsibilities for Macau. U.S. diplomats at our Consulate General in Hong Kong continue to raise the viva Macau case with Macau Government officials on a regular basis, including Macau's Chief Executive.

*Question.* Will you ensure that a representative of the U.S. Government attends any future court hearings related to this case to help further stress our interest in this matter?

Answer. State Department officials have met with MKW Capital Management's (MKW) partners and their Washington-based legal advisors Patton Boggs (PB) on numerous occasions since April 2010. U.S. diplomats at our Consulate General in Hong Kong continue to raise the matter with Macau Government officials on a regular basis, including with Macau's Chief Executive. In all such meetings, officers have stressed the importance of transparency and due process for U.S. investors in Macau.

The State Department continues to monitor developments in this case closely and understands that Macau's Court of Final Appeal ruled in Viva Macau's favor on February 23 by returning the case to the Court of Second Instance. That Court will have to decide whether there was an administrative act from the government instructing Air Macau to revoke Viva Macau's air operator certificate and, if so, if such an act was legal. State Department officers have explained to MKW that Viva Macau should continue to pursue all local remedies available.

*Question.* Should you be confirmed, would you be willing to meet with representatives of Viva Macau Airlines before you depart for Beijing in order to receive a better understanding of its case?

Answer. Longstanding U.S. policy toward the Macau Special Administrative Region of the People's Republic of China is to support "one country, two systems" and Macau's autonomy under the Basic Law. Under the Basic Law, Macau has jurisdiction over commercial/economic, legal, and all other matters outside national security and foreign affairs. The U.S. Consul General in Hong Kong, Ambassador Stephen Young, has chief of mission authority for Macau and is the appropriate person to address issues concerning Viva Macau.

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RESPONSE OF GARY LOCKE TO QUESTION SUBMITTED BY SENATOR JOHN BARRASSO

*Question.* As you know, many U.S. industries have expressed a wide variety of concerns surrounding China's trade practices. Wyoming's soda ash and beef producers are prime examples of industries that have been battered by unfair trade policies.

China continues to provide a 9 percent rebate on its 17 percent value-added tax (VAT) for soda ash exports in an attempt to give their producers an advantage in the international marketplace at the expense of U.S. producers. As a result, I would like to see the Department of Commerce and the U.S. Trade Representative's Office raise this specific issue at the highest levels with Chinese officials at the JCCT meetings this year.

In addition, China's continued ban on U.S. beef imports has allowed Australia to take our place as the leading foreign beef supplier to China by value. The market that was once the 10th-largest for U.S. beef exports has disappeared.

- If confirmed, will you work with the U.S. Trade Representative, Secretary of State, and Chinese Government officials to address these issues?

Answer. I share your concern about the potential detrimental effects of China's export promotion practices.

Soda ash is one of the United States more significant chemical exports, and the issues you have raised are important ones. I concur that these Chinese VAT rebate policies can adversely affect the ability of our producers to compete in third-country markets. Moreover, I appreciate that natural soda ash production processes, such as those that dominate in the United States, are more environmentally friendly and less energy-intensive than the processes used in some countries such as China.

Regarding beef, China's restrictions on U.S. beef are inconsistent with the recommendations of the World Organization for Animal Health. The U.S. Government is in dialogue with the Chinese Government to agree on a beef protocol that is consistent with international standards and is commercially viable. Reopening beef trade with China is a top priority for U.S. ranchers, and we continue to work on resolving this issue.

If confirmed, I will work closely with the U.S. Trade Representative, the Secretary of State and Chinese officials to resolve our concerns with China's export policies and to support the interests of U.S. exporters, including soda ash and beef producers.

# NOMINATIONS

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**TUESDAY, JUNE 7, 2011**

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

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Jeanine E. Jackson, of Wyoming, to be Ambassador to the Republic of Malawi
Geeta Pasi, of New York, to be Ambassador to the Republic of Djibouti
Donald Koran, of California, to be Ambassador to the Republic of Rwanda
Lewis Lukens, of Virginia, to be Ambassador to the Republic of Senegal and to serve concurrently as Ambassador to the Republic of Guinea-Bissau
Ariel Pablos-Méndez, of New York, to be Assistant Administrator of the United States Agency for International Development

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The committee met, pursuant to notice, at 10:08 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Christopher A. Coons, presiding.

Present: Senators Coons and Isakson.

Also present: Senators Michael B. Enzi and John Barrasso.

## OPENING STATEMENT OF HON. CHRISTOPHER A. COONS, U.S. SENATOR FROM DELAWARE

Senator COONS. I'd like to call the subcommittee to order. I'm honored to chair this hearing for the nominees to serve as United States Ambassadors to Rwanda, Djibouti, Malawi, Senegal, and Guinea-Bissau, and the USAID Assistant Administrator for Global Health.

Today's nominees bring to the table a vast array of experience, specifically in Africa and serving our Nation around the world, and I look forward to hearing their vision for advancing U.S. interests and policy priorities.

Before we begin, I'd like to reflect briefly on my very recent trip to West Africa with Senator Isakson. Traveling in Nigeria, Ghana, and Benin over the past week, we witnessed first-hand the implementation of critical food security, global health, and development programs, in addition to United States policy aimed at making critical improvements in governance, transparency, and sustainable economic growth.

At each step, we met with elected officials, the U.S. Ambassadors, Embassy teams, Peace Corps Volunteers, and representatives from USAID, and I am proud and grateful for their service and commitment to diplomacy and impressed more than ever with the central role that our ambassadors play around the world.

As Senator Isakson noted during our trip, Africa's vast array of potential opportunities makes it the continent of the 21st century for the United States. During this nomination hearing, I look forward to continuing that conversation. I was grateful to Senator Isakson and his staff and the staff of this committee for putting together a very, very meaningful trip for all of us to West Africa.

Our first nominee today is Donald Koran to be Ambassador to Rwanda, which has emerged from the shadows of the genocide of 1994 to make progress in economic reform and health. Today Rwanda has one of the fastest growing economies in Africa, and United States policy encouraging economic liberalization while focusing on needed improvements to democracy and governance is essential to its future.

Mr. Koran is a career Foreign Service officer currently serving as the Director of Africa Analysis in the Bureau of Intelligence and Research at State, and his previous relevant assignments include Division Chief for West and Southern African Affairs in the Bureau of Intelligence and Research; Deputy Chief of Mission in Kigali, Rwanda; and desk officer for the DRC, Cameroon, and Equatorial Guinea.

Geeta Pasi is the nominee to be Ambassador to Djibouti, a key strategic ally in the region and home to the U.S. Combined Joint Task Force–Horn of Africa at Camp, I believe, Lemonnier. Djibouti is a valuable partner when it comes to combating piracy and other sources of instability in Somalia and the Horn, and I look forward to hearing from Ms. Pasi on balancing U.S. strategic interests in Djibouti with a broader set of regional concerns, including promoting democracy, good governance, and human rights.

Ms. Pasi is a career member of the Foreign Service and currently serves as Director of the Office of East African Affairs in the Bureau of African Affairs. Her other relevant experiences include posts as political-economic and international relations officers in Ghana, Cameroon, and West African Affairs.

Ms. Jeanine Jackson is the Ambassador nominee for Malawi. Malawi has made recent progress combating corruption and developing its largely agriculturally based economy, though many challenges still remain. In April, our country signed a $350 million Millennium Challenge Corporation compact with Malawi. I look forward to hearing about what steps are being taken to ensure the government does not pursue deeply concerning new laws aimed at restricting human rights and media freedom.

Ms. Jackson is a career member of the Foreign Service, currently serving as the Minister Counselor for Management at the U.S. Embassy in Baghdad, and in addition to several posts coordinating diplomatic activities in Iraq and Afghanistan, Ms. Jackson previously served as U.S. Ambassador to Burkina Faso.

Lewis Lukens is the nominee to be U.S. Ambassador to Senegal and, concurrently, Guinea-Bissau. He's a career member of the Foreign Service, currently serving as Executive Director of the Secre-

tariat of the State Department. He previously served as Consul General in Vancouver, Executive Secretary in Baghdad, and Senior Director for Administration at the National Security Council in addition to tours in Cote d'Ivoire, China, and Australia.

Senegal is a moderate and largely secular democracy, which has experienced economic growth over the past decade but still faces challenges alleviating poverty and disease. And I look forward to hearing from Mr. Lukens about how the United States can promote growth in Senegal, including through the MCC, while combating drug trafficking in the region, in particular Guinea-Bissau.

Finally, we will hear from Dr. Ariel Pablos-Méndez, the nominee to be Assistant Administrator for Global Health at USAID. Dr. Pablos-Méndez currently serves as managing director of the Rockefeller Foundation, where he works to develop initiatives to address the global challenge of health systems, including the role of the private sector in health systems in the developing world.

His work in global health spans two decades, including as a researcher and physician focusing on multi-drug-resistant tuberculosis, developing public-private partnerships to combat disease, and delivery mechanisms for HIV/AIDS treatments to mothers and families.

And I look forward to hearing from him about his plans for integrating global health programs, and transitioning authority for GHI, the Global Health Initiative, from State to USAID, as envisioned in the QDDR, or the Quadrennial Diplomacy and Development Review.

This is a critical moment for USAID to demonstrate leadership over U.S. health programs globally, and Dr. Pablos-Méndez will sit at the helm of this historic and important change.

I look forward to hearing about plans for meeting the benchmarks in the QDDR and to better integrating GHI, so we can effectively promote global health.

I'm very pleased to, thus, welcome all of today's distinguished nominees. I look forward to your opening statements. But first, I will turn it over to Senator Isakson for his opening statement and then to Senators Barrasso and Enzi, who have joined us to introduce Jeanine Jackson.

Senator Isakson.

**STATEMENT OF HON. JOHNNY ISAKSON, U.S. SENATOR FROM GEORGIA**

Senator ISAKSON. Thank you, Mr. Chairman, and welcome to Senator Enzi and Senator Barrasso.

Ms. Jackson, you've been bragged about extensively in some of the meetings I've had with both these gentlemen already, so you do not come unnoticed, and you're very welcome to have you today, as we are all of the nominees for ambassadorship and USAID.

I've had the privilege of being in both Rwanda and Djibouti, both of which are significant countries for the United States of America.

President Kagame in Rwanda has done a remarkable job in transforming a nation from genocide to democracy, and in improving the health and the future of those people. And Djibouti is one of the most significant unknown investments of the United States of America there probably is on any continent in the world. And

having visited our troops there, and the many things they do there on the Persian Gulf and on the East African coast are very much appreciated.

I have not been to Guinea-Bissau, but, as the chairman said, we just returned from Benin and Ghana and from Nigeria, and many of the things that are going on in those three countries are pretty much germane to Guinea-Bissau, in particular with USAID.

We had the privilege of participating in a signing of a memorandum of understanding where a United States NGO, through USAID, is developing a critical maternity ward in the largest maternity hospital in Accra, Ghana, and really going to develop a better chance for babies born at risk to actually survive. And it's a great investment of private United States money coordinated by USAID and the people of Ghana.

We also had the privilege to work with USAID on a project in northern Ghana, or the north of capital, in their biggest agricultural asset, which is pineapple. Because of what's happened with Millennium Challenge investment and the assistance of USAID, we've turned some difficult situations for the farmers to actually make a living to where they now have a cooperative, like many in the United States. And through the investment of Millennium Challenge, we are working ourselves out of foreign assistance, because they are now profitable and productive in that product. And we're grateful for what USAID does in on a day-in-day-out basis, in terms of coordinating those events in Africa.

But I do welcome all of you, and thank you very much for your willingness to serve in some very difficult parts of the world.

And again, as the chairman has said, welcome Senator Enzi and Senator Barrasso to our hearing.

Senator COONS. Thank you very much, Senator Isakson.

And we'd now like to invite both of the Senators from Wyoming to make some introductory comments about Jeanine Jackson, the nominee to serve as Ambassador to Malawi.

Following their comments, I'll invite Ms. Jackson to give her opening statement, if I might.

Senator Barrasso. I'm sorry, Senator Enzi.

**STATEMENT OF HON. MICHAEL B. ENZI,**
**U.S. SENATOR FROM WYOMING**

Senator ENZI. Thank you, Mr. Chairman. It's my privilege and honor to be able to recommend to you the nomination of Jeanine Jackson to be the United States Ambassador to Malawi. I strongly support her nomination. She's an excellent candidate for this important diplomatic position, and she has the distinction of being from Sheridan, WY, where Diana, my wife who is also here today in support, and I graduated from high school along with Jeanine, although I graduated quite a while before Jeanine did.

But my wife and Jeanine were classmates. They were best friends. They were fellow church members and fellow American Legion Girls State delegates.

I'm proud that an outstanding Wyoming native, who I've known for decades, has been nominated to contribute to this important foreign-policy goal of the United States in Africa.

I introduced Jeanine to this committee 5 years ago when she was nominated to be the Ambassador to Burkina Faso. That was also a country that, with her help, got a Millennium Challenge grant. And at this post she'll be able to work with a country that has one as they complete the tasks on that.

She excelled in her role in Burkina Faso, and she had the distinction at that time of being Wyoming's first career Foreign Service officer to be an ambassador. Today I introduce her as the first Wyomingite ever to have a second ambassadorship.

Ambassador Jackson's experience is extensive. She's a career senior Foreign Service officer and also served 30 years in the military and retired as a full colonel. She and her husband, Mark, have served together in the Army and the Foreign Service. Mark is now retired and will serve in an unpaid role of ambassador spouse, which also benefits our country and Malawi, so you could say we're going to get two for the price of one.

Ambassador Jackson has served our country with the military in Vietnam, Germany, and Korea, and in the Foreign Service, she's been in Switzerland, Nigeria, Saudi Arabia, Hong Kong, Kenya, Afghanistan, Iraq, and Burkina Faso.

Currently, she's completing 26 months as the Senior Management Counselor at the U.S. Embassy in Baghdad, by far the largest, most complex embassy in the world. She's leading all support-related planning and implementation to continue the efficient functioning of our Embassy in Iraq after the U.S. military completes its drawdown later this year.

You can tell that Ambassador Jackson doesn't shirk hard assignments. We watched through her eyes and through her explanation, as she's lived around the world. She's helped us to understand the world and around the world. In 2001, she became the first senior U.S. diplomat to serve in Afghanistan after the fall of the Taliban. In Kenya, in the years after al-Qaeda bombings, she played a major role in rebuilding the staff, operations, and infrastructure. In Hong Kong, she protected the interests of the U.S. Government agencies and employees at the time of the reversion to Chinese sovereignty. And here's one of the most fascinating ones to me, when the Soviet Union dissolved, she managed the establishment of U.S. embassies in 14 new countries.

The United States faces diverse and dynamic challenges and opportunities in Malawi. Promoting development includes an emphasis on the elimination of poverty, transparent governance, economic reform, anticorruption practices, and greater political and economic participation.

She was able to do those things in Burkina Faso, where she had to speak French. Here she gets to speak English.

Individuals like Jeanine Jackson understand these complexities, and they'll help the United States to achieve its goal. Because of her diverse experience, she can evaluate and persuade. She understands cultural differences and can adapt her approach.

Ambassador Jackson and Mark have taken on some very challenging assignments around the world and often enjoy driving to their new posts, once even driving from their post in Switzerland to the new post in Nigeria across the Sahara Desert. Nearly every weekend when I'm in Wyoming, I drive hundreds of miles across

the State to visit my constituents. Ambassador Jackson probably has driven close to 20,000 miles across Africa. The deserts and mountains of Wyoming are a long way from Malawi, but I know that Ambassador Jackson's childhood in Wyoming has prepared her for the adventures and challenges of serving in Africa.

It's a proud day for Diana and I. It's a proud day for Sheridan. It's a proud day for the State of Wyoming. And I want to enthusiastically endorse Jeanine Jackson on her nomination for Malawi.

Thank you, Mr. Chairman.

Senator COONS. Thank you very much, Senator Enzi.

Senator Barrasso.

**STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING**

Senator BARRASSO. Thank you very much, Mr. Chairman and Senator Isakson. And I, too, want to add my congratulations as well as my support, along with that of Senator Enzi.

And I want to take just a moment to speak in recognition and support of the nomination of Ambassador Jeanine Jackson to be the United States Ambassador to Malawi. She is an excellent nominee. She will bring a tremendous amount of knowledge, experience, and energy to this position.

As you know, she's a native of Sheridan, WY, and I'm really pleased to have such a highly qualified, skilled individual from Wyoming to be nominated to serve the United States in this important diplomatic position.

She's currently serving as Minister Counselor for Management at the U.S. Embassy in Baghdad, Iraq. And I've had the pleasure of meeting with her, as well as her husband, at the Embassy in Baghdad during visits there. She's demonstrated to me her knowledge, her focus, and her determination. So I'm very grateful for her willingness, as well as that of her husband, to serve our country and provide strong leadership in implementing the foreign-policy goals of the United States.

Based on our discussions together and her extensive background in Africa, I'm confident that she grasps the opportunities and the challenges facing both Africa as well as Malawi. It is clear that she will make her family, as well as the people of Wyoming and our Nation, very proud. So I add with Senator Enzi my wholehearted endorsement and recommendation of her nomination to the committee and the full Senate.

Thank you, Mr. Chairman.

Senator COONS. Thank you very much, Senator Barrasso.

I think Senator Isakson would also like to add a comment.

Senator ISAKSON. Senator Enzi, is Diana in the room?

Senator ENZI. Yes.

Senator ISAKSON. Where is Diana?

Diana, stand up, would you? Don't sit down yet.

You know, an awful lot of times, the spouses of U.S. Senators get no attention at all. I have traveled with Diana to India and to Sri Lanka to see a demonstration of the mine-sniffing dogs that she has provided to countries around the world to save children from losing limbs or losing their lives.

So a lot of times, we get all the pictures and the publicity and the attention, but this lady is exemplary of the other wives and spouses of Members of the Senate who also do their part to make this country a better country and the world a better world, and I commend you, Diane, for what you do.

Senator COONS. Thank you, Senator.

And thank you, Diane, for being with us.

And Senator Enzi and Senator Barrasso, thank you very much for joining us today. Understanding your schedules may require you to be at other events, I'd welcome you to excuse yourselves at this point, if that's more convenient for you.

Ms. Jackson, if I might encourage you to begin with your opening statement, and then we'll go through the rest of the nominees.

And I would encourage all of the nominees to introduce your families, who should be recognized along with you for the great sacrifices they have made to support your commitments to public service, whether the military, the State Department, AID, or elsewhere.

Ms. Jackson.

Ambassador JACKSON. Mr. Chairman——

Senator COONS. I'm sorry, and I'll invite the other nominees to come forward to the table as well at this time.

Forgive the interruption, Ms. Jackson.

Thank you. Ms. Jackson.

## STATEMENT OF HON. JEANINE E. JACKSON, OF WYOMING, TO BE AMBASSADOR TO THE REPUBLIC OF MALAWI

Ambassador JACKSON. Mr. Chairman, Mr. Isakson, it is a great honor and privilege to appear before you today as President Obama's nominee to be the United States Ambassador to the Republic of Malawi.

I appreciate the confidence the President and Secretary Clinton have placed in me by putting my name forward for your consideration. I'm also deeply grateful for the support of Senator Enzi; his wife, Diane; Senator Barrasso; and my husband, Mark; as well as the terrific support of the State Department's Africa Bureau.

Having served as Ambassador to Burkina Faso, I'm aware of the importance, if confirmed, of working with this committee and the Congress in order to advance United States interests in Malawi, including strengthening its democratic institutions, encouraging economic diversification, and building its health and education capacity.

Since joining the Foreign Service in 1985, I have held numerous positions overseas and in Washington. This experience, in addition to my military service, impressed upon me a clear understanding of the critical role that interagency cooperation plays, both in U.S. missions and here in Washington, in developing and implementing U.S. foreign policy.

My expertise with U.S. Government agencies is invaluable in my current assignment as Management Counselor of the United States Embassy in Baghdad. I lead large teams of U.S. Government civilians and military personnel to provide, in a hostile environment, the support platform for the world's largest embassy and the 35 U.S. Government agencies represented in our country team in Iraq.

Malawi, from its independence in 1964 until 1994, was a one-party state under authoritarian rule. Since 1994, when the people of Malawi voted in their first democratic, free, and fair elections, Malawi has strengthened its democratic institutions and has undergone peaceful transfers of power among political parties. The people of Malawi are proud that women comprise 22 percent of Parliament.

The economy of this small, landlocked country is heavily dependent on agriculture. This creates challenges, but the Malawian Government has taken steps to greatly increase productivity. Mineral deposits were recently discovered, which may present opportunities for Malawi to diversify its economy.

If confirmed, I look forward to assisting Malawi in addressing some of its most pressing needs with a focus on strengthening its health systems, providing quality education, and further developing democratic processes. The United States has active U.S. Agency for International Development, Centers for Disease Control, and Peace Corps programs, many of which are supported through PEPFAR. Malawi was the first country to sign a PEPFAR partnership framework and was selected to be one of eight Global Health Initiative Plus countries.

This year, the Millennium Challenge Corporation signed a $350 million compact with Malawi to improve access to electrical power and which should enable further economic gains.

Malawi maintains good relations with the United States. It was the first southern African nation to receive United States-sponsored peacekeeping training and recently contributed troops to the U.N. operation in Cote d'Ivoire.

Malawi's cooperation on many issues is welcome, but we still have concerns. We are sensitive to the need for individual freedoms, including individual preferences. And we support a political space that is open to all.

If confirmed, I would work to support such a space for all Malawians.

Although Malawi is a small country, it remains one of the most underdeveloped. It is, nonetheless, a strategic partner of the United States. Despite ongoing challenges, Malawi holds great promise. If confirmed, I would look forward to working with the Government of Malawi and its people on mutual goals of a healthier, better educated, more prosperous citizenry that embraces democratic values.

Mr. Chairman, thank you again for the opportunity to appear before you today. I will be happy to answer questions.

[The prepared statement of Ambassador Jackson follows:]

PREPARED STATEMENT OF JEANINE E. JACKSON

Mr. Chairman and members of the committee, it is a great honor and privilege to appear before you today as President Obama's nominee to be the United States Ambassador to the Republic of Malawi. I appreciate the confidence the President and Secretary Clinton have placed in me by putting my name forward for your consideration. I am also deeply grateful for the support of my husband Mark, a retired Foreign Service officer.

Having previously served as Ambassador to Burkina Faso, I am aware of the importance, if confirmed, of working with this committee and the Congress in order to advance U.S. interests in Malawi, including strengthening its democratic institutions, encouraging economic diversification, and building its health and education capacity.

Since joining the Foreign Service in 1985, I have held numerous positions overseas and in Washington. This experience, in addition to my military service, impressed upon me a clear understanding of the critical role that interagency cooperation plays both in U.S. missions and here in Washington in developing and implementing U.S. foreign policy. My expertise with U.S. Government agencies is invaluable in my current assignment as Management Counselor of the U.S. Embassy in Baghdad. I lead large teams of U.S. Government civilians and military personnel to provide, in a hostile environment, the support platform for the world's largest Embassy and the 35 U.S. Government agencies represented on its country team.

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Mr. Chairman and members of the committee, thank you again for the opportunity to appear before you today. I will be happy to answer any questions.

Senator COONS. Thank you very much, Ms. Jackson.

Now if we might go to the other end of the panel and work our way down.

Ms. Pasi.

## STATEMENT OF GEETA PASI, OF NEW YORK, TO BE AMBASSADOR TO THE REPUBLIC OF DJIBOUTI

Ms. PASI. Thank you, Chairman Coons, Ranking Member Isakson, members of the committee. It's an honor to appear before you today as the nominee to be the next United States Ambassador to the Republic of Djibouti.

I'm grateful for the confidence the President and Secretary of State have shown by nominating me to this position and for the support of Assistant Secretary for African Affairs Johnnie Carson.

First, Mr. Chairman, please allow me to acknowledge my family members who are here today. My sisters, Usha Pasi and Rita Pasi; my brother, Peter Pasi; and his wife, Halley Lewis, have all joined me this morning.

Mr. Chairman, please allow me to tell you a little bit about myself. My career has included challenging assignments that required

me to adapt to rapidly changing environments. I've served in several countries in transition and was in Ghana during its first democratic elections and Romania shortly after the fall of Nicolae Ceausescu. During a state of emergency, I helped steer Bangladesh toward democratic elections.

In Washington, I served in several positions, including as the Afghanistan desk officer, where I was working on September 11, 2001.

I currently serve as office director for East African Affairs and have policy and program responsibility for 11 countries in East Africa.

Mr. Chairman, if confirmed, I look forward to leading Embassy Djibouti in advancing U.S. interests. Our main interests in Djibouti are peace and security, good governance, and economic development.

Mr. Chairman, as you know, we share important interests and goals with Djibouti, an area of relative calm in a turbulent region, and an important partner in the fight against terrorism. Djibouti is surrounded by Eritrea, Ethiopia, and Somalia, and is less than 18 miles from Yemen. It has a strategic position at the Bab el Mandeb Strait, which joins the Red Sea and the Gulf of Aden, and through which some 40 percent of the world's shipping passes.

If confirmed, Mr. Chairman, I will continue to reinforce our bilateral relationship, as well as contribute to efforts to promote a stable, functioning, and peaceful Somalia, in coordination with our mission in Nairobi.

Djibouti hosts the only United States military forward-operating site in sub-Saharan Africa, Camp Lemonnier, the headquarters for the Combined Joint Task Force–Horn of Africa, or CJTF–HOA, and approximately 3,000 troops. I understand that you, Senator Isakson, and Senator Inhofe have visited Camp Lemonnier. If confirmed, I will continue to expand cooperation and coordination between Embassy personnel and Camp Lemonnier and its tenant commands.

If confirmed, I will also ensure that CJTF–HOA programming in Djibouti fits within the framework of U.S. Government priorities to advance our key interests.

Mr. Chairman, Djibouti's Presidential election in April underscored the importance of democracy and governance reforms, including enlarging space for media and civil society. If confirmed, I commit to work with our Djiboutian partners on these issues.

On the economic front, Djibouti's leadership has privatized its excellent deepwater port and airport, reducing corruption and increasing revenue flows. Construction of a new port facility is underway and will dramatically increase capacity.

Djibouti remains very poor, however, ranked 149 out of 177 countries on the UNDP Human Development Index. In addition, less than 5 percent of the land is arable. Our small USAID mission in Djibouti focuses on governance and democracy; health and education, particularly to combat low life expectancy; maternal and child mortality; and infectious disease. The United States also responds to food insecurity needs. If confirmed, I will make these programs a priority.

Finally, Mr. Chairman, if confirmed, my highest priority will be the protection of Americans and American business interests, including mission personnel living and traveling in Djibouti. In the fall, the mission will move to a new Embassy compound, meaning that all mission personnel will work in the safest and most secure facilities available. I am committed to good stewardship of this significant U.S. Government investment.

Mr. Chairman, I believe my prior experience in the Foreign Service has prepared me to serve as Ambassador to Djibouti. If confirmed by the Senate, I look forward to working closely with you and other members of the committee, and would hope to welcome you during my tenure.

Mr. Chairman, thank you again for the honor to appear before the committee today. I would be happy to take any questions you may have.

[The prepared statement of Ms. Pasi follows:]

PREPARED STATEMENT OF GEETA PASI

Chairman Coons, Ranking Member Isakson, Members of the Committee, it is an honor to appear before you today as the nominee to be the next United States Ambassador to the Republic of Djibouti. I am grateful for the confidence the President and Secretary of State have shown by nominating me to this position, and for the support of Assistant Secretary for African Affairs Johnnie Carson.

First, Mr. Chairman, let me acknowledge several family members and colleagues here today. My sister, Rita Pasi, brother, Peter Pasi, and his wife, Hallie Lewis, have all joined me. I am pleased to appear before you on this panel with my three colleagues, Don Koran, Lewis Lukens, and Jeanine Jackson.

Mr. Chairman, please allow me to tell you about myself. My career has included challenging assignments that required me to adapt to rapidly changing environments. I have served in several countries in transition and was in Ghana during its first democratic elections and Romania shortly after the fall of Nicolae Ceaucescu. During a state of emergency, I helped steer Bangladesh toward democratic elections. In Washington, I served in several positions, including as the Afghanistan Desk Officer where I was working on September 11, 2001. I currently serve as Office Director for East African Affairs and have policy and program responsibility for 11 countries in East Africa.

Mr. Chairman, if confirmed, I look forward to leading Embassy Djibouti in advancing U.S. interests with our team of Foreign and Civil Service personnel, military staff , and local employees. Our main interests in Djibouti are peace and security, good governance, and economic development.

Mr. Chairman, as you know, we share important interests and goals with Djibouti. An area of relative calm in a turbulent region and an important partner in the fight against terrorism, Djibouti is surrounded by Eritrea, Ethiopia, and Somalia, and is less than 18 miles from Yemen. It has a strategic position at the Bab el Mandeb Strait, which joins the Red Sea and Gulf of Aden, and through which some 40 percent of the world's shipping passes. If confirmed, Mr. Chairman, I will continue to reinforce our bilateral relationship as well as contribute to efforts promoting a stable, functioning, and peaceful Somalia in coordination with our mission in Nairobi.

Djibouti hosts the only U.S. military forward operating site in sub-Saharan Africa, Camp Lemonnier, the headquarters for the Combined Joint Task Force–Horn of Africa (CJTF–HOA) and approximately 3,000 troops. I understand that you, Senator Isakson, and Senator Inhofe have visited Camp Lemonnier. If confirmed, I will continue and expand coordination and cooperation between Embassy personnel and Camp Lemonnier and its tenant commands, including the CJTF–HOA contingent. If confirmed, I will also ensure that CJTF–HOA programming in Djibouti fits within the framework of U.S. Government priorities to advance our key interests.

Mr. Chairman, Djibouti's Presidential election in April underscored the importance of democracy and governance reforms—including enlarging space for media and civil society groups that face constraints. If confirmed, I commit to work with our Djiboutian partners on these issues.

On the economic front, Mr. Chairman, Djibouti's leadership has privatized its excellent deep-water port and airport, reducing corruption and increasing revenue

flows. Construction of a new port facility is underway and will dramatically increase capacity. Making Djibouti an attractive place for investment and center for regional and international trade is essential for its economic development. Djibouti remains very poor, ranked 149 out of 177 countries on the UNDP Human Development Index. Less than 5 percent of its land is arable. The small USAID mission in Djibouti focuses on governance and democracy, health and education, particularly to combat low life-expectancy, maternal and child mortality, and infectious disease. The United States responds to food insecurity through support for the Famine Early Warning Network office in Djibouti, as well as through USG-funded Food for Peace and Office of Foreign Disaster Assistance programs. The United States has also been the leading donor in the area of democratic reform and good governance. If confirmed, I will continue to make these programs a priority.

Djibouti's sole troubled relationship in the region is with Eritrea. Although Qatar's mediation efforts alleviated the conflict, the countries have not yet addressed the substantive issues of border demarcation. If confirmed, I will support international efforts to resolve this conflict peacefully and restore the border to the status quo ante.

Finally, Mr. Chairman, if confirmed, my highest priority will be the protection of Americans and American business interests, including mission personnel, living and traveling in Djibouti. With only a few private Americans in-country, I would, if confirmed, remain in frequent contact with them, on consular and security issues but also to benefit from their wisdom. In the fall, the mission will move to a new Embassy compound, meaning that all mission personnel will work in the safest and most secure facilities available. Maintaining this technologically advanced building in Djibouti will be a challenge, but I am committed to good stewardship of this significant USG investment.

Mr. Chairman, I believe my prior experience in the Foreign Service has prepared me to serve as Ambassador to Djibouti. If confirmed by the Senate, I look forward to working closely with you and other members of the committee, and would hope to welcome you during my tenure.

Mr. Chairman, thank you again for the honor to appear before the committee today. I would be happy to take any questions you may have.

Senator COONS. Thank you, Ms. Pasi.

Mr. Koran.

**STATEMENT OF DONALD KORAN, OF CALIFORNIA, TO BE AMBASSADOR TO THE REPUBLIC OF RWANDA**

Mr. KORAN. Mr. Chairman and members of the committee, it is an honor to have been nominated by President Obama to be the next United States Ambassador to Rwanda and to appear before you today.

Here with me today are my wife, Cindy, and my daughter, Laura.

Rwanda is known by most Americans for the 1994 genocide, which left the country and its people ravaged. I saw this legacy firsthand when I served there from 1999 to 2001. Since then, Rwanda has made great strides in rebuilding the country, as well as playing a positive role in the region and beyond. The United States works closely with Rwanda to advance these positive endeavors.

With the assistance of the United States and other donors, the Rwandan Government has made remarkable progress in improving the living standards of its people, primarily through education and infrastructure development. It has improved the business climate, as evidenced by Rwanda's dramatic improvement in the World Bank's ease of business doing business index.

If confirmed, I plan to promote economic development in Rwanda, as well as opportunities for American trade and investment. The United States and Rwanda signed a bilateral investment treaty in 2008, now pending advice and consent of the Senate, which

would further improve the investment climate and provide additional protection to United States investors.

We also support Rwanda's leadership in the East Africa community and its efforts to promote development and economic integration. Development assistance can have a great impact in Rwanda, due to the government's strong track record in implementing programs. That strong track record, along with remarkable results, contributed to its selection as a Global Health Initiative Plus country.

The United States has been at the forefront of combating HIV/AIDS and malaria, and helping improve food security in Rwanda through the President's Emergency Plan for AIDS Relief, the President's Malaria Initiative, and the Feed the Future Initiative. Peace Corps returned to Rwanda in 2009 and currently has some 130 volunteers working in health and education programs.

The advancement of democracy and human rights are important components of our policy toward Rwanda, and one which the United States and Rwanda are committed to working closely together to achieve. We believe it is important for Rwanda to continue to develop and strengthen its democratic institutions to ensure political space for the opposition and to promote a strong, independent media.

In this context, I look forward, if confirmed, to build on and expand our mutual efforts with Rwanda on these important issues. Through our USAID mission, we have funded democracy and governance programs to strengthen the justice sector, media, and civil society.

My past experience in Rwanda, and as desk officer for the Democratic Republic of the Congo, has given me a deep appreciation for the importance and complexity of the relationship between those two countries. Their rapprochement in 2009, which put an end to years of conflict by proxy, has been the cornerstone of recent improvements in regional stability. Peace and security in the eastern Congo remain elusive, however, and we believe that Rwanda continues to have a critical and proactive role to play in stabilizing the region.

We strongly support the International Conference on the Great Lakes Region's recent declaration committing the DRC, Rwanda, and the Congo's other neighbors to addressing the illegal trade in minerals, and we commend the steps Rwanda is undertaking to ensure the trade continues only through legal and certified channels. The Democratic Forces for the Liberation of Rwanda, or FDLR, remains a violent threat to civilians in eastern Congo, though Rwanda continues to provide for the reintegration of FDLR members who demobilize.

Rwanda is an increasingly important partner internationally. It has over 3,000 peacekeepers in Darfur and some 250 troops elsewhere in Sudan who have benefited from U.S. military's Africa Contingency Operations and Training Assistance program. It also has almost 200 police assigned to the peacekeeping mission in Haiti.

President Kagame was among the strongest voices in the international community supporting action to prevent a massacre in Libya earlier this year.

If confirmed as Ambassador to Rwanda, I will continue United States efforts to support economic and political progress. Rwanda's development and stability are essential for its citizens and critical to the stability of central Africa.

I look forward to working closely with you, Mr. Chairman, and with the committee in this important endeavor, should I be confirmed. Thank you again, Chairman Coons and members of the committee, for the opportunity to appear before you today. I welcome any questions you might have.

[The prepared statement of Mr. Koran follows:]

PREPARED STATEMENT OF DONALD W. KORAN

Mr. Chairman and members of the committee, it is an honor to have been nominated by President Obama to be the next United States Ambassador to Rwanda and to appear before you today.

Rwanda is known by most Americans for the 1994 genocide, which left the country and its people ravaged. I saw this legacy first-hand when I served there from 1999 to 2001. Since then, Rwanda has made great strides in rebuilding the country, as well as playing a positive role in the region and beyond. The United States works closely with Rwanda to advance these positive endeavors.

With the assistance of the United States and other donors, the Rwandan Government has made remarkable progress in improving the living standards of its people, primarily through education and infrastructure development. It has improved the business climate, as evidenced by Rwanda's dramatic improvement in the World Bank's ease of doing business index. If confirmed, I plan to promote economic development in Rwanda, as well as opportunities for American trade and investment. The United States and Rwanda signed a Bilateral Investment Treaty in 2008, now pending advice and consent of the Senate, which would further improve the investment climate and provide additional protections to U.S. investors. We also support Rwanda's leadership in the East African Community and its efforts to promote development and economic integration.

Development assistance can have great impact in Rwanda due to the government's strong track record in implementing programs. That strong track record, along with remarkable results, contributed to its selection as a Global Health Initiative Plus country. The United States has been at the forefront of combating HIV/AIDS and malaria, and helping to improve food security in Rwanda through the President's Emergency Plan For Aids Relief, the President's Malaria Initiative, and the Feed the Future Initiative. Peace Corps returned to Rwanda in 2009 and currently has some 130 volunteers working in health and education programs.

The advancement of democracy and human rights are important components of our policy toward Rwanda, and one which the U.S. and Rwanda are committed to working closely together to achieve. We believe it is important for Rwanda to continue to develop and strengthen its democratic institutions, to ensure political space for the opposition and to promote a strong independent media. In this context, I look forward, if confirmed, to build on and expand our mutual efforts with Rwanda on these important issues. Through our USAID mission we have funded democracy and governance programs to strengthen the justice sector, media, and civil society.

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Rwanda is an increasingly important partner internationally. It has over 3,000 peacekeepers in Darfur and some 250 troops elsewhere in Sudan who have benefited from U.S. military's Africa Contingency Operations and Training Assistance (ACOTA) program. It also has almost 200 police assigned to the peacekeeping mis-

sion in Haiti. President Kagame was among the strongest voices in the international community supporting action to prevent a massacre in Libya earlier this year.

If confirmed as Ambassador to Rwanda, I will continue U.S. efforts to support economic and political progress. Rwanda's development and stability are essential for its citizens and critical to the stability of Central Africa. I look forward to working closely with you, Mr. Chairman, and with the committee in this important endeavor, should I be confirmed.

Thank you again Chairman Coons and members of the committee for the opportunity to appear before you today. I welcome any questions that you might have.

Senator COONS. Thank you.

Mr. Lukens.

**STATEMENT OF LEWIS LUKENS, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF SENEGAL AND TO SERVE CONCURRENTLY AS AMBASSADOR TO THE REPUBLIC OF GUINEA-BISSAU**

Mr. LUKENS. Mr. Chairman, Senator Isakson, I'm honored to appear before you today. I wish to thank President Obama and Secretary Clinton for the trust and confidence they have placed in me as their nominee for Ambassador to the Republic of Senegal and the Republic of Guinea-Bissau.

Mr. Chairman, I would like to introduce my family. My wife, Lucy, and our daughters, Lallie and Leeza, have lived on five continents with me and have been exceptional representatives of the United States overseas. My Aunt Emily and my mother-in-law, Anne Buxton, are here today, and my parents, Alan and Susan Lukens, are here.

My father served this country for 36 years as a diplomat, mostly in Africa, including in Dakar. In fact, he appeared before this subcommittee 27 years ago as nominee for U.S. Ambassador to Congo Brazzaville.

For the past 22 years, I've dedicated my career to serving the United States through various positions at the White House, the State Department, and overseas. If confirmed, it would be a great honor and privilege to serve our country in this important post.

The United States and Senegal share a long, bilateral relationship. As a critical partner in Francophone Africa, Senegal is a key ally in the fight against terrorism and narcotics, and has been an important player on regional and international issues.

Senegal is one of the few African countries to have never experienced a coup d'etat and prides itself as a religiously tolerant nation. However, Senegal does face economic, governance, and press freedom challenges that threaten its democratic and development future. Senegal suffers from a crippling energy crisis that causes frequent power outages and has weakened economic growth. Senegal would like to emerge as a regional economic hub. And, if confirmed, I will work with the government to encourage enactment of economic reforms necessary to attract investment and expand market access.

Senegal will host Presidential and legislative elections next February. These elections are important to the country's democratic future. Concerns about democratic backsliding and corruption have tarnished Senegal's longstanding democratic reputation.

If confirmed, I will work with President Wade and the Government of Senegal in their efforts to prepare for transparent, fair, and credible elections.

Senegal is a recipient of U.S. foreign assistance programs, most notably a $540 million Millennium Challenge Corporation Compact. The United States Government must be accountable to American taxpayers, and, especially in this difficult economic client, we'll ensure that every dollar is effectively used.

If confirmed, I will work closely with our strong partners in Senegalese civil and religious society and with the government to ensure that Senegal continues to improve on all of its indicators.

The small, former Portuguese colony of Guinea-Bissau is one the world's poorest countries with an economy based on almost entirely on cashew production. Its poverty, its geography, and its historic instability have contributed to a flourishing narcotics trade that has compromised many elements of its military and civilian leadership.

U.S. law enforcement agencies have identified, and are currently working closely with, credible government counterparts. Through a memorandum of understanding signed with Portugal, we will have a United States diplomat placed in the Portuguese Embassy in Guinea-Bissau. This will help us increase our knowledge of the narcotics-trafficking situation and encourage the host government to raise its profile on this important issue.

U.S. goals there are to promote sustainable democratic political development, combat narcotics trafficking, and lay the foundations for economic growth. We are currently running successful, cost-effective programs that feed 50 percent of this country's school-aged children and that destroy unexploded ordnance and landmines laid since Bissau's war for independence.

To its credit, Guinea-Bissau recently held free and fair elections, is working to stabilize its economy, and recently qualified for debt relief by implementing fiscally sound policies.

Thank you, Mr. Chairman, for your continued interest in the United States relations with Africa. If confirmed, I look forward to working with you, your committee, and other Members of Congress in representing the interests of the American people in Senegal and Guinea-Bissau. I would be happy to answer your questions.

[The prepared statement of Mr. Lukens follows:]

PREPARED STATEMENT OF DONALD W. KORAN

Mr. Chairman and members of the committee, it is an honor to have been nominated by President Obama to be the next United States Ambassador to Rwanda and to appear before you today.

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Thank you again Chairman Coons and members of the committee for the opportunity to appear before you today. I welcome any questions that you might have.

Senator COONS. Thank you, Mr. Lukens.

Dr. Pablos-Méndez.

## STATEMENT OF ARIEL PABLOS-MÉNDEZ, OF NEW YORK, TO BE ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT

Dr. PABLOS-MÉNDEZ. Chairman Coons, Senator Isakson, good morning, and thank you for the opportunity to testify before you today and for your longstanding, bipartisan support for global health. It is an honor to appear before you as President Obama's nominee for the position of Assistant Administrator for Global Health at the United States Agency for International Development.

If confirmed, I will have the even greater privilege of serving the American people in fostering a healthier, safer, and more prosperous world.

USAID makes a profound statement about what America stands for. I am humbled by the trust and confidence that President

Obama and Administrator Shah have placed in me, and I'm grateful to have the support of Secretary Clinton.

If confirmed, it will be a privilege to work under their leadership and with USAID's talented and dedicated staff to reaffirm the agency's status as the premier development institution in the world.

I would like to recognize USAID's Susan Brems, the Senior Deputy Assistant Administrator, and Amie Batson, the Deputy Assistant Administrator, for their leadership to date in the Bureau for Global Health and the Global Health Initiative.

I also wish to acknowledge the support and love of my family and friends, including my wife, Mercedes, and three of my children, Ariel, Fernando, and Alejandra, who are with me here today.

I am a physician. Over the last 25 years, my career in academic medicine has been inspired by the lives of my patients, and the potential of the medical students and residents that I had the opportunity to teach. I am also a public health professional who, through research on tuberculosis, entered into the exciting arena of global health. I have dedicated my professional career to science and humanity, working with Columbia University, the New York City Department of Health, the United Nations, and the Rockefeller Foundation. My engagement with the Federal Government has until now been in an advisory capacity. If confirmed, I very much look forward to the opportunity to serve actively.

I grew up in Mexico in the 1960s, in an area where green revolution research, supported by USAID and the Rockefeller Foundation, transformed agricultural production and directly improved the lives of millions, my family included.

I trained in internal medicine in New York in the late 1980s. During those years, I watched young lives ravaged by HIV/AIDS before the advent of life-saving treatment and saw the threat of tuberculosis reemerge and intensify through multidrug resistance. These experiences made a strong impression on me and have shaped my career.

Recognizing that infectious diseases do not respect borders and that effective responses here at home largely depend on what happens in other countries, I ventured into global health. In this sphere, I have been fortunate to work in a range of initiatives, including the development of innovative public-private partnerships for new drugs and vaccines for the poor, like the Global Alliance for TB Drug Development; mobilizing a research coalition together with the NIH and other partners to scale up full treatment of HIV-positive mothers and their families—a prelude to PEPFAR; working with the World Health Organization to bridge the "know-do" gap with information technology or e-Health; and since returning to the Rockefeller Foundation, leading the initiative on the transformation of health systems in Africa and Asia.

If confirmed, I will draw upon these diverse experiences to provide leadership for evidence-based innovations, public-private partnerships, and interagency collaboration to promote access to proper health services at an affordable cost, especially for the world's poorest and most vulnerable people.

As we enter the second decade of the new millennium, global health has never been more central to the development agenda,

and the United States is a leader in both. Thanks to the foresight and leadership of members from both sides of the aisle, the President's Emergency Plan for AIDS Relief, the President's Malaria Initiative, and the Global Alliance on Vaccines and Immunization, as well as working in women's health, we have saved millions of lives and reestablished hope for the future, especially in Africa.

I have been a witness and a partner to this work, which is having an impact similar to the agricultural green revolution three generations ago. The American people can be very proud of these accomplishments.

President Obama's Global Health Initiative, GHI, signals the next phase of American leadership in world health and charges USAID to work with other agencies and partners to crystallize that vision. GHI will consolidate the fight against diseases of poverty while strengthening country-led health systems, with a focus on women and children. We expect by the year 2016 to contribute to save the lives of 3 million children, prevent more than 12 million HIV infections, and avert 700,000 malaria deaths. This is an ambitious agenda, commensurate with the extraordinary challenges faced by poor and vulnerable people in the world, and requiring both our commitment and new ways to solve problems.

Mr. Chairman, there cannot be a better time to join USAID and serve the American people. I am humbled to be considered for this position. If confirmed, I will be honored and excited to contribute, under the guidance of Congress, to realizing these mandates and those in the future fitting a changing world. Thank you very much for your consideration, and I look forward to your questions and recommendations.

[The prepared statement of Dr. Pablos-Méndez follows:]

PREPARED STATEMENT OF ARIEL PABLOS-MÉNDEZ

Mr. Chairman, Ranking Member, and distinguished members of the committee, good morning and thank you for the opportunity to testify before you today and for your longstanding, bipartisan support for global health. It is an honor to appear before you as President Obama's nominee for the position of Assistant Administrator for Global Health at the United States Agency for International Development. If confirmed, I will have the even greater privilege of serving the American people in fostering a healthier, safer, and more prosperous world.

USAID makes a profound statement about what America stands for. I am humbled by the trust and confidence that President Obama and Administrator Shah have placed in me and am grateful to have the support of Secretary Clinton. If confirmed, it will be a privilege to work under their leadership and with USAID's talented and dedicated staff to reaffirm the Agency's status as the premier development agency in the world.

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I am a physician. Over the last 25 years, my career in academic medicine has been inspired by the lives of my patients and the potential of the medical students and residents I have had the opportunity to teach. I am also a public health professional who, through research on tuberculosis, entered into the exciting arena of global health. I have dedicated my professional career to science and humanity, working with Columbia University, the New York City Department of Health, the United Nations and the Rockefeller Foundation. My engagement with the Federal Government has until now been in an advisory capacity. If confirmed, I very much look forward to the opportunity to serve actively.

I grew up in Mexico in the 1960s, in an area where green revolution research—supported by USAID and the Rockefeller Foundation—transformed agricultural pro-

duction and directly improved the lives of millions, my family included. I trained in Internal Medicine in New York in the late 1980s. During those years, I watched young lives ravaged by HIV/AIDS before the advent of life-saving treatment and saw the threat of tuberculosis reemerge and intensify through multidrug resistance. These experiences made a strong impression on me and have shaped my career.

Recognizing that infectious diseases don't respect borders and that effective responses here at home largely depend on what happens in other countries, I ventured into global health. In this sphere, I have been fortunate to work in a range of exciting initiatives, including: (1) developing innovative public-private partnerships for new drugs and vaccines for the poor, like the Global Alliance for TB Drug Development; (2) mobilizing a research coalition together with the NIH and other partners to scale up full treatment of HIV-positive mothers and their families—a prelude to PEPFAR; (3) working with the World Health Organization to bridge the "know-do" gap with information technology or e-Health; and (4) since returning to the Rockefeller Foundation, leading the initiative on the transformation of health systems in Africa and Asia.

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Thanks to the foresight and leadership of Members from both sides of the aisle, the President's Emergency Plan for AIDS Relief, the President's Malaria Initiative, the Global Alliance on Vaccines and Immunization and work in women's health have saved millions of lives and reestablished hope for the future, especially in Africa. Public-private partnerships are no longer seen as optional, but rather as essential to achieving long-term strategic goals.

I have been a witness and a partner to this work, which is having an impact similar to the agricultural green revolution two generations ago. The American people can be very proud of these accomplishments.

President Obama's Global Health Initiative, GHI, signals the next phase of American leadership in world health and charges USAID to work with other U.S. Government agencies and partners to crystallize that vision.

GHI will consolidate the fight against diseases of poverty while strengthening country-led health systems, with a focus on women and children. At a time of financial constraint, GHI calls for better evidence, game-changing innovation, integrated services and novel partnerships to take on grand challenges.

As stated by Administrator Shah, by building country-led health systems, harnessing new technologies and improving the efficiency of our efforts, we can save the lives of 3 million children, prevent more than 12 million HIV infections, and avert 700,000 malaria deaths by 2016. We can also ensure 200,000 pregnant women give birth safely, prevent 54 million unintended pregnancies and cure nearly 2.5 million people infected with tuberculosis.

This is an ambitious agenda, commensurate with the extraordinary challenges faced by poor and vulnerable people in the world, and requiring both our commitment and new ways to solve problems.

Mr. Chairman, there could not be a better time to join USAID and serve the American people. I am humbled to be considered for this position. If confirmed, I will be honored and excited to contribute, under the guidance of Congress, to realizing these mandates and those in the future fitting a changing world.

Thank you very much for your consideration. I look forward to your questions and recommendations.

Senator COONS. Thank you, Doctor.

And I'd like to thank all five of our nominees for your concise, yet broad opening statements that give both of us a strong sense of your background and skills, and the challenges that you will face in your countries or areas of appointment.

I'd like to begin our first round of questions, if I might. I'm going to ask a very broad question and then invite each of the five of you, in turn, to answer, to the extent it's directly relevant to your service.

As you know, we in Washington and in our country face unprecedented budgetary challenges. We have record deficits and a record

national debt, and are making some very tough choices going forward about spending. What, in your view, are the principal goals of U.S. assistance in your country of appointment or in your area of intended work? And how can we report back to the people we represent that these investments make good sense for the United States, from a strategic perspective, a humanitarian perspective, a development perspective?

And then if I could, just a subquestion: We just visited the West Africa Trade Hub in Ghana—2 days ago? I've lost track of time. And economic development and the potential of trade was an issue in all three countries. To what extent has your country of potential appointment taken advantage of AGOA? There's about to be another AGOA conference. And what more could we be doing to encourage trade and trade as a means towards development?

So what impact do you believe our investment in U.S. assistance in your country of appointment may make? What role do you see development playing in that?

If I might invite Ms. Pasi to begin and then the members of the committee, for the rest of my time.

Ms. PASI. Thank you, Mr. Chairman.

As far as the budget is concerned, the money that we're spending in Djibouti on assistance is really very targeted on quality of life, life expectancy, and is being put to excellent use. The U.S. Government is leading the way in providing food assistance to rural areas in Djibouti. We feed about 40,000 or 50,000 Djiboutians every day. The population is about 850,000 people, so that's quite significant.

Second, the life expectancy in Djibouti is very low, only about 56 years for women, 53 for men. And many of the projects that we're involved in through USAID focus on maternal health, child health.

Also, interestingly, as I mentioned in my opening statement, Djibouti has an excellent port, and that port serves Ethiopia, primarily for food aid and other products that are headed to Ethiopia. Truck drivers who come from Ethiopia drive up a corridor toward the port, and that area has now become an area where HIV has become increasingly prevalent.

So the money we receive, which is fairly limited, goes both to provide education to prevent the spread of HIV/AIDS, as well as to treat those who are affected. And Djibouti has the highest HIV-infection rate in the Horn, including the Arabian Peninsula.

As far as AGOA and trade, Djibouti has very little in terms of agriculture, because of the lack of arable land. Where their economic strength actually lies, I think, is extending services through the port. The port is doing an excellent job, and the Government of Djibouti hopes to expand it.

So our focus, in addition to democracy and governance, is on basic support for people to ensure they have a reasonable life, to try to assist them to get an education, and then to help them find employment in a country which has limited natural resources but has an extremely strategic location.

Senator COONS. Thank you, Ms. Pasi.

Mr. Koran.

Mr. KORAN. Thank you. Rwanda has an aid program of roughly $210 million for fiscal 2010. The bulk of that, by far, is in health, about $164 million. And there's been remarkable success in a num-

ber of areas. I think Dr. Pablos-Méndez could probably address it better than I could, but let me just give you one statistic, that from 2005 to 2008, the infant mortality rate was reduced from 86 to 62 per thousand live births, so that's a pretty dramatic and concrete effect of our assistance.

The next big chunk of our assistance is in education. Rwanda has aspirations to move to middle-income status within a generation, and, to do that, they need an educated population. And both USAID but also Peace Corps are working in that area.

Your question about the development of trade is particularly pertinent because Rwanda just recently has received substantial U.S. investment related to the export of coffee and tea by U.S. companies. And as I mentioned in my statement, there's a bilateral investment treaty pending before this committee—I believe there's actually going to be a hearing on it this afternoon—which would provide legal protections to United States companies and help foster greater United States investment in Rwanda. Thank you.

Senator COONS. Thank you.

Mr. Lukens.

Mr. LUKENS. Thank you, Mr. Chairman. Most of the aid that goes from the United States to Senegal is focused on two areas: health and agricultural development.

The $540 MCC compact is being spent to develop road networks and also irrigation in both the north and south of the country to enable Senegal to boost its agricultural production. Senegal currently imports 70 percent of its food needs, which is a higher level than any other country in sub-Saharan Africa, so a lot of our development assistance is aimed at helping them to become more self-sufficient in the area of food.

The other part of our assistance falls under the health category. We have a very strong program there helping them combat malaria, and we have also developed health clinics to assist with prenatal and then mother and infant health care.

On trade, there's not a lot of Senegalese trade coming to the United States. Where we have worked with the Senegalese Government—and if confirmed, I'll continue to work with them—is to ensure that they develop trade policies that allow for transparency of trade and for businesses doing business there. That allows them to have a good sense of what the situation is there.

Thank you.

Dr. PABLOS-MÉNDEZ. Thank you very much.

The goal of the Global Health Bureau at USAID is to save lives, particularly the poor and most vulnerable people in the world, and to strengthening country-led health systems, both to contribute to a safer and more prosperous world.

The Global Health Initiative, as a whole-of-government initiative, is indeed trying to find efficiencies across the many health programs in the U.S. Government through interagency collaboration, through procurement reforms and harmonization, through smart service integration, game-changing innovation such as eHealth–Rwanda's going to be a fantastic laboratory for eHealth in coming years—as well as a relentless pursuit of results through proper learning and evaluation.

Senator COONS. Thank you, Doctor.

Ms. Jackson.

Ambassador JACKSON. Thank you, Senator. The assistance programs in Malawi really need to stay the course in that very poor country.

If our goal is a stable and democratic world, we need to stay the course in education and health, as a country that has better educated, healthy people is more likely to be democratic and treat its citizens with great respect.

As with the other countries, our programs there are focused on health and education. I'm very excited about the Global Health Initiative, because it integrates all the different health programs and better uses resources.

Our PEPFAR program has made an impact, and it has decreased the prevalence of HIV/AIDS, particularly in the group of ages 15 through 26, which is a significant group. And the education has focused on girls.

Malawi has exported a lot of goods through AGOA. It's anxious to do more. I intend, if confirmed, to work with them on their strategic plan to develop other ideas for exports, but also to encourage policies and actions that will encourage private investment, that will allow for that. The Millennium Challenge Corporation energy sector reform project will help a long way toward economic growth in Malawi.

Senator COONS. Thank you, Ms. Jackson.

Senator Isakson.

Senator ISAKSON. Well, I'm going to follow the same line that the chairman started with, because the biggest challenge we're going to have as a committee is to be able to sustain United States investment in foreign assistance at a level where it makes sense and it makes a difference.

Ms. Jackson made a statement in her opening statement about the importance of coordinating interagency roles in foreign countries, and I think coordination of that and the funding that funds those rules is a part of that program.

And, Dr. Pablos-Méndez, you've been published a couple of times talking about the importance of integration of global health initiatives. You talk about coordination and you talk about integration; to me, that says you're looking at things in a global perspective and trying to prioritize the money that's spent, and make sure we don't have duplication or redundancy in terms of programs.

So let me start by asking Ms. Jackson first, and then Dr. Pablos-Méndez, what have you done, such as your role in the Baghdad Embassy, or what you have done in terms of health, to maximize the return of invested dollars and find savings, or coordination of those dollars to increase the benefit to the people it's intended?

Ambassador JACKSON. Senator, thank you. There are two parts to that question: one is operations; one is programs. My expertise at this time is on administrative operations. And both in Malawi and in Embassy Iraq, and throughout the world, the State Department has integrated administrative services at embassies, and that has provided significant savings. Additionally, we have done a lot of off-shoring of administrative services that allows for fewer people to be at an embassy at any given location, and particularly in Baghdad.

In terms of health, the Embassy in Malawi has already begun the process of integrating its programs, and I look forward to working with USAID, CDC, and Peace Corps in doing that. I think it has a lot of potential for making a bigger impact at the local level, and it's really at the local level that it is accountable.

Thank you.

Dr. PABLOS-MÉNDEZ. Thank you. There are many specific opportunities that are taking place as we speak. Duplication and waste, certainly we don't want any of that. The portfolio review process that the Global Health Initiative is conducting is allowing us to see exactly who is doing what where, to make sure that we are maximizing the value of our dollars.

When it comes to the integration, the smart integration of services, a couple of examples may be illustrative. In Mali, the distribution of vitamin A, as well as the fight against neglected tropical diseases, deworming parasites, intestinal worms, have been put together now. And this has allowed the Government of Mali to scale up nationally with the same resources that they were doing before in just a couple of districts.

In Kenya, the integration of HIV/AIDS services with maternal-child services has also allowed the Government of Kenya, with the same resources invested by USAID, to scale up from three to eight provinces.

So there are many opportunities in working with our mission staff to look exactly at how we can bring that about. It's not automatic. It has to be really put together, but I'm very, very confident of the resourcefulness we have seen already. And we would like to make this systematic throughout all of our investments.

Senator ISAKSON. Well, I think the stewardship of the United States taxpayers' money, in terms of foreign assistance and foreign service, is going to be—not that we haven't been good stewards, but it's even more important now, given the difficult pressure on the budget, that we demonstrate how we are finding savings or efficiencies, and improving the return on our investments, such as Millennium Challenge.

The second thing I'll talk about real quickly, for Mr. Lukens, Mr. Koran, and Ms. Pasi, after you get past that importance, the second biggest challenge for all of us is to get our arms around corruption in Africa and the importance of those governments to reduce corruption.

Chairman Coons and I saw a demonstration. I'm not going to get into which country; all the countries we visited had ports, so that won't identify them. But we saw one country where you had to pass through 17 checkpoints to get from the port to the next country, and at each checkpoint, you had to pay somebody off to get to the next checkpoint.

That type of situation is a great depressant, in terms of U.S. investment and, for that matter, European investment or any other investment in a foreign country. So I'd like to know from the three of you, to the extent that you're familiar with it or would want to work on it, what will you do to help raise the importance of reducing corruption in the countries you'll go to in Africa?

Mr. Lukens.

Mr. LUKENS. Senator Isakson, thanks for that question.

This is an issue that we follow very closely in Senegal, and I will just say that I think the MCC has been a very effective tool in raising the awareness of the local population on corruption issues.

As you know, countries have to meet certain standards to qualify for MCC. And in the case of Senegal, those standards, their rankings on international lists has been slipping, and it's created a great deal of attention in Senegal because we hold them to these standards.

The way that we run the MCC there, we run it through programs that require strict accountability and transparency and serve as a role model for government dealings in the rest of country. So it's certainly an issue that we're aware of and that we will continue to follow, and use MCC as an example to promote transparency and anticorruption efforts.

Mr. KORAN. Rwanda rates as generally one of the least corrupt countries in Africa. It ranks, as I mentioned, very high or very favorably on the transparency international index. As I mentioned, it's made dramatic improvement in the World Bank ease of doing business index.

That said, obviously, it could do better, as any country could. And I think, if confirmed, some of the areas I would look at in particular are building strong institutions, fostering rule of law, and good governance.

One area that I think is particularly interesting in Rwanda is USAID would like to do more programs through the government, provide the government money in order to build a road as opposed to directly contracting with it. And as part of this, USAID would work with the Rwandan Government to improve its government procurement system, so it meets international standards. Obviously, you can't run our tax dollars through the government if you're not confident that it'll be done correctly and with minimal or no corruption. And so this will be an interesting test case, I think one of the first in the world, that will be piloted in Rwanda.

Senator ISAKSON. Thank you.

Ms. Pasi.

Ms. PASI. Thank you, Senator Isakson.

In a way, I feel that Djibouti has made a very positive step in the area of dealing with corruption by modernizing and improving the port and putting the port under management that is considered world-class. It's an excellent port.

Of course, much remains to be done, and corruption continues to be an issue there. If confirmed, it would certainly be something I would follow closely.

And another angle of looking at it, I think, would be coordinating with other donors. This gets back to the earlier question about how we're going to manage our limited funds to make sure that all the funds that are being given to Djibouti, whether by us or other partners, are being used efficiently and effectively. Thank you.

Senator ISAKSON. Thank you.

Mr. Chairman.

Senator COONS. Thank you, Senator Isakson.

I have a whole series of questions here now that are individual to your specific countries and roles, so please, if we could keep—

I'll try to keep the questions short. If you can keep the answer short, that would be constructive as well.

Ms. Pasi, if I could, if confirmed as Ambassador, what steps would you take to ensure better coordination with the commander at Camp Lemonnier, and what degree of oversight will your post, in particular, require, given you've got 3,000 DOD personnel on the ground.

Ms. PASI. Thank you, Mr. Chairman.

There is already an excellent working relationship between the current Ambassador and the head of Camp Lemonnier, something I would plan to continue.

The Horn of Africa contingent of CJTF–HOA has representatives all over East Africa in each of our embassies. So I would see my role, if confirmed as Ambassador, to coordinate on regional projects, since there bilateral coordination going at each embassy, and to make sure that we are working closely and collaboratively. That is going on now, and I would plan to continue it.

Thank you.

Senator COONS. In the most recent elections, I think they were in April, President Guelleh was elected for another term. But there were some real questions about whether those elections were really fair and open, given the arrest of opposition figures and the expulsion of some U.S.-funded monitors in the lead-up. What could you do, what could the post do, what can the Nation go, to more effectively advocate for democratic reform within the Guelleh administration or in partnership with them?

Ms. PASI. Thank you, Mr. Chairman.

You're right that President Guelleh was elected with 80 percent of the vote in April. The opposition figure received 20 percent of the vote. That said, we're working toward and continue to use our limited funding for democracy and governance to create space for the opposition, to ensure a level playing field so that in the future, the opposition members will feel comfortable running, will have access to media. It's something that we continue to work on.

The issue of democracy and governance is a top priority for us in Djibouti and we work closely with the Djiboutians.

The government did invite Democracy International, a U.S. Government NGO, to leave over what they——

Senator COONS. They invited them to leave or they told him to leave?

Ms. PASI. They told them to leave, yes.

Senator COONS. Very diplomatic.

Ms. PASI. They told them to leave, because they explained that they were dissatisfied with the actions of a fairly junior member of Democracy International.

We were, naturally, disappointed, but we were very pleased that Djibouti agreed to welcome any other U.S. NGO to work in Djibouti, and we're currently looking to find another NGO that would be able to continue the work.

We view our involvement—it's going to take time in Djibouti. I think democracy is not made in a day, but it's certainly a top priority. Thank you, sir.

Senator COONS. Thank you, Ms. Pasi.

Mr. Koran, what's your assessment of the state of democracy in Rwanda? And do you consider the Rwandan Government tolerant of dissent? And what's your assessment of their elections? I think they were in August 2010.

Mr. KORAN. The elections were peaceful and orderly. But as the White House statement on the elections highlighted, there were a number of issues with the registration of political parties, arrests of journalists, arrests of political party leaders. So I think, if confirmed, one of my top priorities would be working with the Rwandan Government to ensure that both local and international NGOs and the media are allowed to operate freely.

Senator COONS. There are also two last things, if I might. There was some leadership taken by Rwanda in the U.N. on some difficult issues around tolerance and orientation. How do you plan to encourage that? It's rare on that continent. And then last, the relationship with the DRC is very complex, as you referenced in your opening statement. And what do you see as the path forward in terms of strengthening Rwanda's role in stabilizing the DRC.

Mr. KORAN. Your first question, I think, refers to the Human Rights Council in Geneva discussions on LGBT rights.

Senator COONS. That's right. That's correct.

Mr. KORAN. Rwanda has stood out on the continent to some as advocating a very tolerant position on that. And as far as I can tell in my research, there's no issue in Rwanda with LGBT rights. They're quite in contrast to some of their neighbors on that. I'm not sure what motivates it, but it's certainly a positive development.

On the Congo, I think relations are probably better now than they have been any time in the last probably 17, 18 years. When I served in Rwanda before, it was occupying about a third of the Congo. As I mentioned in my statement, Rwanda and Congo have now reached a rapprochement, and they're working very well together to deal with common security threats in the eastern Congo.

Senator COONS. Thank you.

Mr. Lukens, thank you to you and your extended family, your wife and your father, for apparently two generations of service to our Nation.

There have been some real concerns, as you mentioned, about the gradual erosion of good governance and transparency in Senegal. What are your assessments of these trends? And what would you do, if confirmed as Ambassador, in terms of advancing tolerance and the strength of democratic institutions in Senegal?

Mr. LUKENS. Thank you, sir.

If confirmed, I'll continue to work with our agencies at post and with the Government of Senegal to encourage them to stay on the path that they really have been on for over 4 years of a moderate, democratic nation.

There are elections, as you know, in February, coming up in February. While no candidates have officially declared yet, there are many testing the waters, and there's great expectation that President Wade will run again. There are currently 166 opposition parties in Senegal, so it's a very thriving democracy, but that poses its own challenges.

So we will continue to work with the Government of Senegal, with civil society to ensure voter registration, and really work altogether to encourage free and transparent elections.

Thank you.

Senator COONS. I'll simply mention, as I wrap up and hand the microphone over to Senator Isakson, that in Nigeria, in particular, I was quite impressed with the chairman of their national electoral commission, and with the constructive role that SMS technology played in allowing a rapid vote tabulation that was then deemed an independent and fair way of evaluating the effectiveness of the voting process.

We also saw a demonstration, I think it was Ghana, if I'm not mistaken, of SMS technology assisting smallholder farmers in getting access to information about market conditions and pricing. It's really striking what technology is doing for both economic development as well as democracy.

I will continue with a few more questions, but I'll defer to Senator Isakson at this point.

Senator ISAKSON. Mr. Koran, when I was in Rwanda a few years ago, I guess it was 2008, I was struck by the things that President Kagame did to take that nation from genocide to democracy and stability. One of the things that impressed me was, I believe I'm right, it's pronounced Umuganda Sunday. Are you familiar with what that is?

Mr. KORAN. It's a voluntary workday.

Senator ISAKSON. Right, where you had one Sunday a month, they shut down the roads. They close everything and everybody works on community projects that they jointly decide are necessary.

In fact, Senator Corker and I helped dig up a stump in a village somewhere in Rwanda. I still don't remember the name of the village today.

But he did a lot of things to bring people together and get a sense of community. With that said, I read recently of some arrests of journalists, and difficulties in terms of opposition leaders and things of that nature, that are little inconsistent with the Rwanda that I saw when I was there. Is there any deterioration in terms of that, or were those just isolated instances?

Mr. KORAN. Well, certainly areas of concern, but, obviously, Rwanda, as you said, has come a long way since 1994. It's remarkable what they've done.

I think President Kagame, in particular, has focused quite correctly on the economy, with the idea that if you can have a growing economy, opportunities for everybody, you're going to reduce these ethnic and political tensions. And Rwanda has been quite successful at that, enjoying real gross domestic product growth rates of 5 to 6 percent over the last 15 years.

But there have been incidents in the past. I wouldn't say it's necessarily a trend getting worse, because you're seeing incidents happening on occasion, going back for 10 or 15 years. And it's obviously something we're concerned about.

I think one of the issues which, if confirmed, I would hope to work with Rwanda on, or continue working, because I think the Embassy is doing quite a job on it already, are the laws against divisionism or genocide denial, which are somewhat ambiguous.

And while I appreciate the logic behind the laws, their interpretation is sometimes vague and ambiguous and can at times be used to stifle legitimate political discourse.

So I think it's a question of clarifying those laws, so that they address the very real issues of concern but without going beyond those issues.

Senator ISAKSON. Mr. Chairman, I really don't have another question. If I have anything specific, I'll submit it for the record.

But I do have a comment to make to each of you. Each of you has accepted a responsibility to go to a place few Americans will ever see, and many Americans have never even heard of, but are very important in terms of our country and the future of our country. So when you're on duty in a place that few people are paying attention to back home, remember that the chairman and I on this committee are a line of communication. If there's some way that we can help and support your effort, or get information to the attention of people higher than ourselves, we consider that part of our responsibility and hope you will keep in contact with our offices throughout your terms of service in each of the countries and, in your case, in terms of USAID.

Thank you, Mr. Chairman.

Senator COONS. Thank you, Senator.

I just have one more question each for the remaining three, if I could, and then I think we'll conclude.

I just want to associate myself with Senator Isakson's comments, in terms of our being available to you as a resource. I think it is very challenging service on which you embark. We noted, in our most recent trip, as I have in another trip I've taken as a Senator, just the critical role that Ambassadors play, and how difficult, at times, it can be to have clarity of direction, to have unity of effort, across many different agencies. And what a difference it makes when there is a well-functioning and well-led Embassy.

So I'm grateful for your service and appreciate your willingness to stay in touch with us, to the extent there are things that we need to be informed about.

If I might, Mr. Lukens, I just wanted to also ask about Guinea-Bissau. I'm very concerned about what I read in the backgrounder about narco-trafficking and emerging criminality, and the real challenges at the very highest level of government, in terms of our engagement with them. And I'd be interested in how you see the challenge of the limitations of our engagement with Guinea-Bissau; how having an officer in the Portuguese Embassy is going to work; and then what sort of additional resources, training, skills you're going to need to reach out to from other agencies in order to be effective in this sort of malleable structure, where you're an Ambassador in Senegal, in charge of Senegal and so forth, but also responsible for our relations with a country that poses some real threats to our interests in the region and the world.

Mr. LUKENS. Thank you, Mr. Chairman. I intend to fully engage on the issues to do with Guinea-Bissau and travel there frequently. As you mentioned, and as I mentioned in my statement, having a full-time State Department officer actually living and working in Guinea-Bissau will help us tremendously, as we try to learn more about the situation there and how we might better help the govern-

ment there, and help us to identify factions within the government that we can trust, and work with them to solidify rule of law and antinarcotics trafficking efforts.

The agreement we have is that the diplomat, our Foreign Service officer, will live and work out of the Portuguese Embassy. We also have leased office space there that is used for temporary visitors, and there's a continual flow of visitors from different government agencies that have a stake in the economic development and anticorruption efforts in Guinea-Bissau. So our officer there will be able to assist other agency temporary duty personnel as they come through. I think that'll give us much greater insight than we have had up until now into the key players in the government and the situation on the ground, and also help us to—quarterly visits by the U.S. Ambassador can help. But I think having someone there full time, really getting to know people in the government, will really help us to send a strong message of what our values and priorities are.

Senator COONS. Thank you. Good luck on that very difficult mission. I look forward to hearing back from you about some of the challenges.

Dr. Pablos-Méndez, as I referred to in the opening, the QDDR suggests that GHI should be transferred largely from State to AID. And this is, I think, in some ways may be a challenging undertaking. How do you assess USAID's ability to meet the benchmarks that are outlined in the QDDR and what do you think are the challenges in continuing this sort of dual role, where there is still oversight from State's Office of Global AIDS Coordinator and yet actual execution through USAID on the overwhelmingly majority of the actual funds and activity under PEPFAR, for one example?

Dr. PABLOS-MÉNDEZ. Thank you. As you point out, the QDDR already specifies a transition of the leadership of the Global Health Initiative to USAID. This is specified over a period of 18 months to conclude in September 2012, after meeting a set of benchmarks, a set of 10 or so of them, including program reviews by areas, country plans, evaluation plans, and so on, that already crystallize the vision of GHI as a whole-of-government integrated approach to global health.

These exercises are being conducted already, and, indeed, half of them are already quite along the way. I feel very confident of the teams involved across the U.S. Government to crystallize these in the remainder of the time. During this transitional period, Secretary Clinton has appointed Lois Quam as executive director to facilitate the coordination in this transition period.

If confirmed, this is one of my priorities. I know that this has created some confusion or lack of clarity, but there's, I think, an understanding among all the parties involved, all the agencies, to get there, and the sooner, the better. As a priority for USAID, if we can accelerate this process of benchmarks in the next 12 to 15 months, we will do so.

The final determination, of course, is that of Secretary Clinton, and we will be working closely with the Secretary of State, in this regard. PEPFAR, itself, which is another whole-of-government initiative that has been quite successful in the last 10 years or so, and a large percent of that already is implemented through USAID. To

some extent, many of the major initiatives are already implemented through USAID across the U.S. Government and in an integrated fashion in country missions.

So I feel very confident, if confirmed, that we can get there. If we can do it faster than specified, I'll be very happy.

Senator COONS. And so would we.

Ms. Jackson, thank you for your service, and your husband's. And I was intrigued by the trip across the Sahara, as we were speaking before.

As you know, the United States recently signed a $350 million MCC pact with Malawi, but it was delayed for several months over concerns about press freedoms, and basic human rights respect, and the criminalization of homosexuality, among other things. But this is a critical investment, as you referenced in your opening, in the electricity sector, and could contribute dramatically to Malawi's economic development.

What steps do you intend to take to ensure that those issues don't reemerge as major problems in Malawi, that they're not sort of backsliding on human rights or democracy? And what do you see as the major challenges to successfully implementing the MCC?

Ambassador JACKSON. Thank you, Senator.

The $350 million compact for the energy sector is a very important one for Malawi. It was put on hold due to amendments to two of 197 penal codes in the Malawi Constitution, the first one dealing with the government potentially being able to stop publication of material that was contrary to public interest. The Government of Malawi publicly and repeatedly reaffirmed its constitutional press freedoms, and I will, if confirmed, continually remind them of that. They do have a very vibrant media.

The second related to the threat of the rights to lesbian, gay, bisexual, and transgendered individuals has caused a vibrant and very public debate, which, heretofore, has not occurred in Malawi. So just the press freedom and being allowed to express people's opinions on that particular issue validates that MCC's stand on the case was very, very important.

Malawi truly understands that if there is a criminal punishment against an individual, that MCC will immediately take action to investigate for suspension or termination of the MCC compact.

I carry with me the MCC indicators, and I'm constantly using those as a means to remind governments—I did this in Burkina Faso, and I intend to do in the Malawi—that the MCC indicators are a representative of U.S. Government values, and that we are very serious about them.

Thank you.

Senator COONS. Thank you, Ms. Jackson.

I'd like to thank all five of our nominees who testified today.

Senator Isakson, you have no further questions?

Senator ISAKSON. No.

Senator COONS. I will state that we're going to leave the record open until the close of business tomorrow, Wednesday, June 8, to the extent there are other members of the committee who were not able to join us here today but wish to submit additional questions, or if there are any additional amplifications you choose to submit.

But I am grateful for your testimony. I'm grateful for your service. And I think Senator Isakson and I both expressed our enthusiasm for finding opportunities to come visit you in the field and to be a resource to you, should there be challenges that arise in your service.

Thank you very much. This concludes today's hearing.

[Whereupon, at 11:26 a.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF DR. ARIEL PABLOS-MÉNDEZ TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* Please differentiate between your role, if confirmed, and that of the Executive Director of the Global Health Initiative (GHI).

Answer. As set forth in the Quadrennial Diplomacy and Development Review (QDDR), pursuant to the direction of the Secretary of State and the GHI Operations Committee (USAID Administrator, Global AIDS Coordinator, and Director of the Center for Disease Control and Prevention), the Executive Director of GHI was appointed by the Secretary of State to facilitate the coordination of agency programs to meet GHI goals, including the transition of GHI leadership to USAID upon completion of the benchmarks, and support the objectives for global health.

If confirmed, I look forward to working with Administrator Shah, the other members of the Operations Committee and the GHI Executive Director to meet GHI goals. My unique role is to ensure that all USAID's work embraces GHI's seven principles and that USAID's programming contributes optimally to achieving GHI's ambitious health targets in a whole-of-government mode.

If confirmed, I will also work to ensure the effective transition of GHI leadership to USAID within the next year, as mandated in the QDDR. I will do this by ensuring that USAID is poised to lead GHI inclusively. I will continue to implement and strengthen USAID processes for broad evidence-based consultations to ensure that our investment portfolio, funding decisions and country health plans are aligned to achieve maximum health impact.If confirmed, I will also ensure that USAID is leading an effective GHI interagency communications strategy, and streamlining information management to focus on accountability for performance. I will promote a culture in USAID of interagency collaboration that leverages domestic government capacity to achieve global health impact; and work to ensure country ownership of USAID's efforts under GHI. To do this, I will work closely with the Executive Director and the members of the GHI's Operations Committee.

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### RESPONSES OF DR. ARIEL PABLOS-MÉNDEZ TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* Next week, the Global Alliance for Vaccines and Immunizations (GAVI) will hold their first ever pledging conference. The United States has played a huge role in the creation of GAVI. As a strong supporter of vaccines, I have closely followed the rollout of the pneumococcal vaccine. Should the United States make a multiyear pledge to GAVI; and if so, how much should the United States commit?

Answer. On June 13, 2011, at the GAVI Pledging Conference in London, USAID Administrator Rajiv Shah announced a $450 million commitment from the United States over 3 years (FY 2012–14), subject to congressional appropriation. With this pledge, the United States surpassed $1 billion in commitments to GAVI for the purchase of vaccines. In his statement, Dr. Shah said "I am pleased to announce that the United States will continue one of the best, most cost-effective life-saving investments we have ever made. Over the next 3 years, subject to congressional approval, we will devote $450 million to GAVI's mission, which seizes upon the opportunity to save 4 million lives by 2015 . . . This multiyear commitment leverages the billions of dollars that other donors have committed to GAVI, multiplying the impact of our funding more than eightfold. At a time when budgets around the world are being scrutinized, this partnership with donor and host country governments, civil society and private sector partners ensures our development dollars have the greatest impact. Not only is our commitment inspiring the generosity of other donors, it helps ensure the quantities of vaccine needed to obtain lower prices, allowing us to save even more lives." USAID plays a critical leadership role on the GAVI Board

of Directors and the GAVI Executive Committee. If confirmed, I will ensure that USAID continues to work closely with GAVI so that this investment is implemented effectively, efficiently, and sustainably.

*Question.* With USAID being the lead agency on the Administration's Global Health Initiative, how does it work that the bulk of the funding comes through the global HIV/AIDS under the jurisdiction of the State Department? Also, what role do you envision playing in the implementation of the program with the director of GHI being housed within State?

Answer. Upon meeting the requirements laid out in the QDDR, USAID will be tasked with being the lead agency of GHI. However, USAID will not lead alone. USAID will lead inclusively with its partner agencies, building consensus and forging ahead with mutual respect and a reliance on the expertise of each agency.

Effectively implementing the GHI principles will require thinking beyond purely budgetary terms. Through GHI, USAID, the State Department and CDC are all constantly looking at ways to gain synergy and efficiency by linking their programs. USAID relies on a deep institutional capacity to respond to dynamic conditions and on an expertise throughout U.S. programmatic focus areas. USAID implements a large proportion of PEPFAR with the State Department, and the President's Malaria Initiative with CDC, giving USAID strong institutional links across GHI.

The Executive Director of GHI was appointed by the Secretary of State to facilitate the coordination of agency programs to meet GHI goals and support the objectives for global health set forth in the Quadrennial Diplomacy and Development Review (QDDR), pursuant to the direction of the Secretary of State and the GHI Operations Committee (USAID Administrator, Global AIDS Coordinator, and Director of the Center for Disease Control and Prevention).

If confirmed, I look forward to working with Administrator Shah, the other members of the Operations Committee and the GHI Executive Director to meet GHI goals. My unique role will be to ensure that all USAID's work embraces and drives GHI's principles and that USAID's programming contributes optimally to achieving GHI's ambitious health targets in a whole-of-government mode.

*Question.* In his annual letter, Bill Gates spoke of vaccination programs and polio eradication as being a priority of his foundation for the coming year. At the World Economic Forum meetings earlier this year in Davos, Switzerland, Mr. Gates announced an additional $102 million commitment to polio eradication efforts. Rotary International and UNICEF are also active in this area. What is the United States role in the polio eradication, especially in Pakistan and Afghanistan where the United States has such a large economic investment?

Answer. Since the launch of the Global Polio Eradication Initiative (GPEI) in 1988, the global number of polio cases has reduced by over 99 percent. The United States is the largest donor to the GPEI, contributing over 30 percent of the overall $7.5 billion effort. In Pakistan, the United States plays a low visibility but highly important role in polio eradication. I understand the objective is to ensure that this is seen as a Pakistani-led and implemented program—building local ownership, providing safe passage for vaccinators, and avoiding sparking antivaccination rumors often linked to the United States. Through the World Health Organization and UNICEF, the United States provides funding and technical support for the implementation of the Emergency Action Plan. This focuses on improved Union Council level surveillance, immunization campaign planning, monitoring and evaluation, and communication to increase community participation and demand for polio and other vaccinations. Currently, the United States supports cross-border immunization posts at 11 formal border crossings between Pakistan and Afghanistan. Further, the United States provides technical support through surveillance training, CDC-detailed personnel, USAID participation on interagency committees, and USAID and CDC participation technical advisory groups and program evaluations.

In Pakistan, between 1995 and 2000, polio incidence fell tenfold. Success in many areas demonstrates that the country has the technical capacity to complete national eradication. However, polio in Pakistan is being fueled by a small number of geographic areas and by migrant groups. So far in 2011, there have been 49 cases reported—which is more than double the number reported in the same period of 2010.

The United States plays a similar low visibility but highly important role in Afghanistan. Again, the objective is to ensure that polio eradication is seen as an Afghan-led and implemented program. Through WHO and UNICEF, the United States provides funding and technical support for the implementation of the National Polio Eradication Plan and 13 district high-risk plans. USAID supports improved immunization campaign planning, monitoring and evaluation, and communication to increase community participation and demand for polio and other

vaccinations. Through the Basic Primary Health Services (BPHS) NGOs USAID supports, polio campaigns are implemented in the high-risk areas. USAID participates on interagency committees, and USAID and CDC participation technical advisory groups and program evaluations. President Karzai has often launched the polio campaigns and has a dedicated Special Advisor on Polio Eradication who facilitates with the Ministry of Health and Partner organizations, including the U.N., Canada, ICRC, and BPHS NGOs. Most importantly, USAID is the lead agency for negotiating "Days of Tranquility" or "De-conflicting" (the terminology preferred in Afghanistan) with NATO/ISAF and U.S. Special Forces and Afghan National Army and Police. In February 2011, the USAID Polio Coordinator provided a briefing at the daily Commander's Update Briefing and highlighted the success of this coordination in reaching more children in previously security-inaccessible areas and received renewed commitment to continue the collaboration in the future. As of June 8, 2011, Afghanistan has only four confirmed cases of polio.

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RESPONSES OF DR. ARIEL PABLOS-MÉNDEZ TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* Dr. Ariel Pablos-Méndez, with your impressive medical and leadership credentials, you are expected to boost USAID's profile on the Global Health Initiative. The U.S. global health approach has suffered from a lack of coordination, which affects patients' ability to access treatment at the clinic level. We have heard a lot of officials say the right things about a whole-of-government approach. But the Global Health Initiative has 15 agencies involved, and no one seems to be in charge. The QDDR claims that USAID will take the lead in coordinating the GHI starting in 2012. Can you attest to how you will ensure this transition takes place?

Answer. Appendix 2 of the QDDR outlines the proposal to transition the leadership of the GHI to USAID upon its achievement of defined benchmarks aimed at ensuring USAID has the capacity and structures to lead a coordinated, inclusive, whole-of-government effort. The Secretary of State will make the final determination on transitioning the Global Health Initiative to USAID, drawing on the assessment and recommendation of the GHI Executive Director and Operations Committee. I understand that USAID has undertaken a comprehensive program to successfully meet the 10 benchmarks within the defined period. USAID has made significant progress. For example, USAID has conducted inclusive portfolio reviews of its major health programs with the participation of experts from sister agencies, research centers, foundations and other partners. The extensive discussions in this process, among outside experts, stakeholders, and USG staff engaged in health programs, are being documented in reports on the adjustments being made in USAID strategies and plans, and in coordination with partners. Another criterion is being actively pursued through interagency planning and review of GHI strategies for country programs, eight of which have been approved. In addition, through an effort called BEST, USAID has prepared 25 and reviewed 17 5-year integrated action plans for family planning, maternal and child health, and nutrition to ensure that under the Global Health Initiative, USAID will focus on state-of-the-art, evidence-based programming. The joint State-USAID efforts to streamline information flows have resulted in several recent, concrete changes consistent with the QDDR criteria. The recent USAID policy on Monitoring and Evaluation also addresses a QDDR requirement. If confirmed, I will continue the drive to meet the benchmarks and demonstrate USAID's readiness to lead the whole-of-government approach to health in development.

*Question.* Noting the recent cuts to U.S. foreign assistance and the fact that procuring and delivering vaccines to the developing world is a proven, cost-effective way of meeting a number USAID's global health goals, how do you plan to work with mechanisms such the Global Alliance for Vaccines and Immunization (GAVI) to leverage and extend their impact?

Answer. On June 13, 2011, at the GAVI Pledging Conference in London, USAID Administrator Rajiv Shah announced a $450 million commitment from the United States over 3 years (FY 2012–14), subject to congressional appropriation. With this pledge, the United States surpassed $1 billion in commitments to GAVI for the purchase of vaccines. In his statement, Dr. Shah said "I am pleased to announce that the United States will continue one of the best, most cost-effective life-saving investments we have ever made. Over the next 3 years, subject to congressional approval, we will devote $450 million to GAVI's mission, which seizes upon the opportunity to save 4 million lives by 2015 . . . This multiyear commitment leverages the billions of dollars that other donors have committed to GAVI, multiplying the impact

of our funding more than eightfold. At a time when budgets around the world are being scrutinized, this partnership with donor and host country governments, civil society and private sector partners ensures our development dollars have the greatest impact. Not only is our commitment inspiring the generosity of other donors, it helps ensure the quantities of vaccine needed to obtain lower prices, allowing us to save even more lives."

The cost-effectiveness of vaccines becomes especially important in a constrained budget environment. In addition, the USG is committed to certain child mortality reductions under the Global Health Initiative, and vaccines must be an essential part of our strategy in attaining those goals. GAVI's structure as an alliance of the public, social, and for-profit private sector partners means that global vaccine supply efforts are appropriately coordinated. Moreover, the dialogue with the for-profit private sector has resulted in innovative financing mechanisms that provide the right incentives to develop the right vaccines at the right prices for use in the developing world. Finally, GAVI's approach actively serves several of the GHI principles, including coordination and leveraging of partner resources.

It is my understanding that USAID will continue to use its voice on both the GAVI Executive Committee and the GAVI Board to ensure that there is alignment of the Board, the new CEO, and the new Board Chairman to ensure quality, cost-effective programs are implemented, and that GAVI continues to conduct business in a transparent, responsible, and efficient manner. It is also my understanding that USAID will continue to work with its GAVI partners across sectors so that vaccine policy is correctly formulated, strategies make sense, good pricing is obtained, and efforts are coordinated. Finally, they will ensure that their maternal and child health work within USAID properly supports GAVI where there are efficiencies or economies of scale to be found through strengthened immunization programs. If confirmed, I will support and ensure USAID continues these endeavors, to maximize our impact.

*Question.* Past experience has shown that the most effective way to increase accountability and prevent corruption is to support the efforts of local civil society. For example, between 2008 and 2009, civil society groups in Malawi were able to bring down the rate of medicines going missing from 70 percent to 25 percent. They did it by asking community members to send a SMS text message when basic medicines weren't available at the clinic. In countries like Malawi and Uganda, civil society watchdogs are having great success in preventing corruption and ensuring the supply of key medicines. How is the Global Health Initiative planning to leverage civil society to be not just service deliverers, but advocates for better health care?

Answer. One of USAID's most important contributions to improving health in developing countries is the engagement of civil society through both local governance mechanisms and civil society organizations. The GHI principle to encourage country ownership and invest in country-led plans explicitly includes civil society organizations among the partner country components in which the USG should invest. Numerous USAID programs currently embrace this principle and assist civil society to advocate for improved health care.

One example has been the systematic involvement of women's groups and the "women's panchayat" (the one-third of local government in India seats reserved for women) to push for health services in rural communities. In Nigeria, in support of that country's democratic transition, USAID has actively promoted the engagement of citizen's groups to work with authorities in Local Government Areas to improve health services. In Guatemala, USAID has supported the formation and activity of both women's advocacy groups and groups of indigenous women. Both these groups are organized from community to national level, and have been a major force in getting the national government to provide a budget line item and assure services for reproductive and maternal health. The indigenous women's groups operate under the oversight of the national Procurator of Human Rights; in this capacity, they are authorized to enter health facilities and identify problems of care and service quality for indigenous women. These examples show the power of mobilizing the nonhealth civil society sector in support of better health services for women, children, and vulnerable populations.

Family planning and reproductive health: USAID assistance for family planning and reproductive health routinely engages civil society groups and individual actors to promote improved gender norms, increased access to services, and accountability from service providers.

Some of the civil society engagement activities focus specifically on enabling women to be effective champions for family planning. Following an advocacy skills-building workshop, one champion from Nigeria pioneered the creation of a contraceptive security revolving fund and oversight committee within the Usmano

Danfodiyo University Teaching Hospital and sits as first chair of the committee. In Uganda, a champion successfully advocated to reduce the cost of injectable contraceptives from 80 Ksh to 50 Ksh.

HIV/AIDS: As leaders shaping community values and behaviors, community-based organizations can promote healthy behavior, reduce stigma, and motivate communities to support and utilize HIV/AIDS services. USAID has a longstanding history of working with civil society organizations to advocate for and shape community knowledge of HIV prevention, care, and treatment services. USAID, through PEPFAR, supports Partnership Frameworks to support and strengthen national HIV/AIDS strategies and focus on building strategic partnerships with both government and civil society to secure long-term sustainability of HIV/AIDS programs.

In Malawi's Partnership Framework, USAID is helping to build capacity of professional and lay counselors and organizations in public sector and civil society implementing the National AIDS Framework. The Government of Malawi intends to partner with PEPFAR, the U.N. family, and others to build the technical, financial, and management capacity of civil society and the private sector. USAID will continue to provide capacity-building technical assistance to grant-recipient organizations implementing the National AIDS Framework, as well as to grantmaking organizations. Additionally, the Government of Malawi will build capacity of leaders and communities to speak against harmful practices and norms. Among other linkages, referrals will be strengthened, diverse and include linkages to civil society organizations.

# NOMINATIONS

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**WEDNESDAY, JUNE 8, 2011**

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

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D. Brent Hardt, of Florida, to be Ambassador to the Co-operative Republic of Guyana
James H. Thessin, of Virginia, to be Ambassador to the Republic of Paraguay
Jonathan D. Farrar, of California, to be Ambassador to the Republic of Nicaragua
Lisa J. Kubiske, of Virginia, to be Ambassador to the Republic of Honduras

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The committee met, pursuant to notice, at 2:36 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Robert Menendez, presiding.

Present: Senators Menendez, Rubio, and Inhofe.

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

Senator MENENDEZ. Good afternoon, everyone. The hearing will come to order.

Today the Senate Foreign Relations Committee considers four nominations: Jonathan Farrar to be the Ambassador to Nicaragua, James Thessin to be the Ambassador to Paraguay, D. Brent Hardt to be the Ambassador to the Co-operative Republic of Guyana, and Lisa Kubiske to be the Ambassador to the Republic of Honduras.

Let me welcome all of the nominees and their families

I will make some brief introductory remarks before I turn to Senator Rubio who is on his way from a vote on the floor, and then we will have an opening statement from each of you and time for questions.

Let me first say that the work that you are being asked to do, should you be confirmed, is of vital importance to the U.S. Government. If confirmed, you will not only be the representative of the President in your country of assignment, but of the American people. And that is why we take our task of advice and consent very seriously.

The range of countries you are being called to represent is as diverse as the challenges and opportunities in the Western Hemi-

sphere, and I am one of those who remains hopeful, while at the same time concerned about the future of Latin America.

Economic growth in the hemisphere and declining poverty indicate that the hemisphere's trajectory is positive. At the same time, sustained income inequality threatens to disenfranchise the many who are not sharing in these economic gains, and fuels the plagues that keep the hemisphere from reaching its full potential—drug trafficking, organized crime, money laundering, and corruption.

As we celebrate the 10th anniversary of the Inter-American Democratic Charter, which celebrates the victory of democracy throughout the hemisphere in all but one notable country, I am concerned about a trend toward autocracy that threatens many nations in the hemisphere under which there is a guise of political and democratic elections, but elections in and of themselves are not the fulfillment totally of democracy.

In November, Nicaragua will hold Presidential and parliamentary elections under a cloud of suspicion about its adherence to the democratic principles enshrined in the Inter-American Democratic Charter. President Ortega seems determined to subjugate the country's courts and constitution to the will of one man, whose desire for power exceeds his interests in a stable, democratic future.

Honduras, which after overcoming challenges to its democracy, was last week welcomed back to the Organization of American States. They face enormous challenges from organized crime, drug traffickers, and others who have capitalized on political uncertainty to grow their trade. The homicide rate in Honduras is now an astounding 75 per 100,000 people, the highest in the world outside of war zones.

In Guyana, we engage a regime that is as much Caribbean as it is South American, and that continues to seek its place in the politics and economy of the region. And in Paraguay, people face their own challenges in strengthening their democratic form of government, combating corruption, and growing their economy. Like other governments in the region, they also face a growing narcotics problem highlighted by last week's seizure of $131 million in cocaine.

So, the challenges each of you face vis-a-vis your host governments will be unique. If confirmed, you will play a vital role in the work that builds on our common successes and works to combat some of today's most pressing challenges.

I will give a moment to Senator Rubio and recognize him at this time.

**STATEMENT OF HON. MARCO RUBIO,**
**U.S. SENATOR FROM FLORIDA**

Senator RUBIO. Thank you. I apologize. I still get lost in the hallways here, but we found our way over. And I appreciate it very much.

Congratulations to all of you. I look forward to learning more about you all in today's hearing.

And at an important time, as we look to the United States vision toward the region, a critical time in the region as we see decisions being made across the region about which direction they want to go, both economically and politically.

I think that obviously the United States has been preoccupied with some pretty important issues around the world over the last 10 to 12 years. But what happens in the Western Hemisphere is of critical importance to our future, not from a defensive standpoint, but from an offensive standpoint, from an opportunity standpoint.

We have the ability, if there is more development and growth economically in the Western Hemisphere, to have more clients for the things we make and sell, and vice versa. And so, the development and growth of democratic institutions, but also of upward mobility and economic progress is of great promise to the United States with regard to the Western Hemisphere. And anything we can do to promote that is important.

So, each of you will be traveling to your posts at a key moment in our Nation's history with regard to the Western Hemisphere in general and many of these nations in specific.

So, thank you, Mr. Chairman, for holding these hearings. I think this is our third hearing already, which is as many as this committee had over a 2- or 3-year period before you took over.

And with that, I look forward to hearing from the nominees.

Senator MENENDEZ. Thank you, Senator Rubio.

I am going to introduce each of you now, and then in the order in which I introduce you, I would ask you to start your statements.

So, Mr. Farrar is well known to those of us who follow Cuban issues. He is the chief of mission of the U.S. Interest Section in Havana. He is a career member of the Senior Foreign Service, having begun with the State Department as an economic officer in 1980.

In addition to serving as the Principal Deputy Assistant Secretary in the Bureau of Democracy, Human Rights, and Labor, and as Deputy Assistant Secretary of the Bureau of International Narcotics and Law Enforcement, he has also served in a variety of posts in Latin America, including Mexico, Belize, Uruguay, and Paraguay.

Mr. Farrar has a B.A. from California State Polytechnic University, an M.A. from the Industrial College of the Armed Forces, and today we review his nomination to be Ambassador to Nicaragua.

Ms. Kubiske is the deputy chief of mission in Brasilia. She was the deputy chief of mission of the Dominican Republic, has served in Mexico, Shanghai and Hong Kong. At the Department of State, she has served as the Western Hemisphere Economics Director in the Operations Center on the Secretariat staff. She has also served as an investment director and negotiator at the Office of the United States Trade Representative.

She has a bachelor's degree from Brandeis University, a master of science in Foreign Service from Georgetown.

Mr. Thessin is the Acting Legal Advisor to the Department of State. He provides advice to the policy officials of the Department and other government agencies on international issues and on other legal aspects of the Department's work, including requests by Congress. He has been with the Department of State since 1982 when he served as attorney/advisor for Political Military Affairs.

He received a J.D. cum laude from Harvard Law School in 1974, worked for the Federal Trade Commission, worked as counsel for the Senate Foreign Relations Committee, and was the senior litiga-

tion attorney for the U.S. Nuclear Regulatory Commission before joining the Department of State. We welcome you back to the committee and to this hearing.

Mr. Hardt is a career Foreign Service officer currently serving as chargé d'affaires at the Embassy for Barbados in the eastern Caribbean. His other postings include Berlin, The Hague, and the Holy See.

Mr. Hardt has a bachelor's of history degree from Yale University, master's and doctorate degrees from the Fletcher School of Law and Diplomacy at Tufts University. And given his wide range of assignments, he speaks Italian, Dutch, German, and French. Perhaps it is befiting that he be called upon as our envoy to Guyana, a country surrounded by Dutch, Portuguese, and Spanish speakers. But we look forward to your testimony today in English.

So, with that, in the order I have introduced you, Mr. Farrar, you are up first.

**STATEMENT OF JONATHAN D. FARRAR, OF CALIFORNIA, TO BE AMBASSADOR TO THE REPUBLIC OF NICARAGUA**

Mr. FARRAR. Thank you very much, Mr. Chairman.

Distinguished members of the Senator Foreign Relations Committee, thank you for the opportunity to appear before you to appear before you as the President's nominee to be the next United States Ambassador to Nicaragua. I am deeply grateful to the President and to the Secretary of State for their trust and confidence.

I would like to introduce the members of my family who are with me today and mention those who are not. First, my wife, Terry, who has been with me every step of the way through 30 years of Foreign Service life, and who has made innumerable personal sacrifices along the way. Also with us today are my daughter, Melissa, and our son-in-law, Jason; our son, Jonathan, and our daughter-in-law, Leigh. Our youngest son, Nathaniel, is studying in Nanjing, China, and could not join us today.

As a career member of the Foreign Service, I have had the privilege to serve my country in various capacities, covering the Western Hemisphere over the past 30 years. My career has taken our family throughout the Americas—North America, Central America, South America, and the Caribbean.

In Washington, I have had the opportunity to work on Latin American policy and programs, on human rights, democracy, law enforcement, trade, investment, nonproliferation, and other areas.

But my interest in Latin America truly began in 1973 in Jalapa, Veracruz, on a sister city student exchange program. It was a life-changing experience for me. Today, 38 years later, I still am in touch with the family who took me in and taught me more about Mexico than I ever could have learned in a textbook.

If confirmed as Ambassador of the United States to Nicaragua, I would be a credit to the government. But the most important ties between our countries are those forged between our citizens. If confirmed, I would bring to our mission my experience working with civil society in Latin America and an unwavering commitment to finding avenues to connect with the Nicaraguan people, to advance United States interests, and reflect United States values.

If confirmed, my highest priority will be the protection of U.S. citizens, including the Embassy community. I would work diligently with U.S. businesses to promote their exports and protect their investments. I will bring to that challenge my experience from three assignments as an economic and commercial officer overseas.

Bilateral trade between the United States and Nicaragua has grown by two-thirds in the 5 years since the Central America-Dominican Republic Free Trade Agreement went into effect. Yet, Nicaragua has a more than $1 billion trade surplus with the United States. If confirmed, I will work with U.S. business, small, medium, and large, to increase U.S. exports to help redress that imbalance.

Nicaragua's Presidential elections are scheduled for this November. The United States and others in the international community have encouraged Nicaragua to facilitate observation of those elections by credible, domestic and international organizations. If confirmed, I would look forward to working with members of this committee and your colleagues in the Congress to shape appropriate U.S. policies, both in the lead up to those elections and afterward.

Along with the rest of Central America, Nicaragua faces considerable challenges in combating illegal drug trafficking. Our Central America Regional Security Initiative and other bilateral programs offer tools to work with the Nicaraguan Government, private sector, and NGOs to combat these challenges.

In a prior assignment, I had the honor of participating in the signing of our Bilateral Agreement to establish the International Law Enforcement Academy in El Salvador. If confirmed, I will bring my experience with law enforcement and counternarcotics programs in Latin America and adapt it to the particular environment in Nicaragua.

Mr. Chairman, thank you again for the honor of appearing before the committee today. Should I be confirmed, I pledge to serve our country to the best of my ability, and thus repay in at least a small way the many benefits which it has bestowed upon me and my family.

I would be pleased to answer any questions you may have.

Thank you.

[The prepared statement of Mr. Farrar follows:]

PREPARED STATEMENT OF JONATHAN D. FARRAR

Mr. Chairman, distinguished members of the Senate Foreign Relations Committee, thank you for the opportunity to appear before you as the President's nominee to be the next United States Ambassador to Nicaragua. I am deeply grateful to the President and to the Secretary of State for their trust and confidence.

I would like to introduce the members of my family who are with me today, and mention those who are not. First my wife, Terry, who has been with me every step of the way through 30 years of Foreign Service life, and who has made innumerable personal sacrifices along the way. Also with us today are our daughter, Melissa, and son-in-law, Jason, and our son, Jonathan, and daughter-in-law, Leigh. Our youngest son, Nathaniel, is studying in Nanjing, China and could not join us.

As a career member of the Foreign Service, I have had the privilege to serve my country in various capacities covering the Western Hemisphere over the past 30 years. My career has taken our family throughout the Americas. In Washington, I have had the opportunity to work on Latin American policy and programs on human rights, democracy, law enforcement, trade, investment, nonproliferation, and other areas.

My interest in Latin America truly began in 1973 in Xalapa, Veracruz, on a sister-city student exchange program. It was a life changing experience. Today, 38 years later, I still am in touch with the family who took me in and taught me more about Mexico than I ever could have learned in a textbook.

If confirmed as Ambassador of the United States to Nicaragua, I would be accredited to the government. But the most important ties between our countries are those forged between our citizens. If confirmed, I would bring to our mission my experience working with civil society in Latin America and an unwavering commitment to finding avenues to connect with the Nicaraguan people to advance U.S. interests and reflect U.S. values.

If confirmed, my highest priority would be the protection of U.S. citizens, including the Embassy community. I would work diligently with U.S. businesses to promote their exports and protect their investments, and would bring to that challenge my experience from three assignments as an economic and commercial officer overseas. Bilateral trade between the United States and Nicaragua has grown by two-thirds in the 5 years since the Central America-Dominican Republic Free Trade Agreement went into effect, yet Nicaragua has a more than $1 billion trade surplus with the United States. If confirmed I would work with U.S. businesses—small, medium, and large—to increase U.S. exports to help redress that imbalance.

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Mr. Chairman, thank you again for the honor of appearing before the committee today. Should I be confirmed, I pledge to serve our country to the best of my ability and thus repay in at least a small way the many benefits which it has bestowed upon me and my family.

I would be pleased to answer any questions which you may have.

Senator MENENDEZ. Thank you.

Ms. Kubiske.

## STATEMENT OF LISA J. KUBISKE, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF HONDURAS

Ms. KUBISKE. Thank you, Mr. Chairman, and members of the committee. Thank you for granting me the opportunity to appear today as President Obama's nominee to be the next Ambassador to Honduras. It is a tremendous honor and responsibility, and I, like my colleagues, I am deeply grateful to the President and to Secretary Clinton.

If confirmed, of course, I look forward to working closely with you and with your colleagues to advance the interests of the United States.

I would also like to take a moment, Mr. Chairman, to acknowledge my family, my husband, Dan. They are all on the third row on this side. My husband, Dan, our boys, Philip and Adam, my stepdaughter, Jessica, and her husband, Kevin, and my sister, Alex. And I also have a friend here as well—Ann Sacclaris. Each of these people has been a deep source of love and support during my diplomatic career, or as you said, our diplomatic career.

I would also like to acknowledge my parents who, in addition to offering me love, have been hugely influential in providing the val-

ues I hold today, and in encouraging me to pursue my professional dreams.

I have spent my career serving the United States in the Department of Agriculture and the Office of the U.S. Trade Representative, and in the Department of State. Many of my overseas postings have been in Latin America, most recently in Brazil where we have a 1,100-person mission, and working with relations with Brazil at a very interesting, important time. I have also worked, as you mentioned, in the China area.

As I have understood since I studied in Peru as an undergraduate, Latin America, including Honduras, is a region that has a tangible impact on United States domestic interests, be it via the flow of people, or trade, or illicit activities. And this makes it a core interest for us.

Our economic relationship is very important. We have some 200 companies in Honduras. Almost half the Honduran imports come from the United States. And we have a trade surplus with Honduras, or at least we did based on data in 2009.

Having served as the State Department's Western Hemisphere Economic Policy director and as a negotiator at USTR, I am very aware, as Senator Rubio mentioned, that expanding our economic relationship can help Honduras develop and grow while creating jobs in the United States.

And one promising area, just as an example, is Honduras' alternative energy sector. In January, Honduras began construction on the largest windfall in Central America. And it will bring cheap, clean energy to a very poor country. And I am very happy to be able to say that the turbines are being manufactured in Pennsylvania, and that means jobs.

I also hope to build on the strong cultural and bilateral ties between our countries. We have 15,000 American citizens in Honduras. There are 100,000 Americans who visit Honduran beaches and Mayan ruins every year. In the United States—depending on the statistics you read—almost a million residents of Honduran origin. And the money that those residents of Honduras—Hondurans send back to Honduras accounts for fully a quarter of Honduras' economy.

U.S. Government investments in Honduras are also transformative. Honduras' Vice President called the Millennium Challenge Corporation Compact that completed in September the most successful development project in Honduras' history.

Honduran governments, including the current Lobo administration, have recognized the value of our close ties. Beyond the economic area, we are working to address an alarming rise in gang activity that has burdened Honduras with one of the highest homicide rates that the chairman mentioned earlier. Gang activity is a threat to U.S. national security, and so working to reverse its growth would be one of my priorities.

I also look forward to assisting our joint effort to address the underlying causes of insecurity, building on the work of U.S. Government agencies, like the Peace Corps, USAID, and nongovernmental organizations that demonstrate every day the generosity of the American people.

Two years ago, Honduras was racked by a political crisis that resulted in its suspension from the Organization of American States, or OAS. And just a week ago, as you mentioned earlier, a special session of the OAS lifted that suspension, which was a tribute to President Lobo's effort to promote national reconciliation.

Our continued engagement remains essential to strengthen Honduras' democratic institutions, and to—continuing to support the Honduran government's efforts to strengthen the respect for human rights, their efforts having included creation of a ministry of justice and human rights and the establishment of a police unit aided by the United States for victims of human rights violations.

Mr. Chairman and members of the committee, I deeply value the potential opportunity to serve the United States in this capacity, and I thank you again. I would be pleased to answer any questions you and your colleagues may have.

[The prepared statement of Ms. Kubiske follows:]

PREPARED STATEMENT OF LISA J. KUBISKE

Mr. Chairman and members of the committee, thank you for granting me the opportunity to appear before you today as President Obama's nominee to be the next United States Ambassador to Honduras. This is a tremendous honor and responsibility for which I am deeply grateful to President Obama and Secretary Clinton. If confirmed, I look forward to working closely with you and your colleagues to advance the interests of the United States.

I would like to take a moment, Mr. Chairman, to acknowledge my husband, Dan, our boys, Philip and Adam, my stepdaughter, Jessica, and my sister, Alex. Each has been a source of love and support during my diplomatic career. I'd also like to acknowledge my parents, who have been hugely influential in providing the values I hold today and encouraging me to pursue professional opportunities.

After studying in Massachusetts and here in Washington, I have spent my career serving the United States, in the Department of Agriculture, the U.S. Trade Representative's Office, and the Department of State. Many of my postings have been in Latin America, most recently in Brasilia, where I served as deputy chief of mission at a mission with over 1,100 employees at a pivotal moment in U.S. relations with Brazil. I have also worked in Shanghai and Hong Kong.

As I have understood since I studied in Peru as an undergraduate, Latin America is a region of core interest to the United States, where the domestic impact of our foreign policy is tangible. Our actions have a direct impact on the lives of United States citizens, and the flows of migrants and illegal drugs to our borders.

Having served as the Department of State's Western Hemisphere economic policy director and as a negotiator at the United States Trade Representative's Office, I am acutely aware of the economic opportunities in Latin America for the United States. Our economic relationship is especially important with Honduras. To date, 200 U.S. companies operate in Honduras. Nearly half of Honduran imports originate in the United States. Our trade surplus with Honduras was $60 million in 2009.

We can strengthen our economic ties while helping Honduras develop and grow. One promising area is Honduras' alternative energy sector. In January, Honduras began construction on the largest wind farm in Central America, which will bring cheap, clean energy to a very poor country. I am proud to report that the turbines are being manufactured in Pennsylvania, helping to create jobs in the United States.

I also look forward, if confirmed, to building on the strong cultural and bilateral ties between the United States and Honduras. Fifteen thousand American citizens live in Honduras, and 100,000 Americans visit Honduran cities, beaches and Mayan ruins every year. In the United States, there are nearly 1 million residents of Honduran origin. The money they send back to their families accounts for one-quarter of Honduras' gross domestic product. U.S. Government investments in Honduras are similarly transformative. Honduras' Vice President has called the $205 million Millennium Challenge Corporation Compact, completed last September, the most successful development project in Honduras' history.

Honduran governments, including the current administration headed by President Porfirio Lobo, have recognized the value of close ties. Together, we are helping address the alarming rise in gang activity that has burdened Honduras with one of

the world's highest homicide rates. At our Embassy in Tegucigalpa, officials from the Departments of State, Homeland Security, and Justice work side by side with the Honduran Government to disrupt the operations of drug trafficking organizations. Reversing this trend, a threat to U.S. national security, would be one of my top priorities. If confirmed, I would also look forward to assisting our joint efforts to address the underlying causes of insecurity, building on the work of U.S. Government agencies such as the Peace Corps, USAID, and nongovernmental organizations that daily demonstrate the generosity of the American people.

Two years ago, Honduras was wracked by a political crisis that resulted in Honduras' suspension from the Organization of American States (OAS). Just a week ago, a special session of the OAS lifted that suspension, a tribute to President Lobo's efforts to promote national reconciliation. Our continued engagement remains essential to strengthen Honduras' democratic institutions and to continue supporting the Honduran Government's efforts to strengthen respect for human rights, which has included the creation of a Ministry of Justice and Human Rights and the creation of a police unit, aided by the United States, for victims of human rights violations.

Mr. Chairman and members of the committee, I deeply value the potential opportunity to serve the United States in this capacity, and I thank you again for granting me the privilege of appearing before you today. I would be pleased to answer any questions you and your colleagues may have.

Senator MENENDEZ. Thank you.

Mr. Thessin.

**STATEMENT OF JAMES H. THESSIN, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF PARAGUAY**

Mr. THESSIN. Mr. Chairman, Senator Rubio, I appreciate very much the opportunity to appear before this committee.

When in years past I was a staffer for this committee sitting on your side of the dais, I did not expect that someday I would be here as the President's nominee to be the United States Ambassador to the Republic of Paraguay. Having served the committee for several years, I continue to have the greatest respect for this institution, and will carry that with me in my new job if confirmed.

I would like first to introduce my family. With me is my wife of 38 years, Marcia, our son, Jonathan, and his spouse, Rebecca. Our daughter, Rachel, and her spouse, Will, are out of town on business, and unfortunately not able to be with us today.

I am proud of my wife and our children in so many ways, including that all five have been working daily to make this country stronger now and into the future. My wife, son, and daughter are in public service, and our daughter-in-law and son-in-law in universities.

I am very grateful and humbled that President Obama has nominated me for this position and asked me to serve. You have my commitment that if confirmed I would work tirelessly to live up to the high standards that the administration has set for its appointees, standards that I know this committee and the American people expect as well.

I come before you today as a lifelong public servant in a career that has spanned more than 35 years, working in two branches of government and in various departments and agencies. If confirmed, I will draw upon all the wisdom, knowledge, and experience that I have learned during my government experience in an effort to advance United States interests and our important relationship with Paraguay. And if confirmed, I look forward to working with the committee in this effort.

The relationship between the United States and Paraguay is strong and mutually beneficial. The United States has a strong in-

terest in supporting Paraguay's efforts to deepen its democratic structures, to advance human rights, to counter narcotics trafficking and terrorism, to combat corruption and the misuse of intellectual property, and to promote an effective, transparent government and judicial system.

The people of the United States believe that these principles are important, and, therefore, we have a strong interest in their adoption by other countries. We benefit directly when other countries make these principles their own. Not only do our citizens receive fair treatment when abroad and find a safe and welcoming environment there, but our businesses are able to invest in trade in a marketplace that is fair and predictable, placing United States firms in a better position to contribute to the economic prosperity of the United States as well as that of Paraguay.

Paraguay stands at an important juncture where the United States can help make a difference. Paraguay is less than 25 years away from a period when one person ruled the country for some 35 years. And there is significant work yet to do.

During this historic period of its bicentennial, Paraguay is looking at the lessons of its past and is working to design the blueprint for its future, especially as it approaches Presidential and legislative elections.

For its part, the United States has established programs to help Paraguay institute democratic reforms, disrupt criminal organizations, develop its counter terrorism capabilities, fight corruption, and promote good governance and economic development.

If confirmed, I would give the highest priority to ensuring the well-being and safety of Americans living and traveling in Paraguay. I would also seek opportunities for trade between the United States and Paraguay, specifically promoting United States exports to Paraguay as well as advocating for United States firms doing business in that country.

If confirmed, I look forward to working with you, your distinguished colleagues, and your staffs to advance our priorities with the Republic of Paraguay.

Thank you again for the opportunity to appear today. I welcome any questions you may have.

[The prepared statement of Mr. Thessin follows:]

PREPARED STATEMENT OF JAMES H. THESSIN

Mr. Chairman and members of the committee, I appreciate very much the opportunity to appear before this committee today. This is a great honor for me. When in years past I was a staffer for this committee, sitting on your side of the dais, I did not expect that someday I would be here as the President's nominee to be the United States Ambassador to the Republic of Paraguay. Having served the committee for several years, I continue to have great respect for this institution and will carry that with me in my new job if confirmed.

I am very grateful and humbled that President Obama has nominated me for this position and asked me to serve. You have my commitment that, if confirmed, I will work tirelessly to live up to the high standards that the administration has set for its appointees; standards that I know this committee and the American people expect of nominees as well.

With the chairman's permission, I would first like to introduce my family. With me is my wife of 38 years, Marcia. We are delighted at the prospect of working to advance U.S. interests in Paraguay, if I am confirmed. Also with us are our son, Jonathan, and his spouse, Rebecca. Our daughter, Rachel, and her spouse, Will, are not able to be with us, being out of town on business. I am proud of my wife and our children in so many ways, including that all five have been working daily to

make this country stronger now and into the future. My wife, son, and daughter have been in public service, working respectively as a demographer, an attorney, and an engineer. Our daughter-in-law and our son-in-law have been working in universities to help build a stronger foundation in this country for tomorrow, one training educators, the other advancing science.

I come before you today as a lifelong public servant. My career with the Federal Government has spanned more than 35 years working in two branches of government and in various departments and agencies, most recently as the Deputy Legal Adviser at the Department of State. Before beginning with the Department in 1982, I had worked for this committee for some 3 years in the late 1970s and early 1980s. I have learned much during my government service, particularly while at the Department and on the committee staff. If confirmed, I will draw upon all this wisdom, knowledge, and experience in an effort to advance U.S. interests in our important relationship with Paraguay. And if confirmed, I look forward to working with this committee in this effort.

The relationship between the United States and Paraguay is strong and mutually beneficial. The United States has a strong interest in supporting Paraguay's efforts to deepen its democratic structures, to advance human rights, to counter narcotics trafficking and terrorism, to combat corruption and the misuse of intellectual property, and to promote an effective, transparent government and judicial system.

The people of the United States believe that these principles are important, and therefore we have a strong interest in their adoption by other countries. We benefit directly when other countries make these principles their own. Not only do our citizens receive fair treatment when abroad and find a safe and welcoming environment there, but our businesses are able to invest and trade in a marketplace that is fair and predictable, placing U.S. firms in a better position to contribute to the economic prosperity of the United States as well as Paraguay. If confirmed, I look forward to continuing the productive dialogue between the United States and Paraguay and will work diligently to advance these goals.

Paraguay stands at an important juncture where the United States can help make a difference. Paraguay is less than 25 years away from a period when one person ruled the country for some 35 years, and there is significant work yet to do. During this historic period of its bicentennial, Paraguay is looking at the lessons of its past and works to design the blueprint for its future, especially as it approaches Presidential and legislative elections. To help, the United States has established programs to help Paraguay institute democratic reforms, disrupt criminal organizations, develop its counterterrorism capabilities, fight corruption, and promote good governance and economic development. If confirmed, I look forward to working with President Lugo, Foreign Minister Lara Castro, the Paraguayan Government, the private sector, and civil society as we seek to advance bilateral relations and strengthen the political, commercial, and cultural ties that exist between our two countries.

If confirmed, I would also give the highest priority to ensuring the well-being and safety of Americans living and traveling in Paraguay. I would also seek opportunities for enhanced trade between the United States and Paraguay, specifically, promoting U.S. exports to Paraguay as well as advocating for U.S firms doing business in Paraguay.

If confirmed, I look forward to working with you, your distinguished colleagues, and your staffs to advance our priorities with the Republic of Paraguay.

Thank you again for the opportunity to appear today. I welcome any questions you may have.

Senator MENENDEZ. Thank you very much. In typical legal fashion, you have a full minute left. So, you synthesize very well.

Mr. THESSIN. I cede it back to the chair. [Laughter.]

Senator MENENDEZ. The chair is grateful to you.

Mr. Hardt.

## STATEMENT OF D. BRENT HARDT, OF FLORIDA, TO BE AMBASSADOR TO THE CO-OPERATIVE REPUBLIC OF GUYANA

Mr. HARDT. Mr. Chairman, Senator Rubio, thank you for the opportunity to appear before you today as President Obama's nominee as the next United States Ambassador to the Co-operative Republic of Guyana. I am grateful for the trust and the confidence that the President and Secretary of State have placed in me.

If confirmed by the Senate, I look forward to working closely with this committee and your colleagues in Congress to advance our Nation's many interests in Guyana and the broader Caribbean region.

Before I proceed, I would like to acknowledge the unflagging love and support throughout my career of my wife, Saskia, and my three sons, who are unfortunately preparing to leave post next week and could not be here with me today. But they have supported me in the United States in many capacities over the course of my career.

I would also like to acknowledge the care and nurture of my mother, who awakened my curiosity in the world around me.

Mr. Chairman, I have had the privilege of serving our country as a career Foreign Service officer for the past 23 years. This journey has taken me to the Western Hemisphere and Europe, including four previous postings in the Caribbean. I have worked with friends and allies to strengthen security combat drug trafficking, promote democratic values and human rights, combat HIV and AIDS, and encourage the exchange of people and ideas.

In my current position as chargé d'affaires in the eastern Caribbean, I have led our Embassy team to rebuild confidence in the United State as the region's partner of choice. I believe these experiences have prepared me well to lead the U.S. mission in Georgetown should I be confirmed.

Mr. Chairman, Guyana is a country of tremendous potential with vast rain forests, productive agricultural lands, proven mineral resources and potentially large oil and natural gas reserves. But it is also a country facing considerable challenges with poverty and HIV/AIDS epidemic, ethnic and racial divisions, drug trafficking, and violent crime.

The United States has a strong interest in working with Guyana, working in partnership to meet these challenges and fulfill this potential.

If confirmed, I will work with the government and people of Guyana to solidify gains in democratic governance, bolster economic growth, and promote opportunity, especially for women and young people.

The United States also has an interest in Guyana as a key partner in strengthening regional security. Through the President's Caribbean Basin Security Initiative, we are intensifying our cooperation to counter threats of transnational crime and terrorism. That security for the citizens of the Caribbean is indispensable both to the region's future and to our own interests. If confirmed, I will work with all United States agencies active in the region to strengthen our security cooperation with Guyana.

Guyana is a nation of enormous economic potential, but with a per capita GDP of only $2,500, it is also one of the poorest countries in the hemisphere. That is why USAID has been working with the government and private sector to diversify the economy and create new opportunities and in agribusiness, aquaculture, wood products, and eco-tourism.

If confirmed, I look forward to continuing our mission's efforts to strengthen Guyana's competitiveness, build its trade capacity, and reduce constraints to doing business.

Guyana is also a leader in efforts to address global climate change through its low carbon development strategy, which seeks to preserve its rain forests. To support Guyana's efforts, our Embassy is helping to develop sustainable forestry and host country governance capacity.

In the face of a debilitating AIDS epidemic in Guyana, the United States has made major investments in combating this disease through the President's emergency plan for AIDS relief. Our $145 million investment since 2004 has paid clear dividends in meeting this challenge. Guyana's prevention and care programs, its lab, and its state-of-the-art logistics system are models for HIV programs in the region. If confirmed, I will work with the government and other health partners to achieve enduring country ownership and sustainability of these life-saving advances in public health.

Mr. Chairman, Guyana is poised for elections later this year that can build on progress it has made as an emerging democracy. International observers deemed its 2006 Presidential elections to be free, fair, and transparent, and for the first time independence, they were also peaceful. It is important that Guyana continue along this path in the elections scheduled to take place later this year. If confirmed, I will work with the government and civil society to help strengthen democracy and governance, promote constructive political dialogue, and encourage greater citizen participation in the political process.

The United States has a special link to Guyana through the many Guyanese who live in our country. I will look to work with this talented and hardworking diaspora to find ways that they can contribute to building a more stable and prosperous Guyana.

Mr. Chairman, these are some of the opportunities and challenges that await the next United States Ambassador to Guyana. They are challenges and opportunities I welcome. If confirmed and entrusted with this office, I look forward to working with you and your colleagues in Congress to forge a close and productive partnership between the United States and Guyana. I assure you that I will seek to represent the President and the American people with creativity, with dedication, and with dignity.

Thank you, and I would be pleased to answer any questions you may have.

[The prepared statement of Mr. Hardt follows:]

PREPARED STATEMENT OF D. BRENT HARDT

Mr. Chairman and members of the committee, thank you for the opportunity to appear before you today as President Obama's nominee to serve as the next United States Ambassador to the Cooperative Republic of Guyana. I am grateful for the trust and confidence President Obama and Secretary of State Clinton have placed in me.

If confirmed by the Senate, I look forward to working closely with this committee and with your colleagues in Congress to advance our Nation's many interests in Guyana and the broader Caribbean region.

Before I proceed, I would like to acknowledge the unflagging support throughout my career of my wife, Saskia, and my three sons, who have served the United States in many capacities during our many overseas assignments.

Mr. Chairman, I have had the privilege of serving our country as a career Foreign Service officer for the past 23 years. This journey has taken me to the Western Hemisphere and Europe, including four previous postings in the Caribbean. I have worked with friends and allies to strengthen security, combat drug trafficking, promote democratic values and human rights, combat HIV and AIDS, and encourage

the exchange of people and ideas. In my current position as Chargé d'Affaires in the Eastern Caribbean, I have led our Embassy team to rebuild confidence in the United States as the region's partner of choice. I believe these experiences have prepared me well to lead the U.S. mission in Guyana, should I be confirmed.

Mr. Chairman, Guyana is a country with tremendous potential, with vast pristine rain forests, productive agricultural lands, proven mineral resources, and potentially large oil and natural gas reserves. It is also a country facing considerable challenges from poverty, an HIV/AIDS epidemic, ethnic and racial divisions, drug trafficking and violent crime. The United States has a strong interest in working in partnership with Guyana to meet these challenges and fulfill this potential. If confirmed, I will work with the government and people of Guyana to solidify gains in democratic governance, bolster economic growth, and promote opportunity, particularly for young people and women.

The United States also has an interest in Guyana as a key partner in strengthening regional security. Through the President's Caribbean Basin Security Initiative we are intensifying our cooperation to counter the threats of transnational crime and terrorism. Together we are strengthening maritime interdiction capabilities, professionalizing law enforcement agencies, reforming the juvenile justice sector, and providing new opportunities for at-risk youth. Better security for the citizens of the Caribbean is indispensible both to the region's future stability and prosperity and to our interests. If confirmed, I will work with all U.S. agencies active in the region to strengthen our security cooperation with Guyana.

Guyana is a nation of enormous economic potential. Its natural resource endowment includes gold, bauxite, diamonds, and timber. Experts estimate a 50-percent probability that the Guyana-Suriname Basin holds 15 billion barrels of oil and 42 trillion cubic feet of natural gas. With exploratory drilling anticipated later this year, we are helping prepare the ground for sound development of these resources through technical assistance of the Energy Governance Capacity Initiative (EGCI).

With a per capita GDP of only $2,500, Guyana is also one of the poorest countries in the Hemisphere. That is why USAID has been working with the government and private sector to diversify the economy and create new opportunities in agribusiness, aquaculture, wood products, and ecotourism—a program singled out by the President of Guyana as a model for other donors. If confirmed, I look forward to continuing our mission's efforts to work with the government and private sector to strengthen Guyana's market competitiveness, build its trade capacity, and reduce legal constraints to doing business.

Guyana is also a leader in efforts to address global climate change through its low carbon development strategy, which is helping to preserve its vast, untouched rain forest. To support Guyana's interest in utilizing the country's abundant forests as a development tool, our Embassy is engaged in developing sustainable forestry, ecotourism, and host country capacity to implement the Reduced Emissions from Deforestation and Forest Degradation (REDD+) initiative.

In the face of a debilitating AIDS epidemic in Guyana, the United States has made a major investment in combating this disease through the President's Emergency Plan for AIDS Relief (PEPFAR). Our $145 million investment since 2004 has paid clear dividends in responding to Guyana's HIV/AIDS epidemic. Guyana's prevention and care programs, central laboratory, and state-of-the-art logistics system are models for other HIV programs in the region. Life-saving antiretroviral treatment has been provided to 89 percent of HIV positive patients in need of treatment—a sixfold increase. HIV testing among pregnant women has increased by 360 percent, and treatment of HIV-positive women increased from 57 percent in 2006 to 93 percent by the end of 2010. PEPFAR has also had a profound impact on Guyana's health systems, enhancing the country's laboratory capacity, ability to store and distribute medicines, and management of broader health services. As a result of these U.S. Government investments, Guyana now is able to take on more of the responsibility for this response. If confirmed, I will work with the government and other health partners to achieve enduring country-ownership and sustainability of these important life saving advances in public health.

Mr. Chairman, Guyana is poised for elections later this year that can build on progress it has made as an emerging democracy. International observers deemed its 2006 Presidential elections to be free, fair and transparent and, for the first time since independence, they were also peaceful. It is important that Guyana continue along this path in the elections scheduled to take place later this year. If confirmed, I will work with the government and civil society to help strengthen democracy and governance, promote constructive political dialogue, and encourage greater citizen participation in the political process. To this end, I will also encourage the government to hold local elections, which have not been held since 1994.

The United States has a special link to Guyana through the many Guyanese who live in our country, many of whom are dual nationals and who maintain close ties with family in Guyana. In fact, over 70 percent of Guyana's citizens have family living in the United States. If confirmed I will look to work with this talented and hard-working diaspora to find ways that their creativity can contribute to building a more stable and prosperous Guyana.

As a Caribbean country geographically in South America, Guyana is emerging as a bridge between the two regions. It hosts the Caribbean Community (CARICOM) headquarters, and is currently serving as the chair for UNASUR, which seeks greater integration of South American nations. If confirmed, I will also be accredited to the Caribbean Community (CARICOM), which brings together 15 Caribbean states to promote regional integration and cooperation. CARICOM has a vital role to play in building a secure and prosperous Caribbean, and, if confirmed, I look forward to working with the Secretary General and CARICOM members to advance our common interests in trade, investment, development, and citizen security.

Mr. Chairman, these are some of the opportunities and challenges that await the next United States Ambassador to Guyana. They are opportunities and challenges I welcome. If confirmed and entrusted with this office, I look forward to working with you and your colleagues in Congress to forge a close and productive partnership between the United States and Guyana. I assure you that I will seek to represent the President and the American people with creativity, dedication, and dignity.

I would be pleased to answer any questions you may have. Thank you.

Senator MENENDEZ. Thank you, Mr. Hardt. Thank you all for your testimony. I welcome your family members and thank them for being here.

Let me start off with a round.

Mr. Farrar, tell me about the situation in Nicaragua from your perspective, as you approach the possibility of representing the United States there. What is the political landscape?

Mr. FARRAR. Thank you, Mr. Chairman. I would start by saying that it is very clear that the United States and Nicaragua have some significant differences in the area of democratic governance and human rights. We and others in the international community have joined in trying to encourage strongly Nicaragua to allow international and domestic observation of the upcoming elections. We are awaiting still the outcome of our entreaties and those of others in the international community.

There are also areas in which we are working together. I would mention counternarcotics where the United States is cooperating with certain entities in the Government of Nicaragua that have a proven track record on interdiction, particularly the Nicaraguan Navy.

And finally, as I mentioned in my opening statement, we are working together under the Central America Free Trade Agreement and NAFTA—excuse me, CAFTA—CAFTA–DR to—and trade has expanded considerably.

But our No. 1 concern going forward would be the situation domestically for the upcoming elections and whether or not international and domestic observers will be allowed to observe those.

Thank you.

Senator MENENDEZ. What is your view of Mr. Ortega's ability to run a second time?

Mr. FARRAR. Yes. As you know, the Supreme Court in 2000—of Nicaragua in 2009 issued a decision allowing reelection. I was not working in Nicaraguan issues at that time, so I am not privy to all of the considerations and background that went into formulation of U.S. policy at that time. But it is my understanding that the State

Department issued a statement following that decision pointing specifically at the lack of transparency and the decisionmaking process that led to that, and that that position was also echoed by our Embassy in Managua.

Going forward, I think if confirmed, it would be important for me and for Washington to be consulting closely so that as the situation evolves on the ground, we would speaking with one voice directly to the Government of Nicaragua to express our concerns. Thank you.

Senator MENENDEZ. This is what concerns me. Ambassador Callahan had a very clear view. He said it was unconstitutional. And since President Ortega got elected in 2006, he has methodically and shrewdly consolidated his political power by subverting his country's democratic institutions and his people's basic human rights, including freedom of assembly. Now, he is in violation of the country's constitution. He is pursuing a second consecutive and third overall Presidential terms in national elections.

His electoral machination suggests he is taking no chances. He and the Sandinista supporters are thwarting peaceful demonstrations, silencing the business community, taking over media outlets, politicizing government offices, and expropriating public funds. In what is the second poorest country in the Western Hemisphere, Ortega has clearly put his own personal enrichment and empowerment over the welfare of the Nicaraguan people.

Now, that is my view, but it is a far different view than the one you expressed to me. And I am concerned, as I was hoping to hear something different today. I am concerned that if the major political view that you have on the landscape is the question of election transparency and having observers, there's far more than that going on here. And for my own sake in terms of being supportive of a nominee to go to this post, I want to see someone who is going to make sure that civil society has the support of the U.S. Government in a way that protects them from this regime and gives the wherewithal, the space, the openness, to be able to choose a really transparent democratic opportunity for their country.

And that is why I gave you an open question, to get a sense of what your view is. My concern also stems also from your time at the U.S. Interest Section in Cuba, because Cuban dissidents have said to me that during the time you have been the Interest Section there, it has been the least open to their cause and concerns. And now you are going to a country that ultimately has a lot of issues that are also about democracy and human rights.

Can you assuage my concerns?

Mr. FARRAR. Mr. Chairman, first of all, let me say that it is essential for the United States to stand up for our democratic principles, whether we are talking about Nicaragua, Cuba, or anywhere else in the world. And as we do that, it is essential as well that we speak with one voice, whether it is from Havana or in Managua, with Washington, so that our message is clear, and it is one message and one message only. We have to be able to do that directly and clearly.

We also have to be able to defend the programs that we run that stem from our principles. And over the past 3 years in Havana, I have had the opportunity to develop, implement, and carry forward

a broad range of programs to support civil society and the free flow of information to, from, and within Cuba. Facing at times substantial obstacles, we have managed to implement some very innovative programs to support civil society in Cuba. And if given the opportunity, we would certainly—I would certainly make that my top priority as well.

I am looking forward to serving in Nicaragua because I recognize that in the runup period to the election and then afterward, the role of civil society is going to be crucial. And our programs can be a limited, but significant, part of protecting civil society, protecting its role, and preserving democratic institutions. And that is something that has been a top priority of mine in Havana, and if confirmed, would be in Managua as well.

Senator MENENDEZ. One final followup before I turn to Senator Rubio. Do you share any of the concerns that I expressed a minute ago in Nicaragua?

Mr. FARRAR. Yes. I think we are quite concerned with the trends in Nicaragua. If you look at last year's human rights report, for example, it says that respect for human rights has deteriorated in Nicaragua, and it focuses particularly on some of the concerns that you mentioned—freedom of assembly, freedom of the press, respect for independent media. Yes, on a personal level and as an administration, we share some of those concerns.

Mr. MENENDEZ. Senator Rubio.

Senator RUBIO. Thank you, Mr. Chairman. Mr. Farrar, let us begin. I have been in the Senate now 5 months. I was not here during most of your role in Havana. And I want to study that a little bit because I think you are going into a potentially similar situation in Nicaragua.

I would start by just asking, what is your view or what was your view going in to your post in Havana, the role of the U.S. Interest Section in Cuba? What did you see as the mission statement for the Interest Section?

Mr. FARRAR. I would say going in, our No. 1 priority was support for civil society and to expand freedom in Cuba. Together with that, it would be protecting American citizens, which is our No. 1 priority, around the world.

Before going to Havana, I did extensive consultations here up on Capitol Hill. The one area of consensus that I found was that the Interest Section also needed to expand its contact with all levels of Cuban society. And we have tried to implement programs to carry that out as well.

Senator RUBIO. As you I am sure are aware, before you were at that post, the Interest Section had developed in a very different direction. Decisions were made that you undid. There was the infamous news ticker, the Christmas decorations. In addition to that, there were numerous complaints from dissidents and others about your reluctance to interact with them. I know in September 2009, you hosted a reception where there were regime personnel who attended, yet members of civil society in Cuba were excluded.

Were those the decisions that you made, and what was the thought process behind some of those decisions, because it took the Interest Section in a different direction than it had been going pre-

viously. What led to those decisions? How were they made? Were you involved in making them? What was the rationale?

Mr. FARRAR. Thank you, Senator. Over the past 3 years, I would say what we have done is build upon some of the programs that were already in place and expand them and implement new ones. As an area where we built upon existing programs, I would cite the training program for independent journalists. It is run by Florida International University, where we recently graduated our 500th student from those courses.

We run two Internet resource centers, one of which we rebuilt from the ground up last year. They are the largest sources of uncensored free Internet in Cuba.

We have gone beyond that by instituting basic computer courses for Cuban civil society, classes in blogging. Once we received permission from the Department of Commerce, we began preparing and distributing DVDs with free software and monthly updates to help people be able to connect.

We created a distance learning center. We had no facility. We constructed this distance learning center using a railroad shipping container that we have converted into a center that now has DVC capability, Internet stations, computers, so that students in Havana can take college level courses in Spanish at our distance learning center.

The reason we did that was shortly after I arrived in 2008, we tried to begin a scholarship program for Cuban students to study in the United States, two programs, one a leadership program in the summer and the second a year at a community college. We advertised that program as you only can in Cuba, through word of mouth, by passing out leaflets on the street, giving leaflets to other people to pass on to friends and acquaintances. We had over 700 students apply for those scholarships from around Cuba. We selected the 27 best. None of them received exit permits to depart Cuba from the government, so we had to find other ways to connect, which we did.

We have begun training classes for English teachers and English language students. The median age of learning English language classes is 23. We are connecting with college level students in Cuba today, I would say, for the first time.

In the past year, we have nominated and she won the prize as one of the International Women of Courage, Yoani Sanchez. We recently nominated the Damas de Blanco, and they received the Global Human Rights Defenders Award from the State Department for 2010. When it came time for both to receive their awards, none of them received permission to leave Cuba to accept those rewards. So, we put on ceremonies for them in Havana so that they could receive their prizes.

Last month's ceremony with Damas de Blanco was the first time that the 12 75ers who were released over the past year were all gathered together. And since that time, we have gathered them together again several other times, and they have met on their own.

Senator RUBIO. I apologize. I do not want to interrupt because this is a list of accomplishments, and those are significant, and we can talk about those. I think we will have a second round and however else the chairman wants to proceed. But I think the question

was really related to the nature of the Interest Section and its mission.

Before you arrived, the Interest Section was viewed as having a more adversarial—would you concede that it was considered more adversarial by the regime before your arrival?

Mr. FARRAR. I don't want to characterize how it was before I arrived, but what I would say is the Interest Section has, is——

Senator RUBIO. The Interest Section changed after you arrived. And the changes that you made, specifically some that I outlined, but its view, its mission statement, would you not concede that its mission changed, the way it conducted business changed in terms of its interaction with the government?

Mr. FARRAR. I think the mission statement support for civil society and in democratic progress did not change. What changed was we tried to expand the ways that we go about doing that.

Senator RUBIO. OK, the way that you went about doing that, right. And so, would you characterize the way they used to do things before as more aggressive? You know, obviously the ticker, the Christmas decorations, things that clearly antagonized the Cuban Government. You took the Interest Section in a different direction in terms of its tactics. My question is, What was the thought process behind using these different tactics? Well, why did you decide to go in that direction after the Interest Section had been going in the other direction? I just want to know the thought process behind it, the justification. You know, what prompted you to go that route?

Mr. FARRAR. Yes. I would say that our goal was to support civil society in Cuba and to expand the Interest Section's contacts with all levels of Cuban society. And in order to do that, we had to come up with new programs that we could use to reach out, to reach out more broadly than we had done in the past. And that is the direction that we went.

Senator RUBIO. But was it your view that by taking down some of these programs that antagonized the regime that you would have more space to carry out these programs? Was the thought that if we do not go over the top—if we do not offend or try not to offend the regime, we will have more space to carry out our mission. Was that your view?

Mr. FARRAR. No. I think we were looking for the programs that would be most effective. If I could go back for just a second to the distance learning program. We did not have any facility in order to implement such programs. We had to get this shipping container moved on to the premises of the Interest Section, which took a long time, but we were able to do.

Subsequent to that, I have been called into the Foreign Ministry four times for their presentations on how this program violates the Vienna Conventions, a view with which we completely disagree. But our No. 1 concern is not what the possible effect might be on the Government of Cuba. It is what will be most effective in terms of supporting civil society and expanding the free flow of information to, from, and within the island.

Senator RUBIO. OK. You know, there were—and I know I have gone over time, so we can come back to this or we can move on in a second. But your relationship and your description of dissidents

and the dissident movement on the island has been described as reluctance and disinterest. What is your view and what was your thought process regarding dissidents on the island and your relationship with them in comparison to that of your predecessors at the mission?

Mr. FARRAR. I think we—and I—have a long and deep relationship with civil society in Cuba. And if anything, it is a broader relationship than it has been in the past. Civil society in Cuba knows that the Interest Section is the bulwark of support, that we have the interests of the Cuban people at heart. And the programs we have, the outreach that we do, is all aimed at that.

I think events, such as the one that I described, where we gave the award to the Dames de Blanco for the global human rights defenders. And we brought together in one room them and their relatives who had been released, and provided a venue frankly for them to begin to talk with one another and to see how, now that they have reincorporated themselves into daily life, how they want to go about promoting civil society in Cuba. That is something that the Interest Section can offer and probably there is no other institution in Havana that can do so.

Senator RUBIO. My last question on this round, and it goes directly to this point. There is a press report that on April 2009 and dispatch that you signed, you said that Cuba's pro-democracy activists and their focus on human rights did not resonate with Cubans, who are more concerned about having greater opportunities to travel freely and live comfortably. Does that remain your view, that Cuba's pro-democracy activists and their focus on human rights does not resonate with Cubans?

Mr. FARRAR. Yes. I am not sure of the source of that quote. If it is—has to do with WikiLeaks, we of course cannot comment on the validity or not of a source such as that.

I have said many times that our No. 1 objective in Havana has been support for civil society, expanding their operating space, and trying to improve the information flow and out of the island. At other times I have said that they are the conscience of Cuba, and I stand on that. Thank you.

Senator MENENDEZ. We will do a second round here. I will get to some of you. I do not want you to feel left out of the process. I know you would rather have questions than not have questions.

But I just have one more followup, Mr. Farrar. This is the nature of the challenge here. When I hear you respond to Senator Rubio, you talk about broader civil society, and that is admirable. But every time our questions are about human rights activists and political dissidents, your responses are of broader civil society. Why is it that human rights activists and political dissidents inside Cuba who I have talked to, including during a recent trip to Spain where I met 50 of those who were released from Cuban jails, say they feel that there was less engagement, less access from the Interest Section during your tenure.

I do not believe having your political affairs director smoking a cigar with a narcotics trafficker is reaching out to civil society. If you were going to some other country, maybe this would not be an issue. But many of us on this committee, and certainly I as the

chairman of the subcommittee, have serious concerns about where Nicaragua is headed.

So the ability to engage not just with civil society, but with human rights activists and political dissidents languishing inside of their country to create the space that is necessary for the proper democratic process to take place is very important. That is why it is critically important for us to understand where you came from so we can know what to expect of you in your next post.

I want to give you the chance to give me some sense of how you will engage differently in Nicaragua. And maybe your answer is there is no difference, in which case, you know that would be it.

Mr. FARRAR. Senator and Mr. Chairman, I share your concern about strengthening and supporting civil society. That is what we have endeavored to do over the past 3 years.

If I may go back to the example of Damas de Blanco, after our ceremony presenting them with the Global Human Rights Defenders Fund Award, 2 weeks later we brought back the former 75ers to give them 2 days of intensive training on computers, on the world that had passed them by during their 8 years in Cuban prisons.

We are engaged in looking for practical ways that we can help human rights activists, civil society members, get their message out and engage better to advance the cause of democracy and human rights. And it is that same mission of trying to find ways that will work that I would, if confirmed, look to carry forward in Nicaragua.

Senator MENENDEZ. Thank you for your answer. Ms. Kubiske, let me ask you, President Zelaya has returned to Honduras. That was part of the condition for Honduras' return to the OAS, along with assurances of the government that his political allies would be allowed to participate in politics.

Can you comment on what you view as the political climate in Honduras and the meaning of Zelaya's return for the stability of the Lobo government?

Ms. KUBISKE. I think in the first instance, it was quite a triumph that Honduras, with the help of neighbors in the hemisphere, were able to get to the point where Honduras could be brought back into the OAS. And so, they are now in a position to move forward.

Having said that, I understand that the atmosphere continues to be fragile and polarized. There is no question about that.

As part of the project of national reconciliation as you mentioned, Mr. Chairman, there was a condition of Zelaya's return. And so, we hope and we urge—I hope and I urge—if I were confirmed, that he would play a constructive role.

Senator MENENDEZ. What do you think is the stability of the Lobo government?

Ms. KUBISKE. I think they have—I am going to answer it indirectly to be frank. They have taken many important steps forming a unity government that has opposition members in it and establishing a truth and reconciliation commission to go over what happened in the past and to try to make recommendations for how to prevent it.

I think I would see my role as putting a lot of priority on strengthening democratic institutions because there is an issue of

having a system that will avoid a political crisis, such as the one that occurred in 2009.

Senator MENENDEZ. Let me ask you a question that is local in nature, but I would like to get your commitment should you be confirmed to work with me on this.

In May of last year, a constituent of mine, Joe Dunsavage disappeared off the coast of Honduras in his boat, and despite extensive efforts, neither he nor his boat were recovered. His brother, his wife, and his kids have been seeking a certificate of presumptive death from the Department for more than a year to no avail. Will you work with me in trying to help this family come to a conclusion so that we can have them have a measure of closure and be able to deal with the challenges of their estate?

Ms. KUBISKE. The short answer is absolutely. The longer answer is what happens to American citizens is a core objective of our foreign policy and taking care of people. I know that the Embassy and the State Department both have worked hard on the case, but I would welcome the opportunity, if I were confirmed, to take a closer look and see if there is anything more we can possibly do.

Senator MENENDEZ. I appreciate that. We look forward to doing that with you.

Mr. Thessin, with reference to Paraguay, I mentioned that it captured an enormous amount, in monetary terms, of cocaine, 875 kilos. What do you view as the nature of our counternarcotics cooperation with Paraguay? And how committed do you think the Paraguayans are to a strong bilateral relationship with the United States to control illicit activity of that and other sorts in the Tri-Border region?

Mr. THESSIN. Counternarcotics is an area that is obviously a high priority for the United States Government—the President, the Drug Enforcement Administration, and the country. And DEA has a very close working relationship with the Paraguayan authorities. They have been training units to go out and look for and seize narcotics that might be transiting the country. They have reported to me that they have been receiving good cooperation.

If confirmed, I would continue to make counternarcotics a high priority. This is important to the United States. Beyond that, the Tri-Border Area is an area of particular concern for United States and Paraguayan law enforcement. The area is notorious for corruption, for money laundering, for smuggling. And whenever you have that kind of money floating around from illicit gains, there is also concern then that it is used to—some of it is going to fund terrorism in the Middle East, for example.

There is no corroborated evidence that there is an active terrorist cell in that area. But it is an area that we have clearly in our focus, as do the Paraguayans, and the Argentines, and the Brazilians. So, if confirmed, this is an area we will give tremendous attention. We will work with the Paraguayan government to build its democratic institution to deepen its roots so that the government can deliver services and be trusted by the people.

Senator RUBIO. Thank you.

Mr. Hardt, let me just ask you, I know we often overlook Guyana in the panoply of Latin American nations, but on the economic front it has resources that are a basis for growth and development.

And I understand it has agricultural, aquacultural, eco-tourism, mining, wood products, as well as possible oil reserves offshore that could be as extensive as those that are found in Angola.

What would you do if confirmed to help track U.S. foreign investment to help develop these resources?

Mr. HARDT. Thank you, Mr. Chairman. If confirmed, I would certainly look to continue the programs that we have ongoing in Guyana already to foster economic growth and opportunity. The areas you mentioned do have a lot of potential, but they also have a number of obstacles. And through USAID programs, we have been working to try to identify new markets, develop institutions within each of these sectors to strengthen their outreach to potential markets, and to create more opportunity for these sectors, certainly on the oil and gas front, which is a potential game changer in many ways for Guyana.

We are working through an energy governance capacity initiative to build the government's ability, should this oil prove to be as our geological surveys anticipate that they would have the ability to manage it, to regulate it, and to ensure that the oil goes to the development of the country and the people of Guyana in a way that will raise them out of their current level of poverty.

Senator MENENDEZ. We are closing our USAID mission—in Guyana. And we have programs like PEPFAR that we are closely engaged in there. Since you are in Barbados now, do you think that the mission in Barbados can be as effective in monitoring the progress and coordination of those programs that we have going with USAID?

Mr. HARDT. Well, I know that the mission in Barbados can be very effective. I am pleased——

Senator MENENDEZ. It was not a trick question——

[Laughter.]

Senator MENENDEZ [continuing]. I am sure they are effective in Barbados. The question is, Can they be as effective in operating and overviewing what is going on in Guyana?

Mr. HARDT. Well, certainly I do not think it can ever be said that you can be more effective than being on the ground. That is going to be the most effective way to manage a program. But obviously AID is making—is facing budget limitations, and in the context they are seeking to reutilize some of their efforts. We have excellent working relationships within the region. We are working regionally on the PEPFAR program in the partnership framework. We are working regionally on the Caribbean Basin and Security Initiative. So, we have a pattern of working regionally, and I think we can continue that. And, you know, I look forward to engaging, you know, with our Embassy in Bridgetown—when I am Georgetown, if confirmed, and believe we can continue the good programs that we have ongoing already.

Senator MENENDEZ. Senator Rubio.

Senator RUBIO. Thank you. And just to wrap up, Mr. Farrar, and then I want to move to some other questions. First of all, I did not thank you for your service to our country, a long career, and to your family as well for doing that. And you and I have never met. We have not spoken before on these issues, and I look forward to talking to you more about these in the future.

I just want to leave on the record what my concerns are, not just specifically about the nomination, but in general about the situation in Nicaragua. You have a government there that's conducting an all-out assault on the constitutional order and on the independence of government institutions. You have a—Daniel Ortega, who is using his relationship with Hugo Chavez not just for personal enrichment, but to create an alternative basically government in terms of funding mechanisms, for many things that are happening.

You have a government that is openly supporting Moammar Gadhafi, openly supported Russia's invasion of Georgia, and the creation of states out of that invasion.

And in the face of that, we have to send someone to be the face of the United States in Managua. And I think that should be someone who is going to be forceful. You are not going to Luxembourg. It is not Lichtenstein. This is a place that is headed in the wrong direction in a hurry, and America needs a forceful presence there.

And I have to be honest. We do not know each other well. I have only known about your record from what I have read in preparing for this hearing today. But I am concerned about some of the decisions that you made at the Interest Section in Havana. We have complaints—numerous complaints from dissidents and human rights activists. We have instances of invitations to Castro regime officials at the expense of others in civil society to be at certain events. Some other decisions—you know, some of the things, talking about the Christmas tree and the Christmas stuff that was taken down, the ticker. And these may be symbolic, but they were certainly part of a forceful presence in the area.

And then to top it all off, we have State Department officials visiting Havana, and instead of staying at the Interest Section, and maybe there is a good reason why they did not stay there, they stayed at the Hotel Nacional, which in addition to being an expropriated property, appears to me to be a security risk to stay in a place like that in a country like that.

Suffice it to say that it is my opinion, just from the little I know, and I could be dissuaded—I mean, that is what I want to hear today—that the strategy that you adopted at the Interest Section was not to offend or to try to avoid offending or being abrasive with the Castro government because you felt perhaps it would give you more space to function and carry out your mission.

Obviously you have the right to respond to that, and maybe you view it very differently. But I am concerned about that because it is not what I think I would like to see as the strategy in Managua. And maybe there are distinctions, and maybe you will handle that post differently. I would give you the opportunity to respond to that. I do have questions for all four panelists as well. But if you would like to respond to that.

Mr. FARRAR. Yes. Thank you, Senator I think I have a 30-year record of service to the United States. My previous position before going to Havana was as the Principal Deputy Assistant Secretary of the Bureau of Democracy, Human Rights, and Labor where I worked with civil society around the world. While I was in the Bureau there, we developed some of the very programs that we were then able to take advantage of and use in Havana. I am talking

about programs such as the Global Human Rights Defenders Fund, which was created while I was in the Bureau.

Civil society, human rights, is near and dear to my heart. It has been part of my career for almost 30 years now. In Havana, we have been trying to find the most effective ways to communicate, to expand space for civil society.

The world changes, and we come up with new programs in order to be able to connect. Some of those new programs are ones that I described—the blogging classes, the computer classes, distributing free software. We still do some of the old methods as well. In the first 8 months of this fiscal year, we distributed 21,000 copies of the El Nuevo Herald in Cuba. Some of the old methods work, but we need to be innovative and creative in trying to work with civil society, whether it is in Cuba or whether it is Nicaragua or anywhere else around the world. And that is truly what I have dedicated my time to. Thank you.

Senator RUBIO. OK. I have the same question for all four panelists.

We are facing, as you all well know, fiscal constraints and a great debate going on in this city about what America should be spending money on, particularly when it comes to foreign aid and foreign programs. Have you given thought to one investment—if you were prioritize and come up here in your new post a year from now, 6 months from now, make a recommendation on one investment that you think would give us, for lack of a better term, the most bang for our buck, in your particular assignments, have you identified such a program? Have you given some thought to which one program would give us the highest rate of return on our investment in each of your respective countries? It does not have to be a specific program. I mean, it could be area of expenditure. Where should our focus be basically when we spend money on foreign aid or other presences in the different countries? And, I guess, Mr. Hardt, we will hear from you.

Mr. HARDT. Certainly. Over the past few years I have been working in the Caribbean to implement the President's Caribbean Basin and Security Initiative. And I think that program is ideally suited to the needs of the region. When we developed it, it was based on listening to people in the region, hearing what their concerns and priorities are, and trying to respond to that. And it combines a nice mix of traditional support for capacity building among law enforcement and military groups, but also efforts to look at the root causes of crime in the region and to support at risk youth and educational programs for young people. And I think this balance is clearly what we need to be doing. We need to obviously go after the drug traffickers and the criminals, but we also need to deal with the fertile ground that creates them. And certainly I would hope that we would be able to keep that program strong.

Mr. THESSIN. Senator, that is a very good question that I have given a lot of thought to.

My procedure for doing—for looking at something like this would be to talk to the country team and to talk more with Washington about their experience on the programs because I am not as familiar with them as they are.

But I think, though, when you look at what Paraguay needs right now, it is to help institutionalize its democracy. That is the kind of programs that the President in Paraguay has asked for our help. And that includes things like helping to fight corruption, helping to train the police, helping to make the government deliver its services more effectively to the people. And those are programs that I think pay off because that may be the engine for starting a country that is less corrupt, that has less corruption in it, that has better government services, where the government is trusted, where democracy takes deeper root. And I think that is very much in our interests, and that is the first place that I would look to try to protect.

Mr. FARRAR. Thank you, Senator. I would cite areas that I do not think would actually cost any more money. The first would be looking ahead to the run up to the election in November and beyond. I think we should examine the mix of civil society programs for Nicaragua to make sure, together with the Congress, that we have the right mix moving forward, depending upon what the situation is on the ground there at that time.

The second I would mention would be in the area of counternarcotics, to look at the agencies that we are working with in Nicaragua, make sure we have the right ones there, but also to encourage Nicaragua to take advantage, to use the opportunity to train officials at the International Law Enforcement Academy in El Salvador. They have access to that. They are not using it. That is a space that could be utilized. Thank you.

Ms. KUBISKE. Senator, you have asked a very fair question. I think the problems in Honduras interrelate. If you ask Hondurans what is their top concern, it is insecurity and the culture of impunity, and that is obviously an area that we need to focus on.

If you look from the narrowest, most hard-nosed United States perspective, you can say that we need to support helping Hondurans have opportunities in Honduras so that they do not, as somebody has pointed out, have choices between joining a cartel and drugs or going illegally or sometimes legally to the United States.

I cannot tell you one area because I think the way to answer that question is to see what kind of assistance cannot be provided from another source. But I would be happy to talk with you later and to talk with others and give you a much more specific, concrete example if that would help you.

I do have a very strong view that to have a successful economy, you need to have opportunities for poor people. And so, a big part of what I would like to see more of is support for the kinds of programs that provide job-related skills to Hondurans, or that connect Hondurans to markets. Hopefully, those things would be win-win for both of us.

But as I said, it is very hard to disentangle the citizen security part from the economic part.

Senator MENENDEZ. Well, thank you all for your appearance and your answers. Thank you for your service to our country, each and every one of you, and for your willingness to serve. Senator Inhofe has asked unanimous consent for a series of questions to be included in the record. Without objection, they are so ordered.

The record will remain open for 48 hours. During those 48 hours, I can assure you that there will be a series of questions that will come forward, and I would urge each of you to answer as quickly as possible since it will expedite the consideration of your nomination.

Senator MENENDEZ. With that, the committee is adjourned.

[Whereupon, at 3:16 p.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF D. BRENT HARDT TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* In November, Guyana will host Presidential and parliamentary election. The election board, however, has expressed concern that 49,000 voters have not claimed the registration cards that allow them to cast ballots.

- What steps is the government taking to address this issue?
- What role will the United States and international community play in ensuring that the elections are free and fair—both in the lead up to the election and on election day?

Answer. Although the date for the 2011 national elections has not been set, they are expected to be held between October and December. As of June 4, 46,687 registration cards were unclaimed according to the Public Relations Officer of the Guyana Elections Commission (GECOM). The GECOM has a systematic plan to distribute the cards, which includes advertising the availability of the cards on the radio and distributing lists of individuals who have unclaimed cards to all political parties. GECOM will soon begin delivering unclaimed cards to residents in remote areas of Guyana via a network of temporary field offices. The Government of Guyana intends to invite observers from the Caribbean Community and the Organization of American States to monitor the elections, but at this time, no formal invitations have been extended.

The Embassy, through USAID, is the most visible international elections donor. It is working actively to ensure that the elections are free and fair through technical assistance to GECOM, grants to civic organizations and NGOs to promote voter participation and open dialogue, including a program addressing first time voters, and a grant to facilitate the participation of disabled persons in the election.

*Question.* Closure of USAID mission in Guyana. Last fall, USAID announced plans to close its AID mission in Guyana. USAID's presence has allowed it to coordinate PEPFAR programs in coordination with the Centers for Disease Control. USAID has also been a key factor in coordinating our aid with donors like the Inter-American Development Bank (IDB), the British Department for International Development (DFID), the Canadian International Development Agency (CIDA), and the European Union.

- What kind of message do we send to Guyana and to the Caribbean region as a whole when we withdraw coordination of much-needed programs in health care and disease prevention?
- Will the mission in Barbados be as effective in monitoring the progress and coordination of these programs?

Answer. In order to achieve its global sustainable development objectives, USAID is consolidating resources in priority countries and sectors. As a cost-saving measure, USAID plans to manage its Guyana projects from its regional office in Barbados. USAID has determined that it can manage and coordinate these activities from Bridgetown and achieve cost savings.

USAID's Office in Barbados is a regional platform that already manages an extensive and robust HIV/AIDS program in the Caribbean and has a strong professional staff. Despite the pending closure of our USAID office in Guyana, we have sought to assure the Government and other health and civil society partners that USAID will remain active in Guyana implementing our HIV/AIDS, CBSI, and economic growth programs.

RESPONSES OF JAMES H. THESSIN TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* Tri-border Region—International Terrorism: We don't hear much about Paraguay. It's the size of California and has a population of 6½ million people. It's tucked away between Bolivia, Argentina, and Brazil. We share in interest with Paraguay in ensuring that this Tri-Border Area does not become a nesting ground for narcotics or, even worse, terrorist activities. There continue to be reports linking the tri-border region to international terrorist groups, such as Hamas and Hezbollah. A 2009 RAND study examined how Hezbollah has benefited from film piracy proceeds in the tri-border and the State Department terrorism report maintains that the United States remains concerned that Hezbollah and Hamas sympathizers are raising funds among the sizable Middle Eastern communities in the region. Hezbollah is also linked to two bombings in Argentina: the 1992 bombing of the Israeli Embassy in Buenos Aires that killed 30 people and the 1994 bombing of the Argentine-Israeli Mutual Association (AMIA) in Buenos Aires that killed 85 people.

Is it your sense that Paraguay is committed to a strong bi-lateral relationship with the United States and to controlling illicit activity in the triborder region? If confirmed, what priority would you place on addressing the proliferation of illicit activities in the region and in encouraging the regional governments to seriously address the panacea of criminal activity that is known to occur in this area?

Answer. If confirmed, I will continue to make it a high priority of Embassy Asuncion to work to counter terrorism, violent extremism, and narcotics trafficking while addressing illicit activity in the Tri-Border Area, including corruption, money laundering, and piracy of intellectual property.

It is my sense that Paraguay is committed to a strong bi-lateral relationship and to controlling illicit activity in the Tri-Border Area. I will work with the Government of Paraguay to maintain this strong relationship and to continue to support Paraguay's efforts in this area. However, poverty, corruption, and the limited capacity of Paraguay's security services all challenge its law enforcement efforts.

This is where the United States has the potential to do much to help Paraguay strengthen its democratic institutions, including through the continuation of our efforts in the areas of counternarcotics, money laundering, law enforcement training, information-sharing, and counterterrorism. As Ambassador to Paraguay, I will work hard to do just that. I will also work with our country's leading experts in Washington and our Ambassadors to Brazil and Argentina on how the United States can best coordinate its work with Brazil, Argentina, and Paraguay to control illicit activities in the Tri-Border Area.

*Question.* Counternarcotics: Last week, Paraguay captured a record haul of 875 kilos or $131 million in cocaine. U.S. drug enforcement agents were reportedly called in after workers at the private Phoenix river port grew suspicious about rice from the Tri-Border region. What is the nature of our counternarcotics cooperation with Paraguay and other countries in the region? Are these countries sufficiently trained and equipped to cope with those growing problem? To what extent is corruption, particularly by officials, an issue with respect to the trafficking of narcotics?

Answer. The recent seizure of 875 kilograms of cocaine in a container of rice at a Paraguayan river port illustrates one of the biggest law enforcement challenges facing Paraguay: the use of the country as a transit route for Andean cocaine headed to Argentina, Brazil, Europe, and elsewhere. Paraguay is also a source of marijuana for neighboring countries.

Counternarcotics responsibilities are shared by Paraguay's Anti-drug Secretariat (SENAD) and the Paraguayan National Police (PNP). The leadership of both institutions strongly supports law enforcement cooperation with the United States and regards illicit narcotics trafficking as one of the most serious threats facing Paraguay. The recent cocaine seizure you mention took place as a result of the fine cooperation that exists between U.S. and Paraguayan authorities.

Corruption is a significant factor hampering Paraguayan law enforcement, but progress is being made. Both SENAD and the PNP receive financial and operational support from the U.S. Government. The U.S. Drug Enforcement Administration supports sensitive investigative units (SIUs) in both SENAD and the PNP, and those units have had several successes in recent months, including the 875 kilogram seizure.

If confirmed, I would make it a high priority to support U.S. counternarcotics efforts, including DEA's efforts to counter illicit trafficking by land, air, and water and to improve controls in Paraguay's container ports.

I appreciate your question regarding regional efforts to combat narcotics trafficking. As with Paraguay, Brazil, and Argentina have cooperated effectively with the United States on counter narcotics matters. All three countries have had successes against narcotics trafficking; all three have policies and programs designed to confront official corruption. We believe that all three countries are committed to advancing their ability to counter this serious problem.

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RESPONSES OF JONATHAN FARRAR TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* In many Latin American countries, there seems to be a tendency toward autocracy and longevity in office. Different countries handle the temptation differently. Mexico has one 6-year term. They proclaim "Suffragio Efectivo—No Reelección" or Effective Suffrage—No Reelection. It was adopted in their constitution as a result of 30 years of dictatorial rule and a revolutionary struggle that last over 10 years.

Many nations have held constitutional referendums or used other means to remove limits on Presidential terms—to extend it to two terms, in some cases three terms. In the case of Venezuela under Chavez, term limits have been removed completely.

- What is your sense of this trend toward autocracy?

Answer. The region's commitment to democratic development is widespread and strong. This commitment gives Latin Americans a special role in helping support other nations making the difficult transition to democracy today. As Secretary Clinton has noted, "This hemisphere can do much more to guard against threats and challenges to democracy closer to home. In some countries, insecurity and a lack of opportunity remain real obstacles. In others, democracy is being rolled back rather than strengthened. Cuba remains a glaring exception to the democratic convergence. That is something that all of us have to face up to and work toward dealing with." I share Secretary Clinton's commitment to protecting fundamental freedoms and, if confirmed, I will work to promote democracy and respect for human rights in Nicaragua.

The United States has expressed its concerns in Nicaragua regarding the Supreme Court decision which cleared the way for President Ortega to run for reelection. As Ambassador to Nicaragua, I would commit my efforts and those of the Embassy to engaging with civil society, which often serves as a bulwark against the future undermining of democratic institutions.

*Question.* Since his reelection in 2006, Nicaraguan President Daniel Ortega has methodically and shrewdly consolidated his political power by subverting his country's democratic institutions and his people's basic human rights, including the freedom assembly. Now, in violation of the country's constitution, he is pursuing a second consecutive and third overall Presidential term in national elections this November. His electoral machinations suggest he is taking no chances. He and his Sandinista supporters are thwarting peaceful demonstrations, silencing the business community, taking over media outlets, politicizing government offices, and expropriating public funds. In what is the second poorest country in the Western Hemisphere, Ortega has clearly placed his own enrichment and empowerment above the welfare of the Nicaraguan people.

I hope that you will agree that the deteriorating political situation in Nicaragua is alarming and likely to worsen without greater international engagement. With Nicaragua's opposition party fractured, civil society is the only meaningful check against this increasingly authoritarian Ortega regime, and yet, civil society organizations are operating with few resources and under constant threat from Sandinista forces. Prodemocracy activists valiantly fighting to protect democracy need greater U.S. support—both moral and financial.

- Can you assure the committee that you will be an ally and advocate for those brave men and women defending human rights in Nicaragua, and in what ways do you believe we can step up our support for civil society groups in Nicaragua?

Answer. I can assure the committee that I share its concerns about the erosion of democratic institutions in Nicaragua. If confirmed, I will continue to be a passionate advocate for human rights and democracy and work with human rights defenders. I will be outspoken about the importance of protecting fundamental freedoms and democratic institutions, and urging greater respect for human rights, transparency, and separation of powers. I have worked closely with civil society in Latin America during a career that spans three decades. Additionally, I will bring

to bear my experience to ensure that our efforts are the most effective possible in the environment which prevails in Nicaragua today.

I will continue to advocate for the engagement of civil society at the local and national level, a viable independent media, an informed citizenry, strengthened local government, and effective political party participation. All of the programs that further these goals are crucial to building a sustainable democratic foundation in Nicaragua and must be protected in the face of declining resource levels for U.S. assistance.

*Question.* Mr. Ortega is illegally seeking another Presidential term. What do you believe U.S. policy should be toward his candidacy?

Answer. The U.S. Government expressed its concern in 2009 about the manner in which the Nicaraguan Supreme Court made its decision allowing the reelection candidacy of President Ortega. The United States and others in the international community are concerned that the upcoming elections be a valid expression of the true will of the Nicaraguan people. We must speak up in defense of our democratic principles and convey our concerns about threats to democratic institutions as they arise. For that reason, the United States has pressed for the presence of credible domestic and international observers to enhance prospects that the elections will be carried out in a free, fair, and transparent manner and to provide effective witness if they are not.

We must be prepared to discuss our concerns directly with the Nicaraguan Government, both in Washington and in Managua, in a coordinated manner. If confirmed, I would do so vigorously.

*Question.* Mr. Ortega is not only seeking reelection; he is also looking to secure 56 seats in the National Assembly—a supermajority that would allow him to rule without any real checks on his power. Understanding that time is running out for an effective domestic and international election observation initiatives, what can the U.S. Government and the international community do to persuade Mr. Ortega to immediately accept independent election observers?

Answer. The administration has said clearly that the manner in which the upcoming elections are held and observed will inevitably affect Nicaragua's relationship with the international community, including the United States. Allowing credible and timely domestic and international observation of the upcoming elections would demonstrate whether they represent a valid expression of the will of the Nicaraguan people and assuage concerns of the international community.

*Question.* The current Government in Nicaragua, and the Government in Cuba, where you served as chief of mission, are similar in many respects, including their strong alliance with Hugo Chavez and their hostility toward the United States. How would you describe U.S. policy toward Cuba, before and after you becoming chief of the U.S. mission in Cuba?

Answer. U.S. policy toward Cuba has consistently been to advance the national interests of the United States by assisting the people of Cuba to freely determine their own future. The policies and programs that the Obama administration has put in place aim to advance those vital objectives.

In January 2011, President Obama directed changes be made to regulations governing travel, nonfamily remittances, and U.S. airports providing licenses to charter flights between the United States and Cuba. These measures were taken to support civil society in Cuba, reduce the dependence of the Cuban people upon the state, and enhance the free flow of information to, from, and within Cuba. President Obama has stated that these steps, combined with the continuation of the embargo's controls over trade and investment with Cuba, are important steps in reaching the widely shared goal of a Cuba that respects the rights of all of its citizens. These latest measures were undertaken to build upon the President's April 2009 actions to help reunite divided Cuban families, to facilitate greater communication between the United States and Cuba, and to increase humanitarian flows to the people of Cuba.

*Question.* Could you share with the committee the lessons you learned in Cuba about how to deal with the Castros' regime and how you would apply those lessons to your post in Managua, if confirmed?

Answer. My experience over the past 3 years in Cuba has reaffirmed my conviction developed over 30 years in the Foreign Service with regards to the essential role which the United States must play in supporting those who are helping to build an independent civil society in the face of severe government reprisals. This includes our support for pro-democracy activists, human rights defenders, independent media, and other courageous men and women who peacefully demand greater re-

spect for universal and basic rights such as freedom of association, expression, and information. In Cuba, I have been persistent and vocal in standing up for these rights and those who demand them, and creative in supporting them, while responding to the evolving needs of those on the ground who are leading the fight to exercise these fundamental freedoms.

The position of the United States on the release of political prisoners in Cuba has been clear and consistent: all political prisoners should be released and be able to decide for themselves whether to remain in Cuba. In the ceremony I held at the Interest Section presenting the State Department Annual Human Rights Defenders award to the Damas de Blanco, my remarks highlighted our common commitment to see the day when there are no more political prisoners in Cuban jails for nothing more than peacefully exercising their basic rights.

In addition to the Damas, whom I nominated for the 2010 Human Rights Defender Award, I also proposed that the Department recognize Dr. Darsi Ferrer in 2009 for that year's award, and Yoani Sanchez for the 2010 International Women of Courage Award. Sanchez won, while Dr. Ferrer was one of the three runners up. I nominated these individuals because I felt that publicly recognizing the valor and legitimacy of independent activism, regardless of the Cuban Government's reaction, is critical and an important element for promoting human rights and democracy, particularly in countries which systematically violate human rights like Cuba.

Moreover, during my 3 years at the Interest Section, I focused on ensuring our commitment to human rights and democracy at the Interest Section truly is missionwide, and I have not budged from our principled stance, both in Havana and in Washington, even when those with whom we work have come under attack. Our Foreign Service officers have been harassed by government-sponsored mobs and media when carrying out their duties of observing peaceful protests. In close coordination between the Interest Section and Washington, we have answered our critics and resisted Cuba's pressure to curtail our outreach activities and human rights observation. Our Interest Section engages directly with civil society activists, including members of Cuba's political opposition, former political prisoners, human rights activists, and broader civil society activists.

As noted in our most recent "Human Rights Report," the United States has serious concerns with the deterioration of the respect for human rights and democratic institutions in Nicaragua, especially in the areas of freedom of assembly, freedom of speech, and respect for independent media. Similar to what I did in Cuba, I will work with friends and allies in the international community on the ground who share our commitment to strengthening democratic institutions and be ready to speak up in defense of our democratic principles and to convey our concerns, both directly to the Government of Nicaragua and more broadly, about any threats to democratic institutions.

At the same time, we must sustain consistent efforts to help protect those who may be persecuted for their peaceful dissent and to strengthen democratic institutions in Nicaragua regardless of the outcome in November. If confirmed, I would look forward to working with the committee and other Members of Congress in adopting the appropriate policies for both the preelectoral period and beyond in order to ensure that Nicaraguans don't follow the same lamentable fate as their Cuban counterparts.

As I have noted elsewhere, the Interest Section recently began Digital Video Conferences to connect human rights activists in Cuba with their counterparts elsewhere in the region. One of our first conferences linked Cuban human rights defenders with their counterparts in Nicaragua. Helping to create such linkages is a vital part of the mission of the Interest Section and of Embassy Managua, and one upon which if confirmed I would seek to build in Managua.

*Question.* Do you believe that it is possible for U.S. policy to embolden rather than discourage hostile actions by anti-American regimes? Could you tell us what has been achieved by a policy of "engagement" with Havana? Do you think a similar policy of "not giving offense," in other words of curtailing U.S. efforts found objectionable by the regimes, to be the proper formula in dealing with Managua and Havana?

Answer. The administration has consistently stood up for democratic principles in our policy toward Cuba, and the activities of the Interest Section have been in pursuance of those principles. We have made it clear to Havana that this is our guiding and nonnegotiable stance, and that we will not waver under any circumstance in the defense of democratic principles.

President Obama has made it clear that advances in bilateral relations are not possible absent significant changes in Cuba. However, the United States has engaged with Cuba in specific areas where it is in our national interest to do so. In

2009, the United States resumed biannual talks with Cuba on migration to ensure that migration from Cuba is conducted in a safe, legal, and orderly manner. Without exception, I have brought USG representatives together with Cuba's most prominent and active human rights defenders, pro-democracy activists, and other dissidents to learn from their experiences and to demonstrate to the international community that Cuba's civil society is an important interlocutor. We were unequivocal that we would not budge from these activities, even if it led to the cancellation of the discussions. This is the type of work that I had the honor of directing while in the Bureau of Democracy, Human Rights, and Labor, and in which the United States engages around the world. Cuba is no exception, and neither would be Nicaragua.

The United States has implemented a broad range of strategies to strengthen civil society, including human rights defenders, pro-democracy activists, independent journalists and others in Cuba and to defend those persecuted for their beliefs or for peaceful protest. We have done so in the face of unrelenting Cuban harassment and propaganda attacks, both in print and in television and radio, which have singled out private Cuban citizens seeking to exercise their individual freedoms, and the Interest Section and members of its staff for supporting them. The staff of the Interest Section has been targeted especially when observing peaceful protests in Havana, despite the fact that such observation is a practice fully in accordance with diplomatic practice under the Vienna Conventions. In coordination with Washington, the State Department and the Interest Section have pushed back vigorously and directly with the Cuban Government against such abuses.

As Ambassador to Nicaragua, I would continue to stand up for the democratic principles of the United States as I have done throughout my 30-year career in the Foreign Service. Working with Washington, and in consultation with Congress, I would endeavor to put in place in Embassy Managua the most effective policies possible to advance U.S. national interests and strengthen democratic institutions in Nicaragua. Working in coordinated within the administration, I would address directly with the Nicaraguan Government, and more broadly with the international community when appropriate, bilateral disagreements as they arise from our vital engagement on these issues.

*Question.* What do you see as the primary mission for the U.S. Embassy in Nicaragua at this time? Is support for civil society actors part of that mission? If yes, what is your specific plan to reach out to and support civil society? What Embassy resources will you dedicate to supporting civil society?

Answer. The primary mission for the U.S. Embassy in Nicaragua is to promote U.S. national interests by assisting with Nicaragua's long-term development as a democratic, prosperous, and stable partner for the United States, to the benefit of the citizens of both countries. The mission is focusing its efforts on assisting Nicaragua in developing democratic governance, sustainable and broad-based economic growth, and law enforcement. A vibrant civil society is vital to these goals, which I would seek to engage fully, if confirmed.

During my time in Havana, we have found creative means to support civil society in Cuba. Given the inability of many Cuban activists to gain permission to travel outside the country, the Interest Section uses Digital Video Conferences and other technology to help them build relationships with their counterparts in the United States and elsewhere in the hemisphere. Just recently we hosted digital video conferences between human rights activists in Cuba and their counterparts in other countries.

Unfortunately, most civil society groups in Nicaragua are woefully short of resources, and many of the international donors on which those organizations rely have pulled out of Nicaragua. We must endeavor to maintain active and creative engagement with a beleaguered Nicaraguan civil society. Embassy Managua has brought Nicaraguan journalists to the United States on International Visitors Programs.

If confirmed, I will be outspoken about the importance of protecting fundamental freedoms, democratic institutions, and urging greater respect for human rights, transparency, and separation of powers. I will bring my experience from years of work in the region to lead Embassy Managua in its search for innovative means to engage with civil society, and to continue efforts at the local level in Nicaragua to engage with the development of a new generation of leaders.

*Question.* Are you concerned about efforts by the Government of Nicaragua to undermine the integrity of the elections? Will you demand, as forcefully as possible, the presence of international election observers preceding and during the forthcoming elections? What Embassy resources will you commit to monitoring direct and indirect efforts by the Government of Nicaragua to undermine the integrity of the

elections? Will you work with other foreign embassies to observe the elections and report on irregularities, including reporting to international media on any such irregularities?

Answer. For elections to be truly democratic, they must be a valid expression of the will of the people. For that reason, the United States has pressed for the Nicaraguan Government to invite credible domestic and international election observers to enhance prospects that the elections will be carried out in a free, fair, and transparent manner and to provide effective witness if they are not. If confirmed, I would commit the entire Embassy, in coordination with our international partners, to be actively engaged in monitoring and reporting on the November elections. Such monitoring and reporting must cover not just the election day and its aftermath but also the critical period leading up to the actual voting. As always, I will be ready to speak up in defense of our democratic principles and to convey our concerns, both directly to the Government of Nicaragua and more broadly, about any threats to democratic institutions.

*Question.* When President Carter visited Cuba he met with some dissidents. Did you or your staff help with the list of invitees? Was Martha Beatriz Roque, the former political prisoners and opposition leader invited? If not, why not?

Answer. My USINT team and I welcomed and briefed President Carter and his staff during his March 2011 visit to Cuba. Per requests from President Carter's team, we shared a list with them of Cuba's most prominent and effective civil society leaders that included former political prisoner Martha Beatriz Roque. President Carter and his staff organized their two meetings with civil society entirely on their own and without USINT participation, and they selected those they wished to meet. No USINT official was present at the meetings. Consequently, I cannot verify whether Ms. Roque received an invitation to attend, or attended, either of those meetings.

*Question.* Soon after you became chief of mission in Havana, some dissidents made it known that their access to the USINT became more limited? Was that your decision? How frequently did you personally invite dissidents to the USINT?

Answer. My staff and I meet with Cuban civil society daily, individually and in groups, both inside and outside the mission. In FY 2010, USINT officials held over 600 meetings with human rights activists alone, many of them at USINT. In that same period, Cubans made more than 13,000 visits to USINT's Internet centers to exercise their right to freedom of information.

I frequently host representatives from Cuba's civil society in my home, as do other officers in the mission. Members of Cuban civil society know that they can count on our support for their efforts to expand civil liberties and disseminate accurate information on activities in Cuba. Representatives of civil society, including many dissidents, are active participants in the various distance learning and on-site courses USINT offers, including training for independent journalists, librarians, and bloggers.

*Question.* How many U.S. diplomats work at the U.S. Interest Section? How many Cuban nationals work there? How are they hired? Does the Cuban Government play a role in who works at the Interest Section? Does the Cuban Government receive payment for those workers? How much? In your estimation are there any of those workers Cuban intelligence officers? In addition to them, how many of the Cuban workers working at the USINT are susceptible to pressure by the Cuban authorities to gather information at the USINT?

Answer. The United States Interest Section (USINT) is limited by the Cuban Government to no more than 51 permanent U.S. Government employees. Similar to U.S. missions around the world, USINT also employs local nationals, third-country nationals and eligible family members (EFMs). Because of the limitation on permanent U.S. Government employees, USINT employs relatively more EFMs and third-country nationals than would other U.S. missions of similar size. USINT currently contracts 297 local Cuban nationals. As is the case for all foreign missions operating in Cuba, the Cuban Government Agency Palacio de Convenciones (PALCO) must approve any Cuban national USINT plans to hire. USINT pays a fee to PALCO for every Cuban employee. We paid PALCO $988,867 in fees in fiscal year 2010 for this purpose. The strict security procedures followed by USINT take into full account the operating environment in Cuba, including the process by which local nationals are hired.

*Question.* In both Cuba's and Nicaragua's case, did you meet with a broad spectrum of the Cuban American and Nicaraguan communities in the United States?

Answer. Prior to my arrival at the U.S. Interest Section in July 2008, I was serving as the Principal Deputy Assistant Secretary of State in the Bureau of Democracy, Human Rights, and Labor (DRL). In that capacity, I personally met with a broad spectrum of NGOs working to bolster human rights, democracy, and the free flow of information to, from, and within Cuba. My meetings included representatives of those NGOs who were grantees of DRL programs and those who worked with USAID and its programs, many of whom were leaders from the Cuban American community. I also met with a broad spectrum of human rights organizations, policy foundations, and academics working on issues of human rights and democracy in Cuba.

Because I am still in my post as the chief of mission of the U.S. Interest Section, I have not yet had the opportunity to undertake similar consultations with the community in the United States engaged on such issues regarding Nicaragua. If confirmed, I would look forward to such consultations as a vital element in preparing myself to be the next United States Ambassador to Nicaragua.

*Question.* One symbolic, nevertheless important efforts in previous years were the Christmas decorations and the lights on the USINT building in Havana that stood as a sign of hope in the mostly dark oceanfront of the city. Why were those lights turn off? Were the Cuban authorities pleased with the blackout? Did you try to turn the Christmas lights back on during your time there?

Answer. Throughout my assignment in Havana, the U.S. Interest Section has featured illuminated Christmas decorations on our grounds and at my residence. Indeed, consistent with U.S. support for religious freedom, I expanded USINT's holiday decorations to include lighted displays honoring Chanukah and Ramadan. All of these displays remain clearly visible at night from Havana's oceanfront during the appropriate holidays. Reactions, or potential reactions, from the Cuban authorities play no role whatsoever in these manifestations of the support of the United States for religious freedom.

I take extremely seriously the promotion of international religious freedom and strive to set a personal example. My wife and I have attended religious services at 75 Catholic parishes, churches, and chapels within the travel limits imposed upon the personnel of the Interest Section by the Cuban authorities. I also have attended religious services at various churches at the invitation of five Protestant denominations as well as interfaith ecumenical services.

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RESPONSES OF LISA KUBISKE TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* In many Latin American countries, there seems to be a tendency toward autocracy and longevity in office. Different countries handle the temptation differently. Mexico has one 6-year term. They proclaim "Suffragio Efectivo—No Reelección" or Effective Suffrage—No Reelection. It was adopted in their constitution as a result of 30 years of dictatorial rule and a revolutionary struggle that last over 10 years.

Many nations have held constitutional referendums or used other means to remove limits on Presidential terms—to extend it to two terms, in some cases three terms. In the case of Venezuela under Chavez, term limits have been removed completely. What is your sense of this trend toward autocracy?

Answer. I am committed to protecting fundamental freedoms and, if confirmed, I would continue to work to promote freedom and democracy throughout the hemisphere. In Honduras, the constitution limits the President to a single, 4-year term. The Honduran Congress has taken steps that would permit amendments to that restriction through a public consultation. Additionally, members of the Honduran Resistance are advocating significant changes to the constitution. Ultimately, these decisions rest with the Honduran people. From the U.S. Government perspective, it is important that any reform process be transparent and consistent with Honduran law, and that potential reforms adhere to democratic principles.

*Question.* In May 2010, a constituent of mine—Joe Dunsavage disappeared off the coast of Honduras in his boat. Despite extensive search efforts neither he nor his boat were recovered. His brother, wife, and kids, have been seeking a certificate of presumptive death from the Department for more than a year to no avail. What assistance can you provide to this grieving family? The Department has told the family that they must file a request through the Honduran court system, which will take at least another year to process. What reasonable steps can be taken to expedite this process?

Answer. Assisting American citizens overseas is a core objective of our foreign policy. At my June 8 hearing, I committed to working with you to help this family. I stand by this commitment to take a closer look to determine if there is anything more we could possibly do. If confirmed, I would review the correspondence on this issue and consult with U.S. and Honduran authorities to help this family obtain the necessary document as quickly as possible.

*Question.* Honduras still has one of the highest murder rates. Press reports have the official 2010 homicide total pegged at 6,236 deaths. That would be a homicide rate of 75.6 per 100,000 people. Honduras has also one of the highest rates of inequality in Latin America. With a Gini coefficient rate of 53.8 in 2008, it is not far behind Haiti, which was at 59.2 before the earthquake. As we make inroads in the fight against drugs in Mexico, Honduras is one of the countries of the northern triangle in Central America that is assaulted by drug-trafficking organizations. How deficient are the resources and institutional capacity of the government to counter the well-established drug trade? What are the most important steps we can be taking to help the government fight the narcotics trade?

Do you believe that we are presently investing sufficient resources through CARSI to address the escalating citizen security and narcotics issues in Honduras?

Answer. Threats to citizen security in the region are a serious and growing problem, and the Honduran Government needs support in many areas.

The U.S. Government appropriately buttresses the efforts of the Government of Honduras to fight transnational organized crime by strengthening the capabilities of the police and rule of law institutions, while encouraging respect for human rights. It also provides support to specific counternarcotics operations. Additionally, U.S. Government programs supplement Honduran efforts to address the root causes of crime, including the lack of economic opportunities, because it is impossible to disentangle citizen security from economic development. The U.S. Government also works with others in the international community to identify who else can provide expertise and resources in support of these efforts. It is vital to the security of the Honduran people and to the United States that we do all we can to continue to work in these areas.

*Question.* Presently in Latin America the Millennium Challenger Corporation has just one compact in El Salvador. The Honduras compact closed at the end of last year and the MCC board decided against a second Honduras compact because Honduras did not meet the MCC's controlled corruption indicators, based largely on the political events in the country. Do you anticipate that the resolution on the political crisis and Zelaya's return to Honduras will allow funding for a new compact to proceed? Are you aware of any other reasons that MCC would now decline to consider a new compact for Honduras?

Answer. Honduras performed admirably in implementing its 5-year compact. However, it did not meet the selection criteria for a second compact this year, having received a score on the Control of Corruption indicator that fell just below the median for its peers.

The Government of Honduras is working to address this concern, and the MCC is assisting Honduras in monitoring its reforms to provide supplemental information for the MCC Board to consider at its next meeting on country selection in December. For our part, the U.S. Government is helping Honduras improve governance through programs managed by several agencies, including USAID and the Departments of the Treasury, Defense, and State. If confirmed, I would continue to support this robust assistance to Honduras, including efforts to improve respect for human rights, so that it might achieve its goal of qualifying for a second compact.

*Question.* The State Department recently released a report that lists those countries where U.S.-owned businesses have investment disputes and, in some cases, expropriation claims against the host government. Honduras is on that list. If confirmed, what kind of priority will you devote to ensuring those claims are processed and cleared?

Answer. Both at USTR and the Department of State, I have been exposed to a number of investment disputes, and I developed a deep respect for the enforcement of treaty obligations in this area.

There are several outstanding investment disputes in Honduras involving American citizens. If confirmed, I would make appropriate efforts to ensure the prompt resolution of these cases. This is not only a question of basic fairness; if Honduras wants to succeed in attracting foreign investment, it is imperative that it establish a positive investment climate.

RESPONSES OF JONATHAN FARRAR TO QUESTIONS SUBMITTED BY SENATOR MARCO RUBIO

*Question #1.* A series of measures were taken during your time as chief of mission in Havana—for example, taking down the news ticker that ran across the facade of the U.S. Interest Section—that significantly shifted U.S. policy in the island.

- What was the reasoning behind the decision to end this creative method of bringing uncensored information to the Cuban people?
- Were you asked for advice on this decision? If so, what was your advice?

Answer. U.S. policy remains focused on the need for democratic reforms and improved human rights conditions in Cuba. There has been no shift in U.S. priorities with regard to our efforts to increase the flow of uncensored information to, from, and within the island in order to support the ability of the Cuban people to freely determine their future.

The billboard was installed in January 2006 because of the Cuban Government's restrictions on the free flow of information. By summer 2009, it had become evident that the electronic billboard had outlived its usefulness. The billboard suffered numerous breakdowns and required significant maintenance, and new and more effective outlets of information for Cuban citizens had emerged. The Cuban Government placed numerous obstacles in front of USINT to impede the ability of Cubans to read the billboard. As a result, when the billboard became only partly operational in June 2009, the administration decided to focus its efforts to expand the free flow of information for Cubans in other, more effective areas.

Since 2006, we have seen an increased flow of independent information to and from Cuba as a result of USG training of independent journalists and the emergence of bloggers in Cuba. Increased family travel to Cuba and the increased availability of cell phones and other communications devices in Cuba has contributed to improved access to information. The administration announced new measures on Cuba on April 13, 2009, and again on January 14, 2010, including measures intended to increase the free flow of information to Cuba.

Other, more effective methods of bringing uncensored information to the Cuban people include more than 13,000 subscribed sessions at USINT's two Internet centers; more than 30 courses and workshops offered to groups such as independent journalists hosted by USINT; regular DVCs with off-island interlocutors; the distribution of CDs, DVDs, flash drives, laptops, and cameras, some loaded with free (licensed) software, and the distribution of nearly 15,000 copies of the Nuevo Herald and 16,000 copies of USINT's news clippings in FY 2010 alone. We also distribute thousands of books, magazines, and our own newsletters to independent libraries and journalists throughout the island.

*Question #2.* Prior to your assignment to Havana, a symbolic, but nevertheless meaningful initiative, had been the Christmas decorations that adorned the U.S. Interest Section building in Havana and stood as a sign of hope in the mostly dark oceanfront of the city.

- What policy considerations went into the decision to end this initiative?
- Did the State Department consider the potential reaction from Cuban authorities?
- If so, has the United States received any indication of the reaction of the Cuban authorities to the blackout?

Answer. Throughout my assignment in Havana, the U.S. Interest Section has featured illuminated Christmas decorations on our grounds and at my residence. Indeed, consistent with U.S. support for religious freedom, I expanded USINT's holiday decorations to include lighted displays honoring Channukah and Ramadan. All of these displays remain clearly visible at night from Havana's oceanfront during the appropriate holidays. Reactions, or potential reactions, from the Cuban authorities play no role whatsoever in these manifestations of the support of the United States for religious freedom.

I take extremely seriously the promotion of international religious freedom and strive to set a personal example. My wife and I have attended religious services at 75 Catholic parishes, churches, and chapels within the travel limits imposed upon the personnel of the Interest Section by the Cuban authorities. I also have attended religious services at various churches at the invitation of five Protestant denominations as well as interfaith ecumenical services.

*Question #3.* As far as the end of distribution of shortwave radios, was that the result of a recommendation from the U.S. Interest Section, or an order from the Department? What was your advice on that policy shift?

Answer. USINT's distribution pattern for material support to Cuban civil society reflects a variety of factors, including available funding for procurement; our ability to import materials; and a shifting technological environment. Perhaps more importantly, our material support for independent civil society is driven by the demands of civil society itself.

The number of shortwave radios distributed has decreased in recent years primarily due to changes in technology, which have changed the way in which Cuban society accesses and disseminates information on events on the island and abroad. These days, shortwave radios are not as frequently requested as in the past. As a result, I have focused on expanding the free flow of information for Cubans in other, more effective and innovative ways. Instead, our contacts are making use of the free, uncensored Internet access we provide through two Information Resource Centers to exercise their rights of information and expression, and to connect with larger audiences in real time and in two-way exchanges. Independent journalists and other key elements of civil society also appreciate our help in accessing the electronic tools of today's journalistic trade. We offer daily news clippings and copies of the Nuevo Herald, and monthly CDs and DVDs filled with software updates, news, and other valuable information. We maintain Web sites and Facebook pages in both English and Spanish on which we post daily updates on U.S. policy and other initiatives. We also provide distance learning courses in Spanish which offer information on technology, civil organization, English teaching, and communication skills.

*Question #4.* During a September 2009 visit to Cuba by then-Acting Deputy Assistant Secretary of State Bisa Williams, the U.S. Interest Section in Havana hosted a reception where officials from the Cuban regime were invited, but representatives of independent civil society were excluded.

- What role, if any, did you have in planning this event?
- How many other events were held during your tenure in Havana that followed this pattern of exclusion? What was their purpose?

Answer. During her September 2009 visit to Cuba, Acting DAS Williams cohosted with me a roundtable with independent civil society members that included some of Cuba's best-known political dissidents. In addition, she and a USINT official visited blogger Yoani Sanchez's home, where Ms. Williams held discussions with Ms. Sanchez and other prominent Cuban bloggers. During the visit, USINT also hosted a reception for 55 members of civil society, including many dissidents.

USINT has maintained a robust civil society outreach strategy during my tenure. We are the only foreign mission in Havana that invites independent civil society representatives, including political dissidents, to our national day celebration. Our last Fourth of July official event, in 2010, included over 75 opposition activists, as well as dozens of other representatives from broader independent civil society. Every high-level State Department visitor to Cuba during my assignment has had the opportunity to meet with and seek the views of independent civil society members, including dissidents, despite threats from Cuban Government officials to shut down the visits. I frequently host these meetings, either at USINT or in my residence.

In addition, I have hosted numerous targeted events for other sectors of civil society, such as for Cuba's religious and cultural communities, a Human Rights Day/Nobel Peace Prize event, a Human Rights Week film festival, and charity events for an independent NGO that helps children with cancer, to name a few examples. I also hosted a reception honoring the Damas de Blanco as the winners of the 2010 Human Rights Defenders Award, a luncheon honoring Yoani Sanchez as a 2010 International Woman of Courage, and a 2009 reception honoring Dr. Darsi Ferrer as the winner of an honorable mention for the 2009 Human Rights Defenders Award—all independent civil society members who were nominated by USINT during my assignment in Havana.

*Question #5.* Information from surveys done by internationally recognized NGOs inside Cuba show that more than three-in-four Cuban adults have expressed support for voting for fundamental political change if given the opportunity.

- As chief of mission, what was your assessment and advice to the State Department regarding the relevancy of Cuban pro-democracy organizations in relation to the views and priorities of the Cuban population?
- How did you arrive to these views?
- Would you provide to the committee copies of any and all communications you had with the State Department on this topic?
- Given your experiences in Cuba, do you agree that a post-Fidel Castro scenario, in which Raul Castro and the current leadership of the Cuban regime maintains firm control of, is against U.S. interests?

Answer. The past 3 years in Cuba has reaffirmed my experience from 30 years in the Foreign Service, including service during the prior administration as the Principal Deputy Assistant Secretary of the Bureau of Democracy, Human Rights, and Labor, of the vital role played by civil society in building the elements of a democratic society. Pro-democracy groups and human rights activists are the conscience of Cuba, and deserve our support and that of the international community. I have been outspoken about the important role these groups play and the need to publically promote greater respect for human rights and fundamental freedoms. At the Interest Section, we have worked closely to support the work of all elements of Cuban civil society, including pro-democracy groups, human rights activists, independent journalists, and many others working to expand freedoms and increase the flow of information and reporting from Cuba. In doing so, we have built upon existing programs and begun many new ones to reach out to additional audiences, especially to the youth of Cuba.

As outlined in the response to question #7, the Interest Section in a very challenging environment has undertaken a variety of programs, such as Distance Learning courses, blogging courses, free software distribution, and many others to reach out to new audiences and serve long-time participants eager to learn new skills. At the same time, we rebuilt from the ground up one of our two Internet Resource Centers and have carried forward the Florida International University training program for independent journalists which is held in our DVC facilities. We recently graduated the 500th student from that successful program.

The President has stated clearly that major changes would be necessary in Cuba for there to be a significant change in our bilateral relations. The continued denial of the ability of the Cuban people to freely determine their own future clearly would not meet that standard. The administration's policies and programs aim to support the aspirations of the Cuban people to freely and democratically determine their own future. As the chief of mission of the Interest Section, the successful development and implementation of the democracy programs at USINT has been and remains my priority.

*Question #6.* The Cuban Government requires Cubans to obtain an exit permit, in addition to a valid Cuban passport and a foreign visa, before allowing Cubans to travel abroad.

- Are there Cuban families who have been granted U.S. visas, stranded in Havana awaiting the Cuban regime exit permit?
- How many are they, how long have they been waiting?

Answer. Yes. We track this issue closely and raise it with the Cuban Government (GOC) during the Migration Accords Talks held semiannually. The practice of denying exit permits denies these families the right to leave any country, including their own, and generates additional workload for USINT because we must reissue travel documents to persons whose original documents expired due to denials.

Documented cases of exit permit denials continue to decline since FY 2009, where USINT recorded 797 reported instances of exit permit denials. In FY 2010, USINT documented 443 cases of exit permit denials. We expect the downward trend to continue based on numbers so far this fiscal year. In FY 2011 YTD, we have documented 155 new cases of exit permit denials to principal and derivative visa applicants. At the same time in FY 2010, we had documented 259 cases of permit denials. Thus in FY 2011 YTD, we have witnessed an almost 40 percent drop in exit permit denials over the same time in FY 2010.

*Question #7.* Following the detention and subsequent sentencing by the Cuban regime of a USAID subcontractor in Cuba, the administration has placed severe restrictions on U.S. democracy programs.

- Have these restrictions improved the regime's record on human rights or in any way encouraged it to directly engage Cuba's independent civil society and pro-democracy organizations in a dialogue toward greater political freedoms?

Answer. The U.S. Interest Section has not retreated from democracy programs since the indefensible arrest and imprisonment of Mr. Alan Gross. On the contrary, since December 2009, under hostile conditions the Interest Section has successfully undertaken new initiatives and expanded our existing programs including the following:

- After the refusal of the Cuban authorities to give exit permits to students chosen for scholarships to study in the United States, the Interest Section constructed and inaugurated a new Distance Learning Center to provide college-level courses taught by U.S. professors in Spanish to students in Cuba.
- The Interest Section began new programs to teach courses in computing, blogging, the English language and other subjects. After receiving clearance

from Washington, the Interest Section also began distributing free software with monthly updates to assist Cubans to communicate with the outside world and among themselves.

- After soliciting volunteers from other American embassies in the hemisphere, the Interest Section recently began Digital Video Conferences to connect Cuban human rights activists with their counterparts in other Spanish-speaking countries.
- When one of our two Internet Resource Centers showed serious signs of deterioration, we rebuilt it from the ground up into a new facility to house this vital program.
- The Interest Section remains firmly committed to the Florida International University training program for independent journalists which is held in our DVC facilities. We recently graduated the 500th student from that successful program.

Cuba's human rights record remains poor, as evidenced in the Department's most recent "Human Rights Report." Programs such as those described above are a vital part of our overall effort to assist the Cuban people to prepare for the day when they can freely determine their own future.

Following the arrest of Mr. Gross and the completion of GAO audits which found weaknesses in the awarding and oversight of Cuba grants and contracts in Washington, the administration strengthened its oversight and management of those programs in close consultation with Congress.

*Question #8.* Remittances and travel are among the most important sources of hard currency for the regime.

- What would be the regime's response to a suspension of U.S. remittances and travel until this American citizen is allowed to return home, and every Cuban with a U.S. visa is allowed to leave the country?

Answer. We have no way of predicting the response from the Cuban regime to any number of variables. It has shown from its beginnings that maintaining power is its paramount priority, and that all other considerations, including actions taken by the United States, are subordinate to this overriding objective.

We continue to call on the Cuban Government to immediately and unconditionally release Alan Gross. We are deeply concerned about his and his family's well-being. He should be reunited with his family to bring an end to their long ordeal.

We also call on the Cuban Government, including during face-to-face meetings at the Migration Talks, to respect the rights of its citizens to leave any country, including their own.

*Question #9.* The current governments in Nicaragua and Cuba are similar in many respects, including their strong alliance with Hugo Chavez and their hostility toward the United States.

- How would your experience in Cuba inform your work in Nicaragua?

Answer. My experience of more 30 years in the Foreign Service, including my tenure as the Principal Deputy Assistant Secretary in the Bureau of Democracy, Human Rights, and Labor, underlies my core belief in the critical role played by civil society in expanding and defending democratic freedoms. My experience over the past 3 years in Cuba only serves to reaffirm that belief, and the important role which U.S. programs can play in building, strengthening, and defending civil society. In developing such programs, we must be persistent and creative, and listen to the needs of those on the ground leading the fight to expand space for civil society and to increase the free flow of uncensored information. As we have over the past 3 years, we must be ready at all times to defend our policies and programs, both in-country and in Washington, and to speak with one voice to our critics when we do so.

I am as committed to engage the Nicaraguan civil society as I have been with their Cuban counterparts during the last 3 years. If confirmed, I will be outspoken about the importance of protecting fundamental freedoms, democratic institutions and urging greater respect for human rights, transparency, and separation of powers.

Unlike Cubans, Nicaraguans have been able to elect and openly support the candidates of their choice. The role of civil society in the 2011 elections and beyond will be crucial in sustaining Nicaragua's democratic institutions. The United States has urged the Government of Nicaragua to facilitate international and domestic observation of the November elections, including during the registration and campaign periods. In taking this stand, the United States is working with friends and allies in the international community who share our commitment to freedom and democracy. At the same time, we must take a longer view and sustain consistent policies and

programs that will help to nurture and defend civil society in Nicaragua and strengthen democratic institutions there regardless of the outcome in November. If confirmed, I would work with the committee and other Members of Congress in shaping the appropriate policies and programs for both the preelections period and beyond.

*Question #10.* In Nicaragua, President Ortega continues to aggressively undermine fragile Nicaraguan institutions to extend his grip on power.

- What is the administration's strategy to persuade Nicaraguan officials to respect the constitutional order and the independence of government institutions in Nicaragua?
- What is your assessment of civil society groups within Nicaragua?
- If confirmed, what specific measures would you take to actively work with civil society organizations in Nicaragua to foster respect for independent, democratic institutions?

Answer. The administration is concerned about the apparent erosion of democratic institutions in Nicaragua and is working with other donors to coordinate international support for credible domestic and international observers to monitor the preparations for and conduct of the November elections. We are strong supporters of independent media and civil society, including human rights organizations, and through U.S. assistance we support technical assistance and training for emerging democratic leaders and citizen groups in order to bolster civil society engagement, and improve local governance. U.S. assistance also strengthens the capabilities of the media to professionally and accurately report about Nicaragua's deteriorating human rights and democracy climate.

During my time in Havana, we have found creative means to support civil society in Cuba. Given the inability of many Cuban activists to gain permission to travel outside the country, the Interest Section uses Digital Video Conferences and other technology to help them build relationships with their counterparts in the United States and elsewhere in the hemisphere. Just recently we hosted digital video conferences between human rights activists in Cuba and their counterparts in other countries.

- Unfortunately, most civil society groups in Nicaragua are woefully short of resources, and many of the international donors on which those organizations rely have pulled out of Nicaragua. We must endeavor to maintain active and creative engagement with Nicaraguan civil society. Embassy Managua has brought Nicaraguan journalists to the United States on International Visitors Programs.
- If confirmed, I will be outspoken about the importance of protecting fundamental freedoms, democratic institutions, and urging greater respect for human rights, transparency, and separation of powers. I will bring my experience from Havana to lead Embassy Managua in its search for innovative means to engage with civil society, and to continue programs at the local level in Nicaragua to engage with the development of a new generation of leaders.

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RESPONSES OF LISA J. KUBISKE TO QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

I have written a letter to Honduran President Lobo Sosa and to Millennium Challenge Corporation (MCC) CEO Yohannes on behalf of CEMAR, a cement company owned by American citizen Oscar Cerna that was illegally expropriated by the Honduran Government in 2004. I share a deep concern for the actions taken by the Honduran Government during the Maduro Presidency, and perpetuated by subsequent Honduran Governments regarding CEMAR and its legitimate claim to seek compensation for this expropriation. To date, there has been no substantive progress to compensate CEMAR's owner for this illegal taking.

I have urged the Honduran Government and our State Department to take action to ensure that this claim is satisfied. I am convinced that if our Ambassador to Honduras addresses this claim with the Honduran Government and makes it one of her highest priorities, Honduran officials will settle this claim.

*Question.* Should you be confirmed by the Senate, will you make the settlement of this claim one of your highest priorities?

Answer. I view the protection of U.S. investments as a core function of the job. If I were confirmed as U.S. Ambassador to Honduras, resolution of investment disputes would be one of my highest priorities.

Although the U.S. Government does not take a position on the merits of investment disputes, I would be happy to meet with Mr. Cerna upon his request. If con-

firmed, I would monitor this case closely and encourage the Honduran Government and Mr. Cerna to resolve their dispute.

*Question.* Should you be confirmed, will you pledge that within 60 days of your arrival at post you will notify President Lobo Sosa and his advisors that I, as a Member of both the Senate Foreign Relations and Armed Services Committees, will make it a priority to prevent MCC funding and other types of funding to Honduras, unless his government reaches a settlement of the CEMAR claim?

Answer. If confirmed, I would convey your message to President Lobo.

# NOMINATIONS

**TUESDAY, JUNE 21, 2011**

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

Hon. Anne W. Patterson, of Virginia, to be Ambassador to the Arab Republic of Egypt
Michael H. Corbin, of California, to be Ambassador to the United Arab Emirates
Matthew H. Tueller, of Utah, to be Ambassador to the State of Kuwait
Kenneth J. Fairfax, of Kentucky, to be Ambassador to the Republic of Kazakhstan
Susan L. Ziadeh, of Washington, to be Ambassador to the State of Qatar

The committee met, pursuant to notice, at 10 a.m., in room SD–419, Dirksen Senate Office Building, Hon. John F. Kerry (chairman of the committee) presiding.

Present: Senators Kerry, Menendez, Cardin, Casey, Shaheen, Coons, Udall, Lugar, and Corker.

## OPENING STATEMENT OF HON. JOHN F. KERRY, U.S. SENATOR FROM MASSACHUSETTS

The CHAIRMAN. This hearing will come to order. Thank you all for being here.

I need to go to the floor at about 10:15 on Libya with Senator McCain. And during the time I'm not here, Senator Lugar will continue the hearing. I hope to get back here as soon as I can.

We're here this morning to consider the ambassadorial nominations to five important countries, and we're going to divide the hearing into two panels, beginning with Anne Patterson, the President's choice to represent the United States in Egypt.

As all of us know, Egypt has historically been the region's most important incubator of ideas, and now it is at the forefront of the new Arab Awakening. How Egypt manages its transition from dictatorship to democracy, and how it restructures its economy, will affect not only the country's 80 million citizens, but it's also going to affect millions of others throughout the region.

I've said a number of times in various speeches and other public fora that the fact that Egypt represents a quarter of the world's Arab population, and that it is not as torn apart by sectarian divi-

sions as some other countries in the region, and also has always had a very strong civic society, has always been a place where even under the Mubarak regime there was this current of civic engagement, discussion, all of those things, I think, contribute significantly to the possibilities for Egypt's contribution as we go forward.

Needless to say, its importance to regional strategic issues, particularly to the peace process with Israel and Palestine, can't be overstated. And so it is very, very important that this process go forward as effectively as possible.

Anne Patterson is one of our Nation's finest public servants, and I've had the privilege of working with her very, very closely when she served as Ambassador to Pakistan. Many late-night meetings with various hot issues on the table, and I watched her calm, professional approach to those challenges on many different occasions.

I am greatly encouraged that the President has nominated somebody of her caliber for the critical assignment of Ambassador to Egypt at this obviously critical moment.

Egypt does face significant challenges as it tries to build a new political order that is democratic and tolerant. I was there about a month and a half ago now, I guess. I held a town meeting. I was quite struck by the diversity of the people who came to the town meeting: young women in traditional covered garb and some in much more Western dress. Men in traditional garb, men in Western suits. Some bearded, some not. Very different backgrounds, but all with a very common sense of the possibilities of this moment and of the future, all wanting to express their citizenship and to be able to enjoy their rights and freedom.

So this is an exciting moment, but a very, very challenging one. I think when I was there, there was 2 percent occupancy in the hotel we were in. I think that was true of almost every hotel in the city. So there's been an enormous retrenchment with respect to one of the main sources of revenue and currency in the country.

There's little time to organize political parties before this fall's elections. And those elections, obviously, need to be fair and carefully monitored, or we may see a return to Tahrir Square anyway, unless there is positive progress. But certainly, the lack of a fair and accountable election would be cause for such a redux.

The Egyptian Government needs to become more transparent yet and more responsive to its citizens' needs. And questions remain about the role of religious parties in Egyptian politics, the stability of Muslim-Christian relations, and the future of Egypt's approach to Israel.

Egypt is also wrestling with considerable economic hardship. Forty percent of Egyptians live below the poverty line, and the revolution has dealt a serious short-term blow to the economy in other sectors than just tourism. One person there mentioned to me how many businesspeople have simply not returned or have left, some for fear of retribution, and that affects the flow of capital.

Food and oil prices are up. Foreign investors have yet to sense the confidence necessary to come back and invest. And the Government has significantly depleted its reserves of hard currency.

There is news, however, on the upside. There's positive news. Assistance from the World Bank and the IMF, and the United States and other countries, is starting to arrive. And Egypt's economy ac-

tually does, notwithstanding these challenges, appear to be beginning to stabilize. With prudent policies, a return to higher GDP growth is possible in the near term, certainly in the next year or two.

But the policies that are put in place need to benefit all Egyptians. And as Egypt changes, our approach to aid must change also.

Promoting economic recovery is not enough. International assistance needs to also address Egypt's socioeconomic divisions, expand its political space, and promote transparency, legitimacy, and accountability.

To that end, the Obama administration has provided funds to spur economic growth and assist with political transition. I've introduced legislation with Senators McCain, Lieberman, and Lugar that will promote entrepreneurship and job creation by channeling investment directly to the private sector.

I've also been working with Senator McCain and others to develop a creative public-private partnership that would encourage United States corporations and others to invest in Egypt.

In fact, this weekend, Senator McCain and I will travel to Egypt, together with Jeff Immelt, the CEO of GE, and a group of other chief executives, and we will meet with Egyptians in an effort to try to help further develop this initiative.

And I appreciate Ambassador Patterson's help, which has been significant leading up to this initiative. And certainly, the sooner we can get her on the ground to help implement, the better.

Obviously, we need to be realistic. Consolidating Egypt's democratic advances and addressing its economic woes is probably going to take a generation or so. But a recent poll found that nearly 90 percent of Egyptians think their country is headed in the right direction. And during my visit in March, as I mentioned, the spirit of ordinary Egyptians that I met in Tahrir Square and at other places was really contagious. I hope that spirit can propel them through what may be turbulent, difficult times ahead.

Ambassador Patterson, I'd like to just raise one last issue with you before I recognize Senator Lugar.

Nearly 2 years ago, a Massachusetts constituent of mine, Colin Bower, who I believe is somewhere here at this hearing, had his sons, Noor and Ramsay, abducted from the United States, from Massachusetts to Egypt, abducted by their mother, even though he had full legal custody of those children, even though our courts had already ruled, and, I might add, were abducted with false visas, false passports, entered their country, Egypt, under false pretense.

He has not even been able to see his children, Ambassador, and he's had a couple of visitations prior to the Tahrir Square. Since Tahrir Square gatherings, he has not seen them.

And I will tell you, I have raised this at any number of levels with the Egyptians. It's no small fact that the last conversation I had with President Mubarak, a relatively lengthy conversation, was almost exclusively on this topic.

And I raised with him the legalities, the inhumanity, the unfairness of what has happened, that a father would be separated from his children, that a country would not care enough to allow the father to be able to be part of those children's lives. And I think all

of us, you know, can understand the frustrations that Colin and a lot of his friends and family and others are feeling.

So my hope is that you can do what you can when you get there to emphasize the importance of this. In a new Egypt, hopefully the attitudes that allowed Colin to be stiffed, literally, time and again, and to be maltreated and those kids to be deprived of a father, I think, hopefully, can achieve a higher order of priority.

So this morning we also welcome a second panel of nominees. And I don't mean in any way to diminish the importance of any of their countries in the time that we have spent on Egypt. Each of them is going to be representing areas that are of enormous consequence to the United States, where we have critical relationships.

Michael Corbin, nominated to serve as Ambassador to the United Arab Emirates, critical to a whole set of relationships that we have, some of which will have an impact on Egypt and some of which have an impact on our strategic presence in the region.

Matthew Tueller, nominated to serve as Ambassador to Kuwait, again a key player in our relationships and our strategic interests in other countries in the region.

Susan Ziadeh, nominated to serve as Ambassador to Qatar. The Emir was here recently. We had good meetings with him, and he is deeply involved in these efforts with respect to Egypt. And we hope to have positive things to announce with respect to that in the short term. In fact, we may be stopping in Qatar Sunday night with Senator McCain in order to discuss these prospects.

And finally, Kenneth Fairfax, nominated to serve as Ambassador to Kazakhstan.

All four extremely qualified nominees, and we congratulate each of you and welcome you here today.

Senator Lugar.

Senator LUGAR. Mr. Chairman, may I have your permission to yield briefly to Senator Corker?

The CHAIRMAN. Absolutely.

Senator CORKER. Mr. Chairman, thank you. And, Mr. Ranking Member, I appreciate it.

I'm here out of total respect for the nominee and just to thank her for her commitment to public service. I don't know of a Foreign Service person who I respect more than the nominee for this position. And I welcome her and look forward to her doing great work in Egypt, as she has in so many other countries.

And with that, I'm going to go do something else.

Thank you.

## OPENING STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA

Senator LUGAR [presiding]. Mr. Chairman, I join you in welcoming Ambassador Patterson and our second panel of distinguished nominees.

Americans were moved by the power and speed of Tunisia's Jasmine Revolution and by the resolve of Egyptians to change the course of their history.

We celebrated the calls for greater political participation, the protection of basic human rights, and a more inclusive economy. We

were heartened that protests in Tunisia and Egypt had such an impact in many parts of the Middle East.

At the same time, it is clear that decisive improvements in governance in the Middle East will not be simple or automatic. The past few months have demonstrated that the countries of the region are all on very different paths and timelines.

We should not overgeneralize about what is occurring in Middle Eastern societies or expect changing attitudes to solve American national security problems in the region. We should recognize that the genuine opportunities in the long run for the advancement of democratic values and the broadening of prosperity are accompanied by short-term risks and dangerous uncertainties.

We are witnessing civil war in Libya and ongoing suppression of popular upheaval in Syria. In Yemen, we have seen a highly fractured society that appears to lack national institutions or a common identity around which to coalesce. In Bahrain, we have seen sectarian tensions and violence against peaceful protesters.

The challenge for our nominees is to protect and advance American interests in the midst of this rapidly changing and diverse landscape. It is essential that we redouble our efforts to engage in the Middle East. We must be creative in using the full scope of American power and influence to support a more peaceful future for the region.

This is important to our own fundamental national security, the global economy, and the security of our close ally, Israel.

Recognizing the diversity of the region does not mean shying away from promoting real reform and more inclusive government—even if that process looks different in Egypt than it does in the United Arab Emirates.

We have been encouraging more representative and tolerant governance throughout the region for many years. As Americans, we should honor those in the region who are speaking out in defense of values that we hold dear.

I believe that a key part of this process must be the encouragement of more transparent and inclusive economies that are more securely tied to the global market. We need to build more meaningful trade and investment relationships in the region.

Our nominees also should leverage the leadership of American universities, cultural institutions, and civil society to generate deeper and more sustainable linkages.

Protests started in Tunisia, but it seems clear that the test of this process will be in Egypt. We have a shared interest with the people of Egypt to build a more secure and prosperous future. This will not be a short process. But I believe Americans now expect a different relationship with this and future Egyptian governments.

We respect what was born in Tahrir Square and want to see it flourish into a partnership that goes beyond the top levels of our governments.

It is vital that the transition in Egypt not be hijacked by extremist groups who would undermine the fundamental civil liberties at the heart of the revolution and threaten U.S. and allied interests in the region.

In addition, during this moment of turmoil, the desire for more inclusive government must not be manipulated by those seeking to

deflect attention from their own failures, including the regimes in Iran and Syria.

I appreciate the commitment of our nominees and their willingness to take on these difficult assignments for our country.

We welcome you, again, Ambassador Patterson, and ask for your testimony at this point.

**STATEMENT OF HON. ANNE W. PATTERSON, OF VIRGINIA, TO BE AMBASSADOR TO THE ARAB REPUBLIC OF EGYPT**

Ambassador PATTERSON. Thank you very much, Ranking Member Lugar, Senator Casey, and members of the committee. Thank you for the honor of appearing before you today.

I wish to thank the President for nominating me as Ambassador to Egypt and the confidence he and the Secretary have shown in me.

With your permission, could I introduce my family?

Senator LUGAR. Yes, that would be very, very nice of you.

Ambassador PATTERSON. My husband, David, who is retired from the Foreign Service.

Senator LUGAR. Welcome.

Ambassador PATTERSON. And my stepdaughter, Jessica, who is on her way to Afghanistan.

Senator LUGAR. Jessica.

Ambassador PATTERSON. And my son, Andrew, who is about to be commissioned in the Marines. And our other two children, unfortunately, aren't here today.

If confirmed, I look forward to leading the professionals from all agencies who serve in Cairo. Serving with so many dedicated people over the years, often under difficult circumstances, has been the highlight of my career.

Should I be confirmed, I am under no illusions about the responsibility and challenges of serving as Ambassador to Egypt, which is now the epicenter of enormous promising changes in the Arab world.

People everywhere were inspired by the events of Tahrir Square and Egyptian citizens' desire for freedom and democracy. But we should remember that transitions to democracy are difficult and long, that there will be reverses and surprises along the way, and that the Egyptians will find their own unique path.

When thinking about Egypt, I think we should be heartened by what has taken place in Latin America and Eastern Europe over the past 40 years. While in Latin America, the path to prosperity and democracy has hardly been a straight one, this hemisphere now has democratic governments in most countries and a degree of economic prosperity unimaginable 40 years ago. The Arab world will be no different.

If confirmed, I will be firmly committed to backing Egypt's democratic transition, which will reinforce much-needed respect for human rights, with all the support the United States Government can muster.

Let me outline the strategy that the administration has developed and which, if confirmed, I will pursue in Cairo. The first priority will be to encourage and support, to the extent that Egyptians desire it, an election process which is free and fair.

Polling suggests that many Egyptians will have the first opportunity in their lifetimes to vote in a free election, so enthusiasm is understandably high. And as we do in hundreds of other countries, the United States will support nongovernmental and civil society organizations who wish to enhance their organizational skills and play a more prominent role in public life. These groups are always essential ingredients in a successful political system.

The strengthened democratic process should lead to increased respect for human rights in Egypt since newly empowered citizens will demand it. We welcome the commitment of the interim Government to repeal the emergency law. We are concerned about arbitrary arrests, overly rapid and nontransparent trials, and attacks on religious groups.

Some particularly disgusting abuses against women demonstrators have taken place, and we have called on the authorities to prosecute those who committed them.

Second, it is clear that the need for a job was just as strong a motivator for demonstrators in Tahrir Square as the desire for freedom and justice. Egypt has to generate over 750,000 jobs a year to absorb young people into its labor force. These young people are often not well-prepared with skills needed for a modern economy, yet they have high expectations.

In fact, the International Republican Institute has just come out with a poll which indicates that Egyptians overwhelmingly believe that next year they will be better off economically. The current economic trends are headed in the other direction, and most Egyptians are barely making ends meet.

Egypt's military leadership has played a key role in stabilizing the situation, but Egypt's economy has suffered from the unrest, tourism has declined, and investors are sitting on the sidelines. So expectations for the new government will be unrealistically high.

As a result, a key part of our strategy, both bilaterally and working with the international community, will be to strengthen Egypt's private sector so that it can generate jobs and broaden the benefits of economic growth. Increased economic engagement with Egypt will also offer opportunities for American businesses to invest in and export to Egypt.

All Americans should be proud of what United States assistance has achieved in Egypt over the past 30 years, but we are now refocusing our assistance on projects that are directly linked with private sector growth and sustainable jobs.

As the President said in his May 19 speech, we are leading the effort in the international community to provide short-term stabilization for Egypt's economy. Egypt is discussing a program with the IMF and the World Bank, and other international lenders will provide the short-term resources that Egypt needs. We are seeking legislation which will allow us to forgive $1 billion of Egypt's debt and ask Egypt to invest the local currency equivalent in an activity we mutually select.

The Overseas Private Investment Corporation is working to expand lending to small- and medium-size businesses.

Senator Kerry and, you, Senator Lugar have introduced legislation to authorize an enterprise fund for Egypt to spur private sector growth.

Our third priority is to ensure that Egypt plays a strong and positive role in the region. As one of only two Arab States to sign a peace treaty with Israel, Egypt has been a powerful ally for a two-state solution and a comprehensive Middle East peace agreement. Egypt has also been a valuable partner in fighting terrorism, reintegrating Iraq into the region, and providing assistance to refugees fleeing Libya.

Egyptian officials have said repeatedly that they will abide by the peace treaty with Israel. We take these commitments seriously. The vast majority of Egyptians have no interest in regional conflict and want to move forward on their own democratic path. Our close defense cooperation with Egypt serves United States interests and promotes regional security.

Let me say that democracies can often be loud and bumptious, and I am sure that Egypt will be no different. During Egypt's transition, we will hear many voices that are not to our liking, and Egypt's democratic process will be difficult at times, because of the newness and fragility of its democratic institutions.

If confirmed, I will do everything I can to support the aspirations of the Egyptian people during this period of transition. A credible transition in Egypt matters to the United States and our allies, and it will serve as a model for the rest of the Arab world.

Let me say in closing that I am particularly grateful for the critical role that members of this committee played in my last post. If confirmed, I know that members of this committee will play a similar role in the months ahead in Egypt.

Thank you very much. And I look forward to your questions.

[The prepared statement of Ambassador Patterson follows:]

PREPARED STATEMENT OF AMBASSADOR ANNE W. PATTERSON

Mr. Chairman, Ranking Member Lugar, and members of the committee, thank you for the honor of appearing before you today. I wish to thank the President for nominating me to serve as Ambassador to Egypt, and for the confidence that he and the Secretary have shown in me.

I would also like to recognize my husband, David, who is retired from the Foreign Service, my stepdaughter, Jessica, who is off to Afghanistan soon, and my son, Andrew, who is shortly to be commissioned in the Marines. Our other children, Edward and Rachel, are not here today.

If confirmed, I look forward to leading the professionals from all agencies who serve in our mission in Cairo. Serving with so many competent and dedicated people, over the years, often under difficult circumstances, has been the highlight of my career.

Should I be confirmed, I am under no illusions about the responsibility and challenges of serving as Ambassador to Egypt. This 5,000-year-old society that has been a cradle of civilization and a longstanding regional leader is now the epicenter of enormous, promising changes in the Arab world. People everywhere were inspired by the events of Tahrir Square and Egyptian citizens' desire for freedom and democracy. But we should remember that transitions to democracy are difficult and long; that there will be reverses and surprises along the way; and that the Egyptians will find their own, unique path.

When thinking about Egypt, I think we should be heartened by what has taken place in Latin America and Eastern Europe over the past 40 years. While in Latin America the path to democracy and prosperity has hardly been a straight one, this hemisphere now has democratic governments in most countries and a degree of economic prosperity unimaginable 40 years ago.

I am sure the Arab world will be no different. So let me say at the outset of this hearing that, if confirmed, I am firmly committed to supporting Egypt's democratic transition, which will reinforce much-needed respect for human rights, with all the moral, economic, and political support that the United States Government can muster.

Let me outline the strategy that the administration has developed and which I will pursue in Cairo, if confirmed.

The first priority will be to encourage and support, to the extent that Egyptians desire it, an election process which is free and fair. Polling suggests that many Egyptians will have the first opportunity in their lifetimes to vote in a free election, so enthusiasm is understandably high. Just as we do in the United States, we anticipate that the Egyptian Government would invite international observers to witness this historic occasion. And as we do in hundreds of other countries, the United States will support nongovernmental and civil society organizations who wish to enhance their organizational skills and play a more prominent role in public life. These groups are always essential ingredients in an open and successful participatory political system.

The strengthened democratic process should lead to increased respect for human rights in Egypt, since newly empowered citizens will demand it. We welcome the commitment of the interim government to repeal the emergency law, which has been used for years to justify widespread human rights abuses. We are concerned about arbitrary arrests, overly rapid and nontransparent trials, and attacks on religious groups, primarily but not exclusively, against Christians. Some particularly disgusting abuses against women demonstrators have taken place, and we have called on the authorities to prosecute those who committed them.

Second, it is clear that the need for a job was just as strong a motivator for demonstrators in Tahrir Square as a desire for freedom and justice. Egypt has to generate over 750,000 jobs a year to absorb young people coming into the labor force.

These young people are often not well prepared with skills needed for a modern economy, yet they have high expectations. Many of these young people have historically been employed by the public sector, but this is no longer practical given Egypt's shortage of resources.

In fact, the International Republican Institute has just come out with a poll which indicates that Egyptians overwhelmingly believe that next year they will be better off economically. But current economic trends are headed in the other direction, and most Egyptians are barely making ends meet. During this critical transition period, the military leadership has played a role in stabilizing the situation, but Egypt's economy has suffered from the unrest; tourism has declined; and investors are sitting on the sidelines as attacks on the private sector seem to have proliferated in the aftermath of the revolution. So, expectations for the new government will be unrealistically high.

As a result, a key part of our strategy, both bilaterally and working with the international community, will be to strengthen Egypt's private sector so that it can generate economic stability and broaden the benefits of economic growth to all Egyptians. It is keenly in our interests to promote economic recovery in Egypt. Young people who have jobs are more likely to be productive members of society and contribute fully in the democratic transition. Importantly, increased economic engagement with Egypt will also offer opportunities for American businesses by investing in and exporting to Egypt.

All Americans should be proud of what United States assistance has achieved in Egypt over the past 30 years, particularly dramatic advances in reducing infant and maternal mortality and promoting education. USAID built the Cairo sewage system, the world's biggest construction project at the time, with predictable results for developing professional skills in Egypt and sharply increasing health conditions in one of the most crowded cities on the planet. We are now refocusing our assistance on projects that are directly linked with private sector growth and sustainable jobs. Let me describe some of this to you.

As the President said in his May 19 speech, we are leading the effort in the international community to provide short-term stabilization for Egypt's economy. Egypt and the IMF have reached staff-level agreement on new financing and the World Bank and other international lenders will provide short-term resources that Egypt needs.

We are seeking legislation which will allow us to forgive $1 billion of Egypt's debt and ask Egypt to invest the local currency equivalent into an activity we mutually select. We intend it to be a major project that makes clear America's contribution to the Egyptian people. The Overseas Private Investment Corporation is working to expand lending to small- and medium-size businesses, which in any economy are the engine of job growth. OPIC is building on a very successful model in the West Bank. Chairman Kerry has introduced legislation to authorize enterprise funds for Egypt and the United States is working to reorient the EBRD to enable lending to Egypt. These have spurred private sector growth in Eastern Europe, and they will also spur private sector growth in Egypt. So, I believe that we have a sound plan going

forward, along with other members of the international community, to encourage stability in Egypt by widening opportunities for both American and Egyptian firms.

Our third priority is to ensure that Egypt plays a strong and positive role in the region and that our interests continue to align. As one of only two Arab States to sign a peace treaty with Israel, Egypt has been a powerful ally for a two-state solution and a comprehensive Middle East peace agreement. Egypt has also been a valuable partner in fighting terrorism, reintegrating Iraq into the region, and providing assistance to refugees fleeing Libya. Egyptian officials have said repeatedly that they will abide by the peace treaty with Israel. We take those commitments seriously. The vast majority of Egyptians have no interest in regional conflict and want to move forward on their own democratic path. Our close defense cooperation with Egypt serves United States interests and is influential in promoting regional security.

Let me say that democracies can often be loud and bumptious, and I am sure that Egypt will be no different. During Egypt's transition we will hear many voices that are not to our liking, and Egypt's democratic process will be difficult at times because of the newness and fragility of its democratic institutions. If confirmed, I will do everything I can to support the aspirations of the Egyptian people during this period of transition. A successful, democratic transition in Egypt matters to the United States strategically; it matters to our allies; and it will serve as a model for the rest of the Arab world.

Let me say in closing that I am particularly grateful for the critical role members of this committee played in my last post. If confirmed, I know that this committee will play a similar role in maintaining our bilateral relationship with Egypt and in ensuring a credible democratic transition.

Thank you and I look forward to your questions.

Senator LUGAR. Well, thank you very much, Ambassador. We'll have a round with 7 minutes for each Senator.

And I'll commence the questioning by simply commenting how much admiration I have not only for your performance in your last assignment, but also your remarkable career on behalf of our country.

We also appreciate the members of your family being here. They exemplify, likewise, the service to our country that's a part of your family.

Let me start by saying that the Washington Post on June 19 talked about a problem that has been often discussed in this committee as to what role the United States ought to play in support of the political transition in Egypt. It's been suggested, for example, that perhaps the election that is now scheduled for September should be delayed. This is a point of contention, obviously, in Egypt, quite apart from our discussions going on here in the United States.

The dilemma comes down to the fact that those who are trying to put together political parties find themselves involved in a lengthy enterprise. This would include not only those who were in Tahrir Square, but other people in Egypt. Thus, the fear is that the Muslim Brotherhood, which is apparently better organized than most other political movements, might play a dominant role in the upcoming election, with results that would not exemplify the best in terms of Egyptian democracy or Egypt's relationship with the United States.

In the past 2 or 3 days, there was a story in the press of a young Egyptian who was one of those who was attempting to rally for democracy in Tahrir Square, and who has subsequently gone out into the countryside to try to encourage people to sign a petition to establish a new political party, which apparently requires 5,000 signatures. He had gotten up to 1,000 signatures but was finding it to be very difficult going, because the citizens he encountered want-

ed to talk primarily about fundamental issues such as their lack of food and their lack of employment.

They, to use our political jargon presently, were involved in the jobs issue, and were not as interested to discuss what seemed to them to be more abstract issues such as the political transition or the formation of a political party.

What is your general comment on this? Because as you accede, and I think you will be confirmed for this role, you're going to be there during much of this formative period, prior to September, in which there are going to be intense discussions regarding the need to ensure there are competitors in a free and fair election that really makes some difference.

Ambassador PATTERSON. Thank you very much, Senator Lugar, and thank you for the kind words about me and my family.

Let me first address what we're doing as the U.S. Government to try and advance this process. And I think I, for one, am very heartened at the receptivity of some of our groups, like the National Democratic Institute and the International Republican Institute and IFES, have had in Egypt, because their job is precisely the one that you have suggested, which is try and teach politicians, nascent politicians who have very little experience in a democratic political system, how to do basic things like organize and hold debates and do polling.

And so we have invested quite a few resources, close to $40 million, in these organizations over the past few weeks. And they're very active on the ground in Egypt, and, as I mentioned, have been very well received.

We've also tried to support smaller organizations. And through our Middle East Partnership Initiative, we've given out, I think, 35 grants since the unrest in Tahrir Square to small civil society organizations, and many of them in rural areas who are doing just what you say, trying to connect the people's grievances with their political desires.

And we're not alone in this process, Senator. Other members of the international community are doing the same.

But certainly with the fragility of institutions, it's going to be a long, hard slog.

And as you mentioned, the issue of the timing of the elections has been a controversial one in Egypt, and I think there are voices on many sides of that issue. But we will do our best in whatever time remains before the election to promote this democratic transition through our organizations, to the extent that Egyptians are willing to engage with us.

Senator LUGAR. We have had some difficulty, as I understand, not just with our assistance pertaining to the elections, but likewise with economic assistance.

Some in the Egyptian Government—I wouldn't characterize this more broadly—have protested that somehow their sovereignty is being compromised by our economic assistance. At the same time, it's been noted that around USAID headquarters there, there are long lines of people trying to avail themselves of our assistance programs.

What is your reading, as you prepare for this assignment, of how our aid is being accepted? And to what extent will you be able to

monitor our assistance on behalf of the taxpayers in the United States, who may fear that our assistance is going to uncooperative or corrupt governments who fail to use it for its stated intent even as we are attempting to do good?

Ambassador PATTERSON. Yes, Senator Lugar. I think on what we call the money to promote democracy, which is about $65 million, and the money to promote economic growth, there has been a very large outpouring from the public. And hundreds of people, I think something like 600 organizations, came to the information sessions for how to apply to these grants. And so there is a lot of interest on the part of Egyptian civil society.

Let me take this opportunity to say that by no means is this an affront to Egyptian sovereignty. We do these programs, as you well know, sir, in hundreds of countries in the world. And they're always, almost always, well received by the governments as support for their own democratic institutions.

On the monitoring issue, Senator Lugar, monitoring of small grants is always problematic. And I have already looked into this issue with the Middle East Partnership Initiative, and I think they have a good auditing program on the ground.

And regarding our larger aid program, there is an office of the AID inspector general in Cairo, and I think they have long-established controls and rigorous procedures in effect.

But please rest assured that this will be a very high priority for me, to be sure that our money is used for the best value for the taxpayer.

Senator LUGAR. That's an important reassurance.

Ambassador PATTERSON. Yes, thank you.

Senator LUGAR. I'd like to recognize Senator Casey.

Senator CASEY. Thank you very much.

Ambassador Patterson, it's great to see you.

Ambassador PATTERSON. Thank you, sir.

Senator CASEY. And let me say, I think I can speak for a lot of people, but for purposes of today, just speak for myself in thanking you for taking on yet another difficult assignment. And I really can't say enough about your extraordinary work in Pakistan, along with your other postings over many years.

I thought when you appeared before us for your next assignment that it would be kind of an easy one, that you'd be assigned to the Sea of Tranquility, but you've decided to take on another tough assignment.

We are grateful, because you've been so effective and so capable, but also, I think, in a word, a great patriot. And we're eternally grateful for that.

And I want to thank your family, as well. We often note that families help the public official or the Ambassador or whoever else comes before our committee. And this is an extraordinary commitment by a family. But in this case, I guess, individually, they're doing their own public service of one kind or another. And we're grateful, grateful for that commitment.

So we'll miss you in Islamabad and other places in the country, but we'll look forward to seeing you in Egypt.

I wanted to ask you about the recent approach that Egypt broadly—and this is generalizing a bit, but I think more broadly—what

I would argue is a more confrontational approach now to Israel, whether it's the opening up of the Rafah border crossing; whether it's the Hamas-Fatah unity government, the work that was done there and Egypt's role in that; and then finally the question of the gas lines to Israel.

When you think about those three examples, and more broadly, I wanted to get your sense of that, just in terms of the approach itself, but also in terms of our policy. What are the United States redlines, so to speak, as it relates to how Egypt will approach its relationship with Israel? I think it's an issue that not just the Israelis are concerned about, but we are as well.

Ambassador PATTERSON. Thank you. Thank you. And, again, thanks for the kind words about my family, particularly.

Let me sort of take this in sequence, Senator Casey.

Let me first say that Egypt is the bedrock of our regional policy. And Egypt has been at peace with Israel for many years, and the current Government has committed to abiding by all international agreements with Israel. And, as I said, we take those commitments seriously, and we do not think it's in Egypt's interest to promote confrontation with Israel in any way.

And if I might mention these specific issues, on the Rafah border crossing, that's for people and limited humanitarian goods. There are security incidents there. The smuggling is of very considerable concern to us. We know that the Israeli and Egyptian security authorities have been working together on this and have been in close contact, and that the Egyptians, with Israeli permission, have put additional military forces into the Sinai to address some of these issues. But there certainly have been increased law and order issues out there. We understand the police are beginning to return now.

On the Hamas-Fatah agreement, Egypt served as a facilitator. Our understanding is it was at the instigation of Hamas, who, perhaps because of other activities, incidents in the region, was anxious to come to some kind of arrangement with Fatah. We're not necessarily opposed to reconciliation; what we are very concerned about that, that it promote regional peace and the two-state solution. Our understanding is that the reconciliation has sort of slowed at this point, because President Abbas is very concerned about it and very concerned that the assistance for the West Bank and the support that's been given to the P.A. continue.

And, finally, the gas lines to Israel, we certainly know that this has been a concern. The gas has started to flow again. The pipeline was attacked twice in recent months, again because of lack of law and order out there and banditry. But it has started to flow again. And there are some pricing disputes that will be addressed between the vendor and the purchaser.

But, yes, Senator, these are issues of concern to us. And, again, nothing is more important to the United States than regional peace and Egypt's peace with Israel. And we'll do everything we possibly can to pursue that.

But if I might conclude, again, the Government has reiterated at every turn its respect for these peace agreements, and we know that on many of these issues that the Israelis and the Egyptians are talking directly.

Senator CASEY. Thank you. And I want to ask you about some of the economic relief promises that have been made.

Egyptian officials emphasize the need for that kind of relief. And as you know, our President—President Obama announced $1 billion in debt relief and $1 billion in U.S.-backed loan guarantees.

But there have been calls for conditioning that kind of assistance, and I wanted to get your sense on how do we—if there is a commitment to somehow conditioning that aid or at least taking their actions into consideration as it relates to our aid, what are the benchmarks that we should use, if we can just simply call them democratic benchmarks or democratic reform benchmarks? How do you approach that as an incoming Ambassador?

Ambassador PATTERSON. Yes, thank you.

On the debt relief, sir, we'll be presenting legislation shortly to the Hill that will build on previous legislation for some of these debt relief and debt swap, I think—let me say that one of our goals and the reason it has taken awhile to develop is we're trying to find a worthy recipient for the local currency that will be generated by these funds, and one that is transformational and addresses some of Egypt's underlying problems. The Secretary feels very strongly that we should have a transformational project.

But certainly, the draft legislation that we've considered that builds on some of this previous legislation does have—I wouldn't call it "conditions." There would be the standard issues that are in this legislation about democracy, about various human rights observations, observation of human rights. And again, we would expect them, as we do in all economic agreements, to abide by the provisions of the IMF agreement. And most aid agreements contain quite specific conditions on health reform or education reform that aren't too onerous, but we expect our aid to be used to promote a reform process.

So I would certainly, if confirmed, expect to continue that tradition and enhance it.

Senator CASEY. Thanks very much.

Senator LUGAR. Thank you, Senator Casey.

Senator Cardin.

Senator CARDIN. Thank you, Mr. Chairman.

And let me join in not only welcoming, but thanking Ms. Patterson for your service, and thank your family for your continued willingness to help our country.

This is a critically important position, as my colleagues have pointed out. And we all wish you well representing the United States in this transitional country, as well as in a part of the world where there's great hope for democracy.

We have found, by the Arab Spring, that the desire for human rights and democracy is universal, and the United States is looked upon as a facilitator to bring that about. And your role will be very important in that regard.

Egypt, obviously, is a critically important country to United States strategic interests, their role in regards to the Middle East, as Senator Casey has pointed out. They're important for moving forward with Israel, and one of the key points is whether they will continue to honor the agreements reached with Israel. They're very important in our campaign against extremists.

But here's the dilemma we face. There are some who believe that we have to be bolder in our development assistance in Egypt, that the main trigger for the revolution was basically economics, that the people were being denied the basic economic growth of their country, and they wanted to do better for their families. That will require more attention by the international community to make significant progress in Egypt's economic growth.

There are others that believe that we have to make sure that there's accountability on U.S. aid. I fall into both camps. I think we have to be bolder, and we have to have accountability. We have responsibility to make sure that aid is used for its intended purpose. And to me, there is a requirement that that aid go to nations who support our basic goals with peace with Israel and will maintain that relationship with Israel, that they will fight extremists, and that they'll provide basic human rights to its citizens.

But there have been some disturbing trends in Egypt. We're not clear as to whether Hamas is getting a stronger footing within that country. We don't know whether there is effort being made to fund extremists through Egypt. We're not exactly clear on the trafficking of weapons that may very well end up being used to attack Israel.

And we look to you as our eyes and ears in Egypt to be able to give us the best advice as we have to sort through these issues. I would like to get your general view as to how you see your role advising us as to how we can move forward with the strategic partnership with Egypt, but using the tools at our disposal to make that more of a reality.

Ambassador PATTERSON. Thank you, Senator Cardin.

First of all, let me say that I would entirely expect and, frankly, look forward to interaction with members of this committee, if I am confirmed as Ambassador to Egypt. And if confirmed, I would also look forward to visits on the ground, where you could see for yourself how we're progressing on these issues. So I would very much look forward to working with members of this committee and keeping you advised.

Let me say that I think the dilemma that you've laid out is a real one and one we're going to have to struggle with over the next few months.

Now I think on the stabilization and have we been bold enough, let me say that I think we've tried to take a leadership role in the international community and encourage burden-sharing, where other members and other countries and other organizations can come forward with the short-term resources that Egypt needs, because there's no question that this big youth bulge, this unemployed youth bulge and all these kids getting out of colleges with essentially no skills and second-rate educations, and soaring food prices, and declining tourism, these are all going to be very difficult issues to maneuver over the next few months.

But we've tried. The IMF is working with the Government. The World Bank is prepared to lend very considerable funds. The European Bank for Reconstruction and Development and some of Egypt's allies in the gulf that Senator Kerry has been working with are also prepared to provide short-term stabilization funds. So I think that will begin to stabilize in a few months.

From our standpoint, we're going to focus on democracy in governance and private-sector growth, because that's where the future is in Egypt, I think. This youth bulge could turn into a very significant demographic dividend, as they have a lot of young people in productive jobs. And as I mentioned, we will do everything possible through AID and through various inspectors general to monitor this aid and to be sure that it's usefully used.

And I was, as I mentioned earlier, we certainly share your concern about Hamas and some of these other—there's no evidence, I might add, Senator, that Hamas has a closer relationship with the Egyptians. They have facilitated this reconciliation with Fatah.

But I think, to reiterate again, we are going to hold Egypt to its commitments about peace with Israel. And those commitments are in Egypt's interest. There seems to be certainly no inclination within the current government to do anything to undermine these commitments that they've made.

Senator CARDIN. Let me just underscore one point in regards to the normalization of the relationship between Israel and Egypt.

It was very frustrating under the Mubarak administration to see the government condoning such anti-Semitic activities, particularly in their schools with the textbooks, et cetera. We brought that to the attention frequently of the Egyptian Government.

And I would hope that we've learned a lesson that, if there's going to be lasting stability in the region, that democracy, human rights, and understanding need to be part of that, which means that we should have expectations that the Egyptians will facilitate, rather than fuel discriminatory-type views.

Ambassador PATTERSON. Sir, this issue of textbooks is, frankly, an issue in many Islamic countries. It was certainly an issue in my previous post, and it's one we work on. And it's sort of, if I might say, below the radar a little in many countries.

And I was very interested to read some of the conditions on our assistance program in Egypt, and one of them is to transform these textbooks into something that is more broadly acceptable.

But, yes, the anti-Semitism, actually, Senator, seems to have increased recently, because they've sort of taken the lid off a lot of this in Egypt. But again, it's critically important. This is why the building of democratic institutions is so critically important, so people have a voice.

Senator CARDIN. Thank you.

Thank you, Mr. Chairman.

Ambassador PATTERSON. Thank you.

Senator LUGAR. Thank you very much, Senator Cardin.

Senator Coons.

Senator COONS. Thank you.

I'd like to join the other members of the committee in saying that I'm thrilled to welcome Ambassador Patterson. I've had a number of conversations with you before about your service in Islamabad and was very impressed with your grasp of the political nuances and the intricacies of diplomacy. Over your nearly four decades of service to our Nation, you've clearly amassed a remarkable background in many challenging posts in El Salvador and Colombia and Pakistan.

And I'd like to join other members of the committee in thanking David and Jessica and Andrew for your willingness to serve this Nation in the past and in the future.

I'll remark that my predecessor in this seat, Senator Kaufman, chose to highlight your service to our Nation by recognizing you as a great Federal employee on the Senate floor, something which he did with great effect and enthusiasm. And I know I've come to share his respect and admiration for you and for your service.

I think, if I could, I'd like to start by focusing on that recent experience in Islamabad and your understanding of the difficulties of sort of the rough and tumble of a relatively new democracy. You mentioned in your testimony that, during Egypt's transition, you're sure that we will hear many voices that are not to our liking, and that Egypt's democratic process will be difficult at times because of its newness and fragility.

I'll just associate myself with Senator Casey's expressed concerns about the Israeli-Egyptian relationship, the security at the border, the relationship with Hamas, recent incidents in terms of bombing the gas pipeline, and security is really one of my principal concerns as well.

Senator Cardin referenced history of incitement and some challenges there, and I appreciate your reassurance to the committee that this is a primary concern for you.

Senator Casey raised the question about putting conditions on assistance, possibly. And as someone who was charged with overseeing the first round of Kerry-Lugar-Berman assistance to Pakistan, and who saw how difficult and uneven that process has been, particularly as at times unwelcome voices caused reactions in this Chamber, I'd be interested in your views.

Should we condition assistance to Egypt? How can we be most effective in encouraging private sector development and growth? Should we look at a similar multiyear structure that has sustained investment in a sort of primary area of engagement?

And we have great confidence in you. How do we retain confidence in the commitments of the Egyptian Government as it changes and evolves to recognizing the Camp David Accords, and being determined to stay on course in terms of respecting Israel's right to self-defense and right to existence, and continuing to be a constructive force in the recognition of Israel?

A brief and focused question, I know. [Laughter.]

Ambassador PATTERSON. Thank you.

On conditioning assistance, yes, certainly in Pakistan that was a huge issue with the assistance there. But, first of all, there are already conditions in the Foreign Assistance Act across a broad range.

And I think my own view is that conditions are sometimes useful to focus the attention of the host government on what they need to do. And that's why it's very important, also, for government officials to meet with you when they come here and for you to meet with them when you travel abroad, to reiterate this.

So I don't think we can sort of give out the taxpayers' money willy-nilly without demanding certain conditions, not the least of which is the money be used for the purpose for which it was appropriated.

On private sector growth, Senator, we're going to have to refocus a lot of our aid program to promote this. I think, again, we should be very proud, particularly in the health and education field, for what aid has achieved. But we have a lot less money than we used to in Egypt. And so to begin to focus this on something that builds up the private sector, we have, for instance, a little program on entrepreneurship, which engages young people and promotes angel investing.

That sort of thing we need to do a lot more of over the next few years, and generally to encourage trade with the U.S. through trade facilitation and other things like this.

On retaining confidence in the Camp David Accords and peace with Israel, again, the Government so far—and our military assistance over the years, which is very substantial, $1.3 billion a year, has certainly, I think, enhanced regional stability. And we have a program, a multiyear program for that military assistance.

And, yes, generally speaking, I think it would be good to have multiyear programs for civilian assistance as well, because it gives more certainty and more steadiness to our planning and our disbursements.

But we'll have to see what the new elected government does. I mean, I don't really have any better answer than that. We'll have to see how this evolves with an elected government.

Again, there is no evidence that people in Egypt—there's no evidence that Egyptian Government officials or the leading politicians don't see peace with Israel is in their interest. Many of them want to get on with their own democratic and economic path, and I think the politicians to be elected will have to focus on these burning economic issues.

Certainly, in Tahrir Square, we saw no anti-Americanism and no anti-Israeli statements. It was all about Egypt's domestic politics.

Senator COONS. Last question, in terms of path forward. I'm chair of the African Affairs Subcommittee, and Egypt has played a role in Sudan, sometimes constructive, sometimes not so much. They've received a lot of Sudanese refugees. Egypt is one of the continent's largest, fastest growing economies, populations, has a lot of potential.

How do you think we can encourage a constructive role that Egypt might play in the future in Sudan?

Ambassador PATTERSON. Yes, I think that's a very accurate characterization. Sometimes they've played a positive role, and sometimes they haven't. But we'll just have to engage with them on all levels.

And one of the reasons we're having these outreach programs with the nascent political parties is not only to engage on political party formation, but also to discuss—and our Embassy has been very active in this—also to discuss the issues of the day, which would include issues like Sudan, regional engagement, economic reform. So we'll be talking these issues up over the next few months.

Senator COONS. Thank you very much.

Senator LUGAR. Thank you very much, Senator Coons.

Senator Udall.

Senator UDALL. Thank you, Chairman Lugar.

And I think all of our Senators on this panel have done a brilliant job here at outlining your remarkable career, and I'd just like to thank you for your remarkable service to our country and thank your family members. Each of them, I think, are serving or have served at key places around the world, and we also appreciate that service.

Ambassador, you hit on one of the things that is so prevalent throughout the Middle East, this whole issue of jobs. And there is a young population and a need to create significant jobs. And I think you highlighted in your testimony 750,000 jobs a year, which is a big feat to be able to do that.

And we all know, and I think we feel, that the lack of jobs then creates a fertile ground for violence and for terrorism and things like that.

So my question I wanted to ask goes to—and you've touched on this a bit, in terms of how we're using our money. But I understand recently that Secretary Clinton has done reprogramming, in terms of the funds that were available for Egypt, and she's moving funds from one category to the other. And I was wondering if you could outline for us where we've taken money away from, and then why we're doing that, and then what areas we're targeting.

I know that you mentioned angel investors and other kinds of programs, but I think it would be helpful to the committee to kind of have an idea of where do we think are the key—with the scarce resources we have, where do we think are the best places to invest?

And I know you've said in a broad, general way that it's important to invest in good governance and also in the development of the private sector.

Ambassador PATTERSON. Thank you, Senator.

Let me say this job creation and, frankly, these youth bulge issues are really rather frightening, but they can have a huge upside. Pakistan, for instance, had to generate 2 million jobs a year for new entrants to the labor force.

But in Latin America, what happened was that this became a huge demographic benefit, because there were all these people in the labor force that had fewer children and didn't have to support the elderly, like many of our developed societies, so it was a huge impetus for economic growth. And I don't see any reason that, properly handled, that Egypt's economy can't do the same thing.

But let me outline more specifically what we're trying to do. The Secretary did reprogram funds, and she took it what I would call out of Egypt's pipeline, economic assistance pipeline, which was not disbursing very rapidly, because Egypt had not met the conditions for disbursement of this pipeline.

So we took $150 million out of that pipeline, and we allocated $65 million of it to democracy and governance, and that's the funding source, as I mentioned, for some of our prestigious organizations.

And we're going to put $100 million in, essentially, job creation, issues like, in the short run, cash for work, which is not sustainable but will, I think, solve some short-term problems.

So we have, Senator, we have the Overseas Private Investment Corporation, which has a very sophisticated program for lending. We have our debt swap programs. Again, the whole AID program

will be refocused to promote economic reform and to do such varied things as work with think tanks and political parties to help them develop platforms on economic reform, to do job creation, to do trade facilitation.

There are issues, and this was actually a very important issue in my other post. To increase trade, you need a certain amount of infrastructure. What's the infrastructure that you can build that will most efficiently promote trade flows? And as we go into more trade liberalization with Egypt and North Africa, this will be important, too.

So we're looking at that. That's a fairly high-cost and long-term project, but that's the sort of thing we're looking at to promote jobs.

Senator UDALL. Ambassador, when you say cash for work, how does that program work?

Ambassador PATTERSON. Essentially, and we're trying not to do too much of this, because it's not sustainable, but it takes young people, mostly young men, off the streets, and it pays them to do, basically, manual labor.

And we try not to do very much of this in our assistance programs, because it's not sustainable. But sometimes it's necessary in some of these countries, because it does put cash in people's pockets.

Senator UDALL. Yes, and it's showing that I think there's a feeling that we're kind of in an, maybe not to put it too dramatically, emergency situation. But we are in a situation where there's serious unemployment, and that creates all of the other problems.

If I could, just shifting direction, just briefly here, on water usage and increasing concerns about the Nile River and water shortages in the region, I know that many countries are increasingly concerned about Egypt's especially upstream users of the high rate of water usage.

What role can the United States play and what role will you help to play to facilitate water conservation, so the region avoids conflicts over the water resource?

Ambassador PATTERSON. Yes, and then related to your previous question, I should have mentioned this, that we do have projects, certainly, to promote agricultural efficiency, because most of these countries are rather—they don't have very good water management systems, so we are working on that, too, as part of our agricultural project.

But on the Nile Basin Initiative, the department has been very active in trying to encourage the countries to come together, as has the World Bank, and work out a settlement among themselves.

Senator UDALL. Great. Thank you very much, and thank you again for your service.

Senator LUGAR. Thank you, Senator Udall.

Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman.

Ambassador, thank you for your long service to our country. You've had a distinguished career, and you have been nominated for an exceptionally important assignment at this time in history.

In between my meetings, I was glancing at the TV in my office trying to capture your answers to Senator Casey's questions, but I want to pursue them a little bit more.

I want to know your views on what we will tell Egypt about the state of relations between our countries, in terms of its adherence to the Camp David peace treaty with Israel?

Ambassador PATTERSON. Senator Menendez, I don't think there could be the slightest doubt about our views about Egypt's adherence to the Camp David peace treaty with Israel.

And, as I mentioned before, I think the Egyptian Government at all levels has made utterly clear its commitment to that treaty, which is in its interests.

Senator MENENDEZ. And yet, there are a series of actions that we have seen that are unsettling to some of us who believe that that is a cornerstone of United States foreign assistance to Egypt.

Is Egypt's adherence to its international obligations, including the peace treaty with Israel, a prerequisite for United States assistance?

Ambassador PATTERSON. Well, let me put it this way, Senator: We entirely anticipate that Egypt will abide by its international agreements, and the assistance to Egypt is, of course, based on those agreements from many years ago.

Senator MENENDEZ. If we were to come to the conclusion that we do not believe that Egypt is pursuing its international obligations to that agreement, then we would expect that we would not be forthcoming in terms of the $1.5 billion that we give Egypt?

Ambassador PATTERSON. Senator, I don't think we have any reason to expect that Egypt is not going to abide by its commitments with Israel. But, again, as I said, I think this is widely known, that the assistance to Egypt is essentially as a result and tied for many years to the Camp David Accords.

Senator MENENDEZ. So the reopening of the Rafah border crossing, which has been closed since 2007, due to concerns about Hamas using that to bring weapons and fighters into Gaza; some of the gas disruptions that have taken place, and additional actions, you're not concerned?

Ambassador PATTERSON. I didn't say that, Senator Menendez. I think what I told Senator Casey was, in fact, we were concerned about these issues and, in fact, that the Egyptians and Israeli security forces are working on these issues, that there is a very serious concern about smuggling, of course. And the Egyptians with Israeli concurrence have put additional troops into the Sinai to confront this.

The gas is flowing again. There were two attacks on the pipeline. The law and order situation is bad there, but the gas is flowing again.

There are some pricing disputes, but this is an issue that we think the Egyptians and Israelis can work out between themselves.

Senator MENENDEZ. Many of us have and had and have still high hopes for a transition in Egypt that is both more democratic and continuingly secular, but many of us also have concerns about recent actions and where we're headed.

And our support, certainly this Senator's support, for assistance to Egypt at the levels that we have been supporting it is predicated on a continuing relationship with a major ally of the United States important to our national security and our national interest. And so I hope you understand that there are those of us here who are

not ready to sign a blank check because of a long-term relationship, and we will be expecting our next U.S. Ambassador to make that very clear.

Ambassador PATTERSON. Senator, I don't think anyone expects the Congress of the United States to write a blank check anymore. Our financial conditions would not permit it.

And I think the military assistance, in particular, as well as the civilian assistance, but particularly the military assistance, the very significant amount that you all have appropriated over the years, has really been a source for stability and encourages stability in the region.

Senator MENENDEZ. Well, financial circumstances certainly create pressures on all of our assistance abroad. But, in my mind, this relationship, in terms of whatever continuing assistance the United States might produce, is beyond even the financial circumstances of the country. It is also about whether or not Egypt is living up to our expectations, for which we are willing to assist it in moving in the right direction.

So I think I've made my case. I will leave it at that.

I want to talk about one other thing, and it is something I am seriously concerned about. It's how Coptic Christians are treated inside of Egypt. It is totally unacceptable. You know, we have seen an Egyptian court have 16 suspects that were found not guilty. The two who were convicted were released on bail.

I heard of a recent peaceful sit-in by Coptic Christians trying to get churches reopened that was attacked by a group of men using firearms, knives, stones, Molotov cocktails. Over 78 people were wounded.

What progress do you see being made by the military council to end sectarian violence and tension? And what are the prospects for constitutional changes in laws that would address sectarian violence and ease restrictions, for example, on building churches?

I have a tremendously productive Coptic Christian community in my State of New Jersey, and they are a very peaceful people. They're very entrepreneurial.

I don't understand this continuing violence against them. And I would hope the United States makes it very clear to Egypt that the continuing attacks on people, simply because of the altar that they choose to worship at, is not acceptable.

Ambassador PATTERSON. Yes, thank you, Senator Menendez.

Yes, we've made this absolutely clear to the Egyptian Government on many levels. And this has certainly flared up after the unrest in Tahrir Square, and I think it's gotten worse. I don't think there is any question about that.

That said, the military government has reconstructed the church that was destroyed and has arrested people that have attacked Coptic Christians. There was just a draft law the other day, and, frankly, we've gotten very mixed reports on this about the construction of these churches or mosques. It may not be satisfactory to the Coptic community. We just don't know yet.

But we certainly expect this Government and the new Egyptian Government to observe freedom of religion, which is in their constitution and in the Universal Declaration of Human Rights, of which, of course, Egypt is a signatory.

So that is certainly one of our expectations of this Government and any new government.

Senator MENENDEZ. And my final question, as the next Ambassador, can I rely upon you to vigorously raise this question with the Egyptian Government?

Ambassador PATTERSON. You certainly can, Senator Menendez. Absolutely.

Senator MENENDEZ. Thank you very much.

Thank you, Mr. Chairman.

Senator LUGAR. Thank you, Senator Menendez.

If there are no more questions of Senators, we thank Ambassador Patterson once again for her testimony and wish you well. And I know the committee will be taking action very soon.

Ambassador PATTERSON. Thank you very much, Senator.

Thank you, members. Thank you.

Senator LUGAR. The chairman has asked Senator Casey to chair the second panel, and I'm delighted to relinquish the chair to my colleague. And we'll call the second panel to come forward, please.

**STATEMENT OF HON. ROBERT P. CASEY, U.S. SENATOR FROM PENNSYLVANIA**

Senator CASEY [presiding]. Well, thank you. We want to welcome our second panel.

I'll have a brief opening statement, then I'll turn the microphone over to our ranking member, Senator Lugar, and then we'll go with each of the witnesses' opening statements.

Let me say first, with regard to the United Arab Emirates, the UAE sits at a strategic location in the Persian Gulf and has taken an active role in the region during the unprecedented period of political change that we're living through today.

The UAE has been constructive in the Gulf Cooperation Council's mediation effort in Yemen, and has taken positive steps to monitor and combat terrorism and extremism in the region.

The UAE is also an important partner in Afghanistan. Since 2004, it has deployed 250 troops to southern Afghanistan, making it the only Arab country to contribute combat forces to the NATO mission. The Government has also pledged $323 million in economic assistance to Afghanistan.

There are concerns, however, about the UAE's ongoing relationship with Iran. While the government has been responsive to some United States concern over the reexport of U.S. technology to Iran, we need to encourage—or, I should say, need to continue to encourage the UAE to vigorously enforce international sanctions on Iran.

I look forward to hearing how Mr. Corbin intends to work with the UAE Government to address these serious concerns.

Mr. Corbin is a career senior Foreign Service officer currently serving as Deputy Assistant Secretary of State for Near-Eastern Affairs. His experience working in our Embassies in Iraq, Syria, and Egypt will undoubtedly serve him well in this position, if confirmed.

Welcome, sir.

Kuwait is another key ally in the gulf region and has been pivotal in 2 decades of United States efforts to reduce the threat posed by Iraq. With Iraq largely stabilized, Kuwait now serves as the key

route for the drawdown of United States troops and equipment. Thousands of United States soldiers continue to pass through Camp Arifjan, a military logistics hub south of Kuwait City, whose importance I witnessed firsthand during a visit to Kuwait in 2010.

While Kuwait has been a leader in the gulf on democratization issues, as evidenced by the election of four women to Parliament in 2009, there is still progress to be made, particularly in human trafficking. And for the fourth year in a row, the U.S. Trafficking in Persons Report ranked Kuwait as a "Tier Three" country, the lowest level, for failing to make sufficient efforts to comply with minimum standards for the elimination of trafficking.

The United States must continue to engage Kuwait on this serious issue, including the full prosecution—full prosecution—of all cases, including Kuwaiti citizens.

Mr. Tueller is a career senior Foreign Service officer currently serving as Deputy Chief of Mission in Egypt. If confirmed, he will bring a total of 6 years of experience in Kuwait, first as a political counselor from 1991 to 1994; then as Deputy Chief of Mission from 2004 to 2007.

And I'd also like to take this opportunity to welcome Mr. Tueller's two sisters, Dianne and Betsy, and his nephew, Eli, who have traveled here from Belmont, MA, today.

That just happens to be my wife's hometown, so I'm happy to be able to mention that. My mother- and father-in-law would want me to mention Belmont in this hearing today. [Laughter.]

Kazakhstan has played a key role in the transportation of nonlethal supplies for our troops in Afghanistan through its participation in the Northern Distribution Network, the so-called NDN. As Pakistani supply lines have become increasingly precarious, the NDN has become even more vital to our security interests in the region.

Kazakhstan can also play a key role in European energy diversification efforts, particularly through its participation in the Nabucco pipeline.

Despite hope that Kazakhstan's 2010 OSCE chairmanship would usher in long-awaited democratic reforms, serious human rights abuses persist, including severe limits on free speech and assembly, discrimination against women, and the ongoing detention of political activists.

The United States must continue to encourage democratic openness and respect for human rights through engagement with civil society and ongoing diplomatic exchanges.

I welcome Mr. Fairfax's insight into these complex set of issues.

Mr. Fairfax is a career senior Foreign Service officer who has served in challenging posts around the world. He currently served as Minister Counselor for Economic Affairs at the United States Embassy in Iraq and has served in our overseas posts in Vietnam, Poland, Ukraine, Canada, and South Korea.

I'd also like to welcome his wife, Nyetta, who is here with us today.

So we're grateful for your work and for her presence here.

And finally, Qatar is another important United States partner in the gulf and host to the former headquarters of U.S. CENTCOM. It has taken an active role in response to the recent unrest in the

region, and it was the first Arab State to recognize Libya's Transitional National Council, one of two Arab countries to do that, along with the UAE, to contribute military aircraft to NATO's Operation Unified Protector in Libya.

Its policy of engagement with Iran and Hamas has been a cause for great concern for the United States and Israel, and there are reports that Hamas may be seeking to relocate to Doha due to political turmoil in Syria.

Human rights groups continue to criticize Qatar's ban on political parties and restrictions on freedom of speech, press, assembly, and religion. Moreover, its large population of foreign residents and temporary laborers enjoy no political rights, and unskilled laborers continue to live in hazardous conditions.

Ms. Ziadeh is a career senior Foreign Service officer as well, currently serving as Deputy Chief of Mission in Saudi Arabia. Prior to this, she was Deputy Chief of Mission in Bahrain from 2004 to 2007, and has also served at our Embassies in Iraq, Kuwait, Jordan, and Israel.

I'd like to welcome her sister, Rhonda, who is here with us today.

With that, I would turn to our ranking member, Senator Lugar.

Senator LUGAR. Well, thank you very much, Chairman Casey. I appreciate very much the tributes that you have given to each of our four distinguished nominees. I join you in welcoming them, and we look forward to their service.

I really want to take this opportunity, as a point of personal privilege, to make some comments about Kenneth Fairfax, who has been nominated by President Obama to serve as United States Ambassador to Kazakhstan.

I was encouraged to read in a recent piece in Foreign Policy magazine by David Hoffman, entitled, "The Loose Nuke Cable That Shook the World," details based on declassified cables of Mr. Fairfax's long history in observing and reporting on very disturbing nuclear security threats in parts of the former Soviet Union during his service in Moscow in the mid-1990s.

These same concerns prompted my own involvement in these matters, having worked with Senator Sam Nunn to craft the Nunn-Lugar legislation in 1991, which continues to safeguard WMD materials and components throughout the former Soviet Union and now worldwide.

I expect that Mr. Fairfax's background will serve him well in Astana, given Kazakhstan's central role in nonproliferation endeavors over the past decades.

The United States and Kazakhstan have been cooperating closely on nonproliferation matters now for over 18 years through the Nunn-Lugar Cooperative Threat Reduction Program. At the time of the collapse of the U.S.S.R. in December 1991, Kazakhstan possessed 1,410 nuclear warheads. On December 13, 1993, the Government of Kazakhstan signed the Safe and Secure Dismantlement Act and five Nunn-Lugar implementing agreements with the United States.

Upon the removal of the last nuclear warhead from Kazakhstan in 1995, Kazakhstan acceded to the Nuclear Non-Proliferation Treaty in 1995 as a nonnuclear weapon state.

Other successes in Kazakhstan include the closure of the former Soviet Union's nuclear test site; the elimination of a biological weapons production facility; and the securing of dangerous nuclear, biological, and radiological materials. This past year, the United States and Kazakhstan completed a major nonproliferation program to provide secure storage for the spent fuel from Kazakhstan's BN–350 plutonium production reactor.

In a large-scale effort over the last year, the spent fuel, enough material to fabricate 775 nuclear weapons, was transported in a series of 12 secure shipments over 1,800 miles from Aktau near the Caspian Sea to a secure location in eastern Kazakhstan.

The completion of this decade-long effort to secure the BN–350 spent fuel provides yet another example of the progress on nuclear security and nonproliferation through concerted United States diplomacy and global security engagement.

I look forward to working with Mr. Fairfax, and I look forward to working with each of the nominees on the panel, should they be confirmed, and we have some confidence that you will be. We are grateful for your service.

I thank you, Mr. Chairman.

Senator CASEY. Thank you, Ranking Member Senator Lugar.

And we'll now do opening statements. We'll plead with you to stay within the limits of your time.

And, of course, if you want to summarize your testimony as best you can, that would be preferable, and your full statements will be made part of the record.

I think we'll start with Mr. Corbin.

**STATEMENT OF MICHAEL H. CORBIN, OF CALIFORNIA, TO BE AMBASSADOR TO THE UNITED ARAB EMIRATES**

Mr. CORBIN. Thank you very much, Senator Casey, Senator Lugar.

I'm honored to appear before you as the President's nominee to be the United States Ambassador to the United Arab Emirates. I'm extremely grateful to President Obama and to Secretary Clinton for their confidence in me. And if confirmed, I look forward to representing the American people and to working with this committee and other interested Members of Congress to advance U.S. goals in the UAE.

It has been an honor to serve as a Foreign Service officer since 1985, mostly in the Arab world, and to use regional experience and the Arab language in a wide variety of assignments.

The Foreign Service brought my Foreign Service spouse, Mary Ellen Hickey, and me together. As a tandem couple, we have been blessed to serve together in most of our assignments. My two children have learned much from living overseas, and I'm gratified they have joined me here today, along with my parents, my mother-in-law, and my extended family.

Mr. Chairman, members of the committee, the UAE plays an influential and growing role in the Middle East and is a key partner for the United States in areas such as defense, nonproliferation, trade, law enforcement, energy policy, and educational and cultural exchange.

Regionally, the UAE is a leader. For example, the UAE has had troops in Afghanistan since 2004, actively participates in the Libyan Operation Unified Protector, and is a founding member of the Friends of Democratic Pakistan, with over $300 million in direct assistance.

Our bilateral cooperation is strong. On defense, the Port of Jebel Ali in Dubai is the United States Navy's busiest overseas port of call, and the UAE is our largest Foreign Military Sales cash customer.

On nonproliferation, we work together. The UAE takes its international obligations seriously and has fully implemented international sanctions targeting Iran and North Korea. Most recently, in May, the UAE coordinated with us on the sanctioning of two UAE-based entities for supplying Iran with prohibited amounts of refined fuel.

The UAE seeks to prevent use of its open trade environment and is implementing a comprehensive export control law. Our trade cooperation is excellent, and for the past 2 years, the UAE has been the largest export market for U.S. goods in the Middle East.

For example, Dubai's Emirates Airlines is the single largest customer for Boeing's 777 aircraft, and more than 700 United States companies have regional headquarters in the UAE.

The UAE is a partner in building UAE's law enforcement capabilities, particularly to counter money laundering and terrorist financing, and we work with the UAE on energy policy.

Holding nearly 8 percent of the world's proven oil reserves and nearly 5 percent of its proven gas reserves, the UAE supports U.S. energy goals, and joined other GCC states on June 8 in pushing for an increase in OPEC oil production in line for U.S. goals for the global economy.

Finally, in cultural and educational cooperation, the UAE has partnered with major U.S. institutions, such as the Guggenheim and New York University, on major programs in that country.

The United States is focused on human rights, trafficking in persons, and the rights of women in the UAE. For example, this year the UAE established a special court in Dubai to hear human trafficking cases and is taking steps to train its police and customs officials to aid trafficking victims. But more must be done, particularly with regard to labor issues.

Our comprehensive dialogue with the UAE has included a frank, productive discussion on historic changes brought about by the Arab Spring. If confirmed as United States Ambassador, I would work to see that the UAE's legitimate interest in trade with its neighbors is not put to inappropriate uses, especially with respect to Iran. I would work to strengthen our trade relationship, promote U.S. exports, and assist the U.S. businesses using the UAE as a hub.

We have a clear dialogue with the UAE on the universal right of free expression, and Secretary Clinton has demonstrated the priority we place on this with her Internet Freedom Initiative.

If confirmed as Ambassador, I will continue to highlight our commitment to this principle and work with our partners in the UAE.

With 36 different United States Government agencies and departments in the UAE, my first priority, if confirmed, would be to

the safety and security of our personnel, as well as all Americans living and working or traveling to the United Arab Emirates.

Mr. Chairman, members of the committee, if confirmed, I would welcome your views and insights on the UAE and the region and welcome any questions you might have for me today. Thank you.

[The prepared statement of Mr. Corbin follows:]

PREPARED STATEMENT OF MICHAEL H. CORBIN

Mr. Chairman and members of the committee, I am honored to appear before you as the President's nominee to be the U.S. Ambassador to the United Arab Emirates. I am extremely grateful to President Obama and to Secretary Clinton for their confidence in me. If confirmed, I look forward to representing the American people, and to working with this committee and other interested Members of Congress to advance U.S. goals in the UAE.

It has been an honor to serve as a Foreign Service officer since 1985, mostly in the Arab World, and to use regional experience and the Arabic language in a wide variety of assignments. The Foreign Service brought my Foreign Service spouse, Mary Ellen Hickey, and me together. As a tandem couple we have been blessed to serve together in most of our assignments. My two children have learned much from living overseas and I am gratified to have my family, parents, and extended family here in the audience today.

Mr. Chairman and members of the committee, the UAE plays an influential and growing role in the Middle East, and is a key partner for the United States. The United States and the UAE enjoy strong bilateral cooperation on a full range of issues including defense, nonproliferation, trade, law enforcement, energy policy, and cultural exchange.

As a member of the International Security Assistance Force, the UAE has had troops in Afghanistan since 2003. It has been a leader as current president of the Gulf Cooperation Council (GCC) in Yemen mediation; participates in the Libya Operation Unified Protector; provided several million dollars in humanitarian aid to assist those affected by the Libyan crisis; contributed almost $50 million in 2010 to rebuilding Afghanistan; and is a founding member of the Friends of Democratic Pakistan with over $300 million in direct assistance.

Defense cooperation is a central pillar of our partnership and is reflected in regular bilateral strategic security discussions. The port of Jebel Ali in Dubai is the U.S. Navy's busiest overseas port-of-call and the UAE is our largest Foreign Military Sales cash customer. The UAE has actively participated in international operations to police the gulf, and organized an international conference on countering piracy March 18–19 of this year.

In the area of nonproliferation of weapons of mass destruction, the UAE takes its international obligations seriously and has fully implemented international sanctions targeting Iran and North Korea for their pursuit of nuclear weapons. Our active dialogue with Abu Dhabi on these and other nonproliferation issues supports the enforcement of U.S. laws and most recently, in May, the UAE coordinated with us on the sanctioning of two UAE-based entities for supplying Iran with prohibited amounts of refined fuel. The UAE seeks to prevent use of its open trade environment to import and export items and funds that assist in the development of weapons of mass destruction and is implementing a comprehensive export control law to take action against noncomplying companies. The UAE participates in the U.S. Export Control and Border Security program, hosts a bilateral Counter Proliferation Task Force, and is a member of the multilateral Proliferation Security Initiative. The UAE's Nuclear Cooperation Agreement with the United States (signed in May 2009) is a positive example for the peaceful development of a nuclear energy program.

For the past 2 years the UAE has been the largest export market for U.S. goods in the Middle East, and 21st in the world. It has developed a leading role in business services, including finance and logistics, and has emerged as the preeminent business hub between Asia and Europe. Dubai's Emirates Airlines is the single largest customer for Boeing's 777 aircraft. With its infrastructure and business and logistical services, the UAE has become the regional headquarters for over 700 American companies active in the petroleum, defense, services, education, and health care sectors.

The United States is a partner in building UAE's law enforcement capabilities, particularly to counter money laundering and terrorist financing and to provide training to enable the UAE to disrupt illicit cash flows.

The UAE is also a partner on energy policy. Holding nearly 8 percent of the world's proven oil reserves and nearly 5 percent of its proven gas reserves, the UAE joined other GCC states on June 8 in pushing for an increase in OPEC oil production. The UAE has sought U.S. assistance to pursue renewable energy and plays a leadership role on renewable energy technologies. Finally, on cultural and educational exchange, the UAE has partnered with major U.S. institutions such as the Guggenheim and New York University.

The United States works closely with the UAE on human rights, trafficking in persons, and the rights of women. The UAE is committed to the education of its people and is working to ensure that the female half of its citizenry receives a complete, high-quality education. This year, the UAE established a special court in Dubai to hear human trafficking cases and is taking steps to train its police and customs officials to aid trafficking victims. As these policies develop, we are continuing to work closely with the Emirati leadership to improve its response to forced labor, particularly among the foreign migrant worker population the country hosts. Finally, the UAE and the United States have maintained a productive dialogue throughout the recent historic changes brought about by the "Arab Spring."

If confirmed as U.S. Ambassador I would work to see that the UAE's legitimate interest in trade with its neighbors is not put to inappropriate uses, especially with respect to Iran. I would work to continue to strengthen our trade partnership, promote U.S. exports and assist U.S. businesses using the UAE as a hub.

We have a clear dialogue with the UAE on the universal right of free expression and Secretary Clinton has demonstrated the priority we place on this with her Internet Freedom Initiative. If confirmed as Ambassador, I will continue to highlight our commitment to this principle in my work with our partners in the UAE.

At a U.S. mission comprising employees from 36 different U.S. Government agencies and departments, my first priority, if confirmed, would remain at all times protecting the safety and security of the dedicated men and women at our mission as well as of all Americans living and working or traveling in the United Arab Emirates.

Mr. Chairman and members of the committee, if confirmed, I would welcome your views and insights on the UAE and the region and welcome any questions you might have for me today. Thank you.

Senator CASEY. Thanks, Mr. Corbin. You had time left. You had 40 seconds. [Laughter.]

Ms. Ziadeh, thank you.

## STATEMENT OF SUSAN L. ZIADEH, OF WASHINGTON, TO BE AMBASSADOR TO THE STATE OF QATAR

Ms. ZIADEH. Senator Casey, Ranking Member Lugar, members of the committee, I thank you for the opportunity to appear before you today.

I'm honored to be President Obama's nominee to serve as United States Ambassador to Qatar. I deeply appreciate the confidence President Obama and Secretary Clinton have shown in me by making this nomination.

If confirmed by the Senate, I will exercise the full range of our diplomatic tools to promote regional security cooperation, expand commercial ties, and develop stronger educational partnerships between the United States and Qatar.

With your permission, I'd like to introduce my sister, Rhonda, her husband, George, and their daughter, Gihan, here today representing their Ziadeh family.

I would also like to thank my family for their encouragement as I've pursued graduate studies in Egypt and Lebanon, where Middle East issues became my lifelong intellectual and professional pursuit. Through seven tours in the Middle East, including Iraq, their support continues.

The United States and Qatar enjoy an excellent military-to-military relationship. Qatar's Al Udeid Air Base hosts the United

States Air Force's 379th Air Expeditionary Wing, as well as the Combined Air Operations Center, critical to United States military operations in the CENTCOM AOR, including Afghanistan.

If confirmed, I will work to expand our counterterrorism and regional security cooperation with Qatar.

From the United Nations to the Gulf Cooperation Council, Qatar has played an active and helpful role in multilateral diplomacy. In Libya, Qatar was the first Arab country to dedicate military sources to the international coalition and has pledged significant financial support to the Transitional National Council.

In Egypt, Qatar has announced plans to invest $10 billion to strengthen the economy. The Emir of Qatar has set a positive example by reinforcing the need for political, social, and economic reforms across the Arab world, and he has also focused on the need for better and inclusive governance.

Qatar recently held municipal council elections and has pledged to hold advisory council elections soon. These are important steps and demonstrate Qatar's commitment to representative government.

Recognizing that each country will follow its own particular form of representative democracy, if confirmed, I pledge to work with our Qatari friends and speak out for the core values and principles that define America.

Qatar also represents tremendous economic opportunity for American business. With the third-largest proven gas reserves in the world, Qatar is the leading supplier of liquified natural gas. Oil and gas account for more than 60 percent of GDP and 70 percent of Government revenues. Qatar is using these revenues to invest in its infrastructure and its people, while diversifying its economy.

If confirmed, I will advocate aggressively for U.S. companies competing for the more than 70 billion dollars' worth of major infrastructure projects to be awarded between now and 2022. I will also work tirelessly to find new export opportunities for American goods and services in Qatar.

Qatar has made great strides in education, overhauling its schools. Through the Qatar Foundation and initiatives such as Education City, Qatar is building the intellectual infrastructure necessary for Qataris to compete in a knowledge-based economy.

U.S. universities are at the forefront of this process, cooperating on educational services. As a former Fulbright Scholar myself, I know firsthand the value of educational exchanges. If confirmed, I will strongly support these growing institutional ties and promote long-term partnerships.

A top priority as Ambassador will be, if confirmed, to protect the welfare, security, and interests of American citizens, as well as our personnel at Embassy Doha.

If confirmed, I will dedicate myself to supporting the American community and helping it to succeed in Qatar. If confirmed, I look forward to welcoming the committee's members and staff to Doha.

Mr. Chairman, members of the committee, thank you for this opportunity to address the committee. I would be pleased to respond to any questions you may have. Thank you.

[The prepared statement of Ms. Ziadeh follows:]

PREPARED STATEMENT OF SUSAN L. ZIADEH

Mr. Chairman, Ranking Member Lugar, members of the committee, I thank you for the opportunity to appear before you today.

I am honored to be President Obama's nominee to serve as U.S. Ambassador to Qatar. I deeply appreciate the confidence President Obama and Secretary Clinton have shown in me. If confirmed by the Senate, I will exercise the full range of our diplomatic tools to promote regional security cooperation, expand commercial ties, and develop stronger educational partnerships between the United States and Qatar.

With your permission, I would like to introduce my sister, Rhonda, here today representing the Ziadeh family. I would like to thank my family for their encouragement as I pursued graduate studies in Egypt and Lebanon, where Middle East issues became my lifelong intellectual and professional pursuit. Through seven tours in the Middle East, including Iraq, their support continues.

The United States and Qatar enjoy an excellent military-to-military relationship. Qatar's Al Udayd Air Base hosts the U.S. Air Force's 379th Air Expeditionary Wing as well as the Combined Air Operations Center, critical to U.S. military operations in the CENTCOM AOR, including Afghanistan. If confirmed, I will work to expand our counterterrorism and regional security cooperation.

From the United Nations to the Gulf Cooperation Council, Qatar has played an active and helpful role in multilateral diplomacy. In Libya, Qatar was the first Arab country to dedicate military resources to the international coalition and has pledged significant financial support to the Transitional National Council. In Egypt, Qatar announced plans to invest $10 billion to strengthen the economy. The Amir of Qatar has set a positive example by reinforcing the need for political, social, and economic reforms across the Arab world.

He has also focused on the need for better and inclusive governance. Qatar recently held municipal council elections and has pledged to hold advisory council elections soon. These are important steps and demonstrate Qatar's commitment to representative government. Recognizing that each country will follow its own particular form of representative democracy, if confirmed, I pledge to work with our Qatari friends and speak out for the core values and principles that define America.

Qatar presents tremendous economic opportunity for American business. With the third-largest proven gas reserves in the world, Qatar is the leading supplier of Liquid Natural Gas. Oil and gas account for more than 60 percent of GDP and 70 percent of government revenues. Qatar is using these revenues to invest in its infrastructure and its people while diversifying its economy. If confirmed, I will advocate aggressively for U.S. companies competing for the more than 70 billion dollars' worth of major infrastructure projects to be awarded between now and 2022; I will also work tirelessly to find new export opportunities for American goods and services in Qatar.

Qatar has made great strides in education, overhauling its schools. Through the Qatar Foundation and initiatives such as Education City, Qatar is building the intellectual infrastructure necessary for Qataris to compete in a knowledge-based economy. U.S. universities are at the forefront of this process, cooperating on educational services. As a former Fulbright scholar, I know firsthand the value of educational exchanges. If confirmed, I will strongly support these growing institutional ties and promote long-term partnerships.

A top priority is to protect the welfare, security, and interests of American citizens as well as our personnel at Embassy Doha. If confirmed, I will dedicate myself to supporting the American community and helping it succeed in Qatar.

If confirmed, I look forward to welcoming the committee's members and staff to Doha. Mr. Chairman, members of the committee, thank you for this opportunity to address the committee. I would be pleased to respond to any questions you may have. Thank you.

Senator CASEY. Thanks very much.

Mr. Tueller.

## STATEMENT OF MATTHEW H. TUELLER, OF UTAH, TO BE AMBASSADOR TO THE STATE OF KUWAIT

Mr. TUELLER. Mr. Chairman, it is an honor to appear before you today as President Obama's nominee to serve as Ambassador to the State of Kuwait.

I'm grateful to the President for the nomination and to Secretary Clinton for her confidence in me and for her leadership of the Department of State.

If confirmed by the Senate, I will do my best to live up to their trust and to work closely with this committee and others in Congress to continue to advance the vital interests of the United States in Kuwait.

Senator Casey, you very kindly welcomed my two sisters. With your permission, I'd like to note that my wife, Denise, and son, Christian, had to remain in Cairo while I came here.

But my two sisters, who represent eight of my sisters and my one brother, with whom we grew up in the Foreign Service, were kind enough to join me today. And my five children refer to those aunts as "the entourage," so I'm happy to have their support here.

Mr. Chairman, the State of Kuwait has been a reliable partner and friend in a region of utmost importance to U.S. interests. Since 1991, U.S. military forces and our coalition partners have relied heavily on Kuwait's support for our regional policy priorities. If confirmed, I would work to expand that support into broader political, social, and economic arenas.

If confirmed, I will seek to focus intensively on ensuring that Kuwait continues to act as a full partner with the United States in regional security efforts.

Kuwait is playing an essential role in the repositioning of our forces from Iraq. Continuing to foster improved Kuwaiti-Iraqi relations in coordination with Embassy Baghdad will help speed Iraq's regional reintegration and create an atmosphere in which political and trade ties can prosper.

We share with the Government of Kuwait a common interest in combating the spread of extremist ideology and rooting out terrorist elements. If confirmed, I will seek to build strong counterterrorism cooperation, to include increased information sharing and intensified training efforts.

As states in the region today face popular demands to close the often yawning gaps between governments and the people, Kuwait's traditions of open political discourse and constitutional sharing of power have put the country in a relatively advantageous position to meet the challenges of this new era in the Middle East.

Recent parliamentary elections have led to a gradually increasing role for women in parliamentary and political life. If confirmed, I will endeavor to help Kuwait to consolidate and expand those democratic gains.

Mr. Chairman, I have had the privilege of serving my country as a Foreign Service officer for more than 25 years, most recently as Deputy Chief of Mission at our Embassy in Cairo during the turbulent, but inspiring events of the January 25 revolution. My Foreign Service career has included overseas service in Baghdad, Riyadh, London, Doha, Amman, and Yemen.

As you noted, I've served twice before in Kuwait. The Ambassadors under whom I served in Kuwait were Edward Gnehm, Ryan Crocker, and Richard LeBaron. Under their leadership, I was able to play some part in laying the foundation upon which the United States-Kuwaiti relationship rests today.

If confirmed, I believe I can make a substantial contribution of service to the American people as the next United States Ambassador to Kuwait.

If confirmed to this position, I will work to protect American citizens and promote U.S. interests, while consolidating and augmenting the close ties between our governments' leaders and our peoples.

Again, I'm honored, Mr. Chairman, by this nomination and the opportunity to appear before you today, and look forward to your questions. Thank you.

[The prepared statement of Mr. Tueller follows:]

PREPARED STATEMENT OF MATTHEW H. TUELLER

Mr. Chairman and members of the committee, it is an honor to appear before you today as President Obama's nominee to serve as Ambassador to the State of Kuwait. I am grateful to the President for the nomination and to Secretary Clinton for her confidence in me and for her leadership of the Department of State. If confirmed by the Senate, I will do my best to live up to their trust and to work closely with this committee, and others in Congress, to continue to advance the vital interests of the United States in Kuwait and in the region.

Mr. Chairman, the State of Kuwait has been a reliable partner and friend in a region of utmost importance to U.S. interests. Since Kuwait's 1991 liberation from Saddam Hussein's brutal occupation, U.S. military forces and our coalition partners have relied heavily on Kuwait's support for our policy priorities in Iraq, Iran, and Afghanistan, and in countering terrorist threats. If confirmed, I will work to expand that support into broader political, social, and economic arenas to build and sustain a partnership that will advance key American interests in a region that today is undergoing rapid and profound change.

If confirmed, I will seek to focus intensively on ensuring that Kuwait continues to act as a full partner with the U.S. in regional security efforts. Sustaining and further strengthening our security partnership will be important to meeting our shared broader regional strategic objectives. Kuwait is playing an essential role in the repositioning of our forces from Iraq. Continuing to foster improved Kuwaiti-Iraqi relations in coordination with Embassy Baghdad will help speed Iraq's regional reintegration and create an atmosphere in which political and trade ties can prosper.

We share with the Government of Kuwait a common interest in combating the spread of extremist ideology and rooting out terrorist elements that threaten peace and security in the region. If confirmed, I will seek to build strong counterterrorism cooperation to include increased information-sharing and intensified training efforts to ensure the best possible force protection for our troops in Kuwait, as well as our mission employees, family members, and the larger American community while continuing to build on the cooperation essential to countering terrorist threats.

As states in the region today face an unprecedented wave of popular demands to close the often yawning gaps between governments and the people, Kuwait's traditions of open political discourse and constitutional sharing of power have put the country in a relatively advantageous position to meet the challenges of this dawning era in the Middle East. Parliamentary elections in 2009 once again gave opposition voices a significant platform from which to influence and oversee government policies. The participation of women in elections since 2005 has led to a gradually increasing role for women in parliamentary and political life. Four women were elected to seats in Parliament in 2009. If confirmed, I will endeavor to help Kuwait consolidate and expand those democratic gains, to include supporting the development of grassroots women's organizations, civil society groups, youth and other activists, and advancing the rights and protections of vulnerable populations living within Kuwait's borders.

In addition to deepening our security cooperation and advancing the strength of civil society, we must seek with our Kuwaiti partners to create new opportunities for economic partnership, both within and beyond the energy sphere. Kuwait's objective to become a regional commercial center, including passing a 5-year $104 billion development plan, will create commercial opportunities for U.S. companies and provide us the opportunity to work with the Kuwaiti Government and with the private sector to promote economic reform and private sector growth, and create opportunities for aspiring entrepreneurs. The potential for dynamic synergies between Kuwait

and the United States, combining capital, technology, and expertise to advance global development, is enormous. Constructive bilateral engagement on trade and investment-related issues, through tools such as the Trade and Investment Framework (TIFA), will help support needed reforms and cement our partnership. If confirmed, I will pursue ongoing policies that promote increased investment, trade, and project development between our two countries.

Finally, if confirmed, I will work energetically in reaching out to Kuwaiti youth via U.S.-sponsored exchange and English language programs and through Middle East Partnership Initiative (MEPI) programming to highlight common interests and emphasize strong bonds of friendship based on shared core values. Forty-five percent of Kuwait's population is under the age of 25, and many Kuwaiti youth have no direct experience regarding the U.S. role in the 1991 liberation of Kuwait. While heavily exposed to commercial Western media and cultural influences, the United States must play an active role in exposing them to the fundamentals of participatory civil society with values of tolerance and nonviolence. This will ensure stronger bilateral ties and thus counter the negative extremist influences found all too often in regional media.

Mr. Chairman, I have had the extraordinary privilege of serving my country as a Foreign Service officer for more than 25 years, most recently as Deputy Chief of Mission at our Embassy in Cairo during the turbulent but inspiring events of the January 25th Revolution. I was in Egypt as a graduate student taking advanced Arabic classes in October 1981 when President Sadat was assassinated and President Mubarak began his 29 years of rule. My first exposure to the Middle East was as a dependent of a Foreign Service officer when my father was assigned to study Arabic in Tangier from 1965–67 followed by his assignment as Consul in Tangier from 1967–69. My Foreign Service career has included service in Washington as Egypt desk officer and Deputy Director of the Office of Northern Gulf Affairs. Overseas I have served in Baghdad, twice in Riyadh, in London, Doha, Amman, and Yemen. I have served twice before in Kuwait, first as Political Counselor following the reopening of our Embassy in 1991 and then more recently in 2004–07 as Deputy Chief of Mission. The Ambassadors under whom I served in Kuwait include Edward Gnehm, Ryan Crocker, and Richard LeBaron and, if confirmed, I would strive to live up to the examples they set as outstanding U.S. diplomats. Under their leadership, I was able to play some part in laying the foundation upon which the United States-Kuwaiti relationship rests today. I believe I can make a substantial contribution of service to the American people as Ambassador to Kuwait.

If confirmed as Ambassador, I will work with persistence, enthusiasm, and stamina to protect American citizens and promote U.S. interests, while consolidating and augmenting the close ties between our governments' leaders and our peoples. Again, I am honored, Mr. Chairman, by this nomination and the opportunity to appear before you today. I will be pleased to answer any questions you may have.

Senator CASEY. Thanks very much.

Mr. Fairfax.

## STATEMENT OF KENNETH J. FAIRFAX, OF KENTUCKY, TO BE AMBASSADOR TO THE REPUBLIC OF KAZAKHSTAN

Mr. FAIRFAX. Mr. Chairman, first, I want to thank you for the opportunity to appear before you today. And I would like to thank Senator Lugar for his very kind words.

I am deeply honored by the confidence that President Obama and Secretary Clinton have shown in me by nominating me as the United States Ambassador to Kazakhstan.

I would also like to take this opportunity to thank my wife, Nyetta Yarkin, who is with me here today, as she has been continuously for the last 25 years, including during my current assignment at United States Embassy in Baghdad, Iraq.

Last year, President Obama and Kazakhstan President Nazarbayev reaffirmed the strategic partnership between our two countries, declaring our commitment to a shared vision of stability, prosperity, and democratic reform in Central Asia and beyond.

If confirmed by the Senate, I will work faithfully to deepen this strategic partnership and I look forward to working with Congress in pursuit of this goal.

United States interests in Kazakhstan can be grouped into three strategic areas.

First, we seek to advance sound democratic and economic reforms. Kazakhstan has had consistently outstanding economic performance. While it took a short hiatus due to the 2008 financial crisis, already by 2010, growth had returned to 7 percent, and this year it looks to be even stronger.

This economic growth also means that Kazakhstan is a growing market for American goods and services. And if confirmed, I intend to lead a concerted effort to cooperate with and support United States businesses as they expand their presence in Kazakhstan.

Despite these positive economic achievements, democratic political institutions in Kazakhstan remain underdeveloped. The Presidency dominates the political system and the President's party is the only party represented in Parliament.

The 2010 Human Rights Report highlights other problematic issues relating to rule of law, freedom of speech, freedom from arbitrary detention, and other universally recognized human rights.

If confirmed, I will work with all branches of the United States Government, as well as with the international community, to address these issues and to ensure that Kazakhstan fulfills its commitments to political reform as it prepares for the 2012 parliamentary elections, the first that will result in multiparty representation.

The second area of United States strategic interest in Kazakhstan is strengthening global and regional security. With its courageous decision to renounce nuclear weapons shortly after the breakup of the Soviet Union, Kazakhstan demonstrated its commitment to international security and nonproliferation, a commitment that it continues to build upon today through its active participation in the Cooperative Threat Reduction Program, the IAEA, and other international organizations.

The United States and Kazakhstan also share a common interest in bolstering Central Asian security, fighting terrorism, and stemming narcotics trafficking.

Kazakhstan is supporting efforts in Afghanistan through expanded overflight rights and through active participation in the Northern Distribution Network.

Kazakhstan is also dedicating its own resources to the effort in Afghanistan through a $50 million program to educate the next generation of Afghan leaders, as well as through humanitarian assistance.

Our third area of strategic focus in Kazakhstan is world resource security, particularly energy and food. With a potential to rank among the world's top 10 oil exporters within the next several years, Kazakhstan plays an important role in advancing international energy security at the same time it builds a basis for its own economic future.

Similarly, Kazakhstan ranks as the world's sixth-largest grain exporter and is, thus, critical to food security. Cooperating to further improve Kazakhstan's performance in these and other areas

represents a win-win-win situation for the United States, Kazakhstan, and the world community. All three sets of interests—democratic and economic development, our joint security cooperation, and our shared commitment to world resource security—are interrelated and must advance together.

Mr. Chairman, I have spent nearly my entire career serving in countries in transition, from centrally planned to market economies, and from authoritarian to representative governments. I believe that there is an inextricable link between the growth of an open democratic system of government and the development of an open, market-based economy. Both are fueled by the universal desire of people to build a better, safer, and more prosperous future and together they constitute the best route toward long-term security and stability.

If confirmed, this belief in the power of an open, democratic system will guide me as I work to ensure that the already strong United States-Kazakhstan partnership continues to growth and strengthen.

Thank you, and I look forward to your questions.

[The prepared statement of Mr. Fairfax follows:]

PREPARED STATEMENT OF KENNETH J. FAIRFAX

Mr. Chairman and members of the committee, thank you for this opportunity to appear before you today. I am deeply honored by the confidence with which President Obama, by nominating me for the post of Ambassador of the United States to Kazakhstan, and Secretary Clinton have entrusted me. I would also like to take this opportunity to thank my wife, Nyetta Yarkin, who is here with me today, as she has been with me continuously for the past 25 years as my work has taken me around the globe, including to my current posting in Baghdad, Iraq.

If confirmed by the Senate, I will work diligently and faithfully on behalf of the American people to pursue U.S. foreign policy goals and to deepen the strategic partnership between the United States and Kazakhstan. If confirmed, I look forward to working with the Congress in pursuit of those goals.

Mr. Chairman, Central Asia is a region of significant importance to U.S. national interests. U.S. policy in the region supports the development of independent, stable, democratic nations, integrated into the world economy, that cooperate with one another, the United States, and our partners to advance regional and global security.

Kazakhstan is an important regional and international partner. It is geographically strategic, ethnically diverse, and resource rich. It is the ninth-largest country in the world by land mass, or roughly the size of Western Europe. The population is 15.6 million people, 59.2 percent of whom are ethnically Kazakh, 25.6 percent ethnically Russian with the remainder divided among many ethnic minorities. The largely secular population is 65 percent Muslim, 30 percent Russian Orthodox with the remainder divided among many smaller faiths. Located at the crossroads of Europe and Asia and bordered by Russia, China, and the Caspian Sea, Kazakhstan's size, location, and resources make it strategically important and key to regional stability. If plans are approved to expand production at its three largest oil fields, Kazakhstan's hydrocarbon reserves should, by 2018, rank it as one of the top 10 world oil producers.

As the first country to renounce its nuclear weapons voluntarily following the breakup of the Soviet Union, Kazakhstan established early its commitment to international security and credentials for leadership. Since that debut on the international stage, Kazakhstan has continued to pursue a policy of active engagement with the global community, with chairmanships of the Organization for Security and Cooperation in Europe (OSCE) and Shanghai Cooperation Organization (SCO) in 2010 and Organization of the Islamic Conference (OIC) in 2011, as well as hosting the Shanghai Cooperation Organization Summit on June 14–15 of this year.

Kazakhstan is providing significant support to our stabilization and reconstruction efforts in Afghanistan. The United States and Kazakhstan have had an overflight agreement in place since 2001 that has facilitated over 9,000 overflights and over 85 diverts. Kazakhstan actively participates in the Northern Distribution Network—which entails commercial shipment through Kazakhstan of supplies for U.S.

and international forces in Afghanistan. The recent expansion of the 2001 overflight agreement to include new polar routes will significantly increase the efficiency of operations. In addition to facilitating U.S. and international efforts to stabilize and strengthen Afghanistan, Kazakhstan is directly investing in Afghanistan's future development through a $50 million program to educate the next generation of Afghan leaders in Kazakhstan's universities. Over time, we hope Kazakhstan will be part of a revitalized regional economic system encompassing Central Asia, Afghanistan, and South Asia.

Starting with its voluntary renouncement of nuclear weapons, Kazakhstan has been and continues to be a key partner on nonproliferation. Through the Nunn-Lugar Cooperative Threat Reduction program, Kazakhstan has cooperated extensively with the United States for over a decade on a host of projects to eliminate its Soviet-legacy Weapons of Mass Destruction infrastructure, secure materials of proliferation concern, and redirect former Weapons of Mass Destruction scientists to peaceful purposes. In 2009, Kazakhstan ratified a 7-year extension to the umbrella agreement for our bilateral Cooperative Threat Reduction (CTR) program. The United States provided significant assistance to decommission a Soviet-era nuclear reactor designed to produce weapons-grade plutonium and to manage the safe and secure disposal of fuel from that reactor in 2010. Ongoing CTR program activities include the construction of a state-of-the-art Central Reference Laboratory to consolidate Kazakhstan's collection of pathogens. The Kazakhstani Government continues to seek opportunities to remain actively engaged in nonproliferation cooperation, both bilaterally and via its pursuit of a more active role in the International Atomic Energy Agency (IAEA).

Economically, Kazakhstan has laid a solid foundation for its market economy and future prosperity. Financial reform has created a modern, full-service banking system. Kazakhstan's natural resource-driven economy averaged over 9 percent annual growth during the 2001–07, before dropping to 3 percent in 2008 and 1 percent in 2009 amid the global financial crisis. Kazakhstan's economy rebounded strongly in 2010, however, posting 7 percent growth, and growth in 2011 is predicted to be between 7 and 10 percent. Thanks to its strong economic policies and oil wealth, Kazakhstan has dramatically reduced the percentage of its population living below the level of subsistence from 28.4 percent in 2001, to 13.8 percent in 2007.

Thanks to Kazakhstan's tremendous natural resource wealth, Customs Union with Russia and Belarus, and imminent accession to the World Trade Organization, U.S. companies are recognizing Kazakhstan's potential. We have the opportunity to export more with the assistance of the U.S. & Foreign Commercial Service Office in Almaty. U.S. oil companies, including Chevron, ExxonMobil, and ConocoPhillips, hold major stakes in Kazakhstan's largest oil and gas projects, Tengiz, Karachaganak, and Kashagan. U.S. companies do face difficulties, however, including aggressive tax audits and work permit restrictions. Despite these concerns, it is clear that U.S. companies and the Government of Kazakhstan are committed to a long-term partnership.

Exchange programs are effectively strengthening the core of the United States-Kazakhstan strategic partnership. Via the free exchange of information and ideas, academic, cultural, and professional exchanges are one of the most effective tools to promote long-term relations, as well as economic and social development, and to increase mutual understanding between citizens of the United States and Kazakhstan. To promote these exchanges, we have 11 American Corners throughout the country, which currently reach over 50,000 people annually. In addition, the Future Leaders Exchange, Hubert Humphrey Fellowship, Muskie Graduate Fellowship and Fulbright Fellowship programs all support students from Kazakhstan to pursue studies in the United States. The Government of Kazakhstan also understands the strategic importance of both education and exchanges. Since 1994, Kazakhstan's Presidential Scholarship Program, "Bolashak," has sent almost 8,000 students to universities in the United States and many other countries around the world. The newly inaugurated Nazarbayev University, which will have a Western-style curriculum taught in English, is partnering with several American universities, including Duke, University of Wisconsin, Carnegie Mellon, University of Pennsylvania, University of Pittsburgh, and Harvard Medical School.

In 2010 the United States and Kazakhstan concluded a new Science and Technology Cooperation Agreement. Both President Barak Obama and Secretary of State Clinton have advocated the inclusion of science in diplomacy and "science diplomacy" has become an important component of U.S. foreign policy. Through the Bolashak program and Kazakhstan's investments in research and education Kazakhstan has adopted the goal of building an innovation focused economy and will broaden its cooperation areas with the United States.

Democratic political institutions, civil society, and the independent media remain underdeveloped in Kazakhstan, the Presidency dominates the political system, and the Parliament elected in 2007 has representation from only one political party—the President's. The 2010 Human Rights Report highlights other problematic isues, including arbitrary arrest and detention, lack of an independent judiciary, restrictions on freedom of speech, the press, and assembly. We regularly encourage the government to move forward by taking concrete steps toward reform, and we have assistance programs that promote democratic reform and the development of civil society and independent media.

If I am confirmed, I will work with Kazakhstan's Government and civil society partners as the nation prepares for parliamentary elections scheduled in 2012; the first elections that will be governed by a new law guaranteeing that at least two parties will be represented in the Parliament. It remains to be seen how representative this new party system will be, and we will work to encourage a comptetitive, pluralistic party system. Kazakhstan has expressed its commitment to reform its election and media laws and to liberalize its political party registration requirements. It has also committed to reform the media law in line with recommendations from the Organization for Security and Cooperation in Europe's Freedom of Media Representative, which include, among others, to reduce criminal liability for defamation in the media and to liberalize registration procedures for media outlets. We will hold Kazakhstan to these commitments.

Recognizing Kazakhstan's important role in Central Asia, in April 2010, President Obama and Kazakhstan President Nazarbayev reaffirmed the strategic partnership between our two countries, declaring our commitment to a shared vision of stability, prosperity, and democratic reform in Central Asia and the broader region.

If confirmed, I would continue to promote the United States-Kazakhstan strategic partnership's three primary interests. First, we seek to advance democratic and market economic reforms through diplomacy and development, including an innovative partnership model with the Government of Kazakhstan. Economic reform attracts and sustains foreign investment while democratic reforms will improve opportunities for Kazakhstanis to participate openly in civic life. Together these are the only reliable ways to establish long-term stability. Second, our common security interests include bolstering Central Asian sovereignty and independence, fighting terrorism and the proliferation of weapons of mass destruction, and stemming narcotics trafficking. Third, we have a strategic interest in fostering the development of Central Asia's very significant natural resources. The region's resources can substantially advance international energy security, provided they have a reliable path to global markets via multiple routes that avoid geographic chokepoints or transportation monopolies. Energy can also form the basis of long-term economic growth and prosperity. Kazakhstan has the potential to be an agricultural power, and, as the world's sixth-largest exporter of grain, is critical to global food security. All three sets of interests—democratic development, security cooperation, economic reform and energy—are interrelated and must advance together.

Mr. Chairman, I have spent nearly my entire career serving in countries in transition from centrally planned to market economies and from authoritarian to representative government. From more than two decades of experience working in countries in Asia, the former Soviet Union, Central and Eastern Europe and, most recently, Iraq, I firmly believe that there is an inextricable link between the growth of an open, democratic system of government and the development of an open, market-based economy. Both are fueled by the universal desire of people to build a better, safer and more prosperous future. If confirmed, I will draw on my many years of experience in countries in transition to work with the Government of Kazakhstan and to reach out to the people of Kazakhstan to ensure that the already strong United States-Kazakhstan partnership continues to grow and strengthen. Kazakhstan is an important country with a promising future.

Thank you. I look forward to your questions.

Senator CASEY. Thanks very much. Each of you stayed within your limits, and that's a record, maybe, for our committee. Thanks very much.

I'll try, in the time that we have, which is about 20 minutes, to get in as many questions as we can. And of course, I and other members will likely submit questions for the record, and that should be said at the outset.

Mr. Corbin, I wanted to start with you. One of the major concerns that our Government has had, and I think it's shared widely in the region, is the threat posed by the Iranian regime.

Last summer, when I was in the Middle East on a great trip where we got to see a lot of places in about 9 or 10 days, my perception of the consensus in that region at the time was a real consensus and focus on Iran, and in particular, obviously, the threat posed by the Iranian regime, even in the absence, but especially in light of, the potential nuclear threat.

But just the activity of Iran in the region supporting and being, in my words here, the banker for bad guys in the region. And that consensus I thought was very helpful to our own strategy, because even countries that were disagreeing on other things could come around to agree on the threat posed by the regime.

In my judgment, that consensus, or at least that focus, has been degraded because of the changes taking place. People's attention is focused elsewhere and other crises and issues have arisen, and that is not good when we take our, in my judgment, when we take our focus off of Iran.

So I wanted to ask you, with regard to a question about export controls in the UAE, we know that the UAE's record on preventing reexport of advanced technology to Iran is reportedly mixed, and get your thoughts about that. But we know that numerous Iranian entities involved in Iran's energy sector and WMD programs have offices in the UAE, and the Iran-Dubai trade is currently estimated at $10 billion per year.

There are reports that the UAE-based companies Crescent Petroleum, Dragon Oil, and National Petroleum Construction Corporation continue to engage in business with Iran, in potential violation of United States sanctions.

I'd ask you first, as Ambassador, what steps you'd take to encourage the UAE to improve its export controls and to take action against their companies who continue to engage in business with Iran, in potential violation of United States sanctions.

Mr. CORBIN. Thank you, Senator.

And I think our strong dialogue with the UAE, including most recently the visit of the crown prince to meet with President Obama earlier this month, provides an opportunity for the kind of dialogue on Iran that's so important to our Middle East policy.

On the specifics on export control, the UAE has a law that they are implementing that seeks to protect their open economy, which is their hallmark and is a positive indicator for the region, from being exploited by those who would transship prohibited items to Iran. We have a strong U.S. agency presence in the UAE that is cooperating with the Emirati Government in many areas, including the financial aspects of this transshipment, and we have strong cooperation on many levels.

If confirmed as Ambassador, I would work to support those agencies, to support the dialogue that we have on these issues, and to look for every opportunity to increase the technical capacities of the Emirati services as they work against this threat.

Senator CASEY. And I'd say the obvious concern we have broadly in the United States Government, with regard to the Iranian regime, has a particular significance, I think, within the Congress.

We've worked very hard—I have and others have worked very hard—to develop consensus around sanctions, to pass legislation, to improve what we've passed, to add to it, and to encourage the administration to aggressively enforce them. So we need all the help that we can get, and obviously those export controls are part of that.

And I know there's more to explore, but I want to try to move to as many questions as we can.

Moving next to Kuwait, Mr. Tueller, the past 4 years, as I mentioned in my opening, Kuwait has been ranked a "Tier Three" country, the lowest level in United States Trafficking in Persons, in that report, for failing to make sufficient efforts to comply with minimum standards for the elimination of trafficking.

I'd ask you why you believe that's the case, why Kuwait has failed to make progress? And what steps can you take and can we take to encourage the Kuwaiti Government to enact the appropriate reforms to deal with this problem?

Mr. TUELLER. Senator, thank you very much for the question. I appreciate that you've raised this issue. I believe it's important that our allies around the world understand the importance of antitrafficking to Members of Congress and to the U.S. public.

As you note, Kuwait has a record that falls far short of what it should be. Secretary Clinton and other previous administrations have made clear how important it is to the United States that we combat this evil.

In Kuwait, the system of employment for guest workers lends itself to the possibility that employers can exploit workers. And this becomes particularly the case when it involves domestic workers who are inside a home, and if not sufficiently protected, can be deprived of wages, forced to work long hours, even subjected to physical and sexual abuse.

I know that the current Prime Minister and the Government of Kuwait abhor these practices and seek to try to counter them. At times, however, their system of laws has not proved up to the challenge.

So if confirmed as Ambassador, I will work both with the Kuwaiti Government and with Kuwaiti partners, NGOs, who have been very effective in advancing public awareness of this problem and seeking improvements in two specific areas.

One is taking the existing laws and ensuring that they are actually implemented, that there are prosecutions of the most egregious cases as an example and deterrent to others.

Second, ensuring that there is a more robust system of sheltering and protecting victims once they're identified, providing them safe places where they can be free from threat so that they can present testimony. They can be freed from whatever exploitation has taken place.

So with the support of Congress and the administration, I believe progress is possible, because I know that there are many Kuwaitis who understand the importance of making advances in this area.

Thank you.

Senator CASEY. Thank you.

And one other question about democracy. Some of us observe that Kuwait has often been considered further along than some

other countries on democracy itself. But the recent demonstrations in the region and, therefore, the reaction by Kuwait has been the subject of some review. Reports of beatings of protesters, detentions of journalists, raise questions about the commitment to human rights and to the rule of law.

What can you tell us that you'll do to encourage a full commitment to those basic rights and those basic principles that we expect any government to not just respect, but to enforce?

Mr. TUELLER. Thank you, Senator.

As you note, I believe Kuwait starts from a relative position of strength, and that it has a long tradition of open debate, of tolerance for different opinions. And Kuwait has a constitution that genuinely provides for sharing of power.

The recent events in the Middle East have clearly had an impact on Kuwait. I believe they've had an impact on every country and will continue to have an impact as governments recognize the need to do better, to provide more opportunities for freedom of assembly; for freedom of opinion; and for people to have a stake in their futures politically, socially, and economically.

If confirmed, I will seek to work with the partners that we've already identified in Kuwait, in some cases members of Kuwaiti society, political figures, but also with nongovernmental organizations. Through our MEPI, Middle East Partnership Initiative, that we have been able to assist in training women candidates and promoting civic activism and creating greater civil society organizations.

So I'll be committed to working with those existing institutions and maintaining a close and candid dialogue with the Government about how Kuwait can build on its already great strengths in tolerance and openness in order to set a standard for the rest of the region.

Senator CASEY. Thank you very much.

I move next to Ms. Ziadeh.

In the April 2011 visit to the White House, the Qatari Emir signaled support for President Obama's position on a two-state solution for Middle East peace. The country earned criticism in the West for its policy of engagement with Hamas, and there's been speculation—and it may just be, at this point, speculation—that Hamas might be seeking to establish a permanent office in Doha, due to the ongoing unrest in Syria.

How might the role of Qatar in the negotiations change the political situation and change—I should say change given the political situation in Egypt, as well as the unrest in Syria?

Can you speak to that? I know it's a broad and difficult question, but if you can speak to that, to the extent that you're able at this stage?

Ms. ZIADEH. Thank you very much for the question. With regards to Hamas, it is true that Qatar has had relations with Hamas. And in fact Hamas, at one point, did have an office with members of their leadership in Doha. And that relationship does continue, although that office is no longer there.

However, I would certainly, if confirmed, use my good offices as the Ambassador to encourage the Qatari Government to use their position as the Chair of the Arab League Peace Initiative followup

committee to call for more direct engagement between the parties, between the Palestinians and other parties, with Israel, in terms of solving the Israeli-Palestinian issue.

Make no mistake: We, as the U.S. Government, consider Hamas a terrorist organization. And, therefore, we would want to be able to push on the Qatari Government to work in its capacity as the Chair to look for direct engagement, direct negotiations, to bring a just and peaceful solution to the Middle East conflict.

Senator CASEY. And I would hope—you've pointed to this in what you've said, but I would hope you would reiterate in your direct discussions with the Qatari Government, when it comes to the conditions that we expect to be applied to any engagement with Hamas, that they renounce violence, that they recognize Israel's right to exist, and that they abide by agreements.

And that three-part test is conjunctive. And they should be reminded of that, that they've got to meet every condition.

And I know it's particularly complicated, as you would be assuming this position, but I would urge to you reiterate that as often as you can.

Ms. ZIADEH. Absolutely. That would have to be part of the discussion. Absolutely.

Senator CASEY. Do you have any sense of the—and I mentioned that it was speculation, but do you have anything you can report on that speculation?

Ms. ZIADEH. We have not heard any developments in that regard to date.

Senator CASEY. I would also ask, with regard to relations with other Gulf Cooperation Council states, what concerns, if any, does Qatar have about Iran's response to the regional unrest?

Because, as I mentioned before, the focus that we want to have on the Iranian regime's threat in the region, that focus, I think—or that consensus in the region has been, if it hasn't been degraded, it's at least not been as sharply focused as I would hope it would be because of the changes in the region.

But do you think they have concerns about Iran's response, or do you have any sense of that yet?

Ms. ZIADEH. Yes. Well, first of all, Qatar is very much a regional player, in terms of the GCC and the GCC overall assessment of regional security. And they have played a very important and leading role in that.

So they're part of the team effort in looking at the role of Iran in the region. I would note that the Qataris did send troops as part of the Peninsula Shield Force that went to Bahrain, in the face of unrest there and of threats from Iran on Bahrain. So that was indicative of their position.

It is true that Qatar has a unique relationship with Iran, due in part, obviously, to the geographic proximity, but more importantly their economic interests. Iran and Qatar share the North Dome/South Pars gas field, which is the world's largest non-associated gas field, and so, therefore, they have economic interests.

That said, I would note that the work on the fields and the derivative of the gas there is done independently. There are no joint ventures.

And in fact, when you look at the relationship in other economic terms, the amount of trade that Qatar has with Iran is less than 2 percent of its annual trade. It's negligible. And Iran, in terms of banking and other issues, it's also negligible where Qatar is concerned.

The flip side of that, I would note that they host a large U.S. military contingent there at Al Udeid, with over 10,000 uniformed service personnel. And they certainly do look to us as an important guarantor in terms of their regional security, along with other members of the GCC.

So that's how I would characterize the relationship with Iran.

But, for sure, if confirmed, I would take every opportunity to impress to the Government of Qatar the importance of our concerns on the issue of Iran and their growing aggressive role in the region.

Senator CASEY. Thank you very much.

I know our time is limited now, but, Mr. Fairfax, I wanted to focus a little bit on the Northern Distribution Network, which we know has the key role of transit for nonlethal supplies to Afghanistan.

How would you work, if confirmed, to ensure that Kazakhstan's continued military cooperation with the U.S. and NATO is ensured? And if you can assess that broadly and specifically as well?

Mr. FAIRFAX. As you know, Kazakhstan has already started playing a role through the Northern Distribution Network, as well as through expanded overflights.

They key issue, if confirmed, I would plan on working with going forward is to work on this in a regional basis along with the other countries. One of the fundamental facts we face is that Kazakhstan does not border on Afghanistan, and so, it requires a multiple-step process of moving through Russia, moving through Kazakhstan, and then helping the process of Kazakhstan reaching agreement with its neighbors, which it has recently done, for example, with Uzbekistan, in opening up a second border crossing there, in order to facilitate the movement of goods through the Northern Distribution Network down into Afghanistan.

And I think this is an area where increased cooperation among the countries themselves and among U.S. missions in the region can play an important role in pushing forward U.S. interests.

Senator CASEY. One of the difficulties, not just with regard to Kazakhstan and our relationship there, but also in plenty of other places throughout the world, is getting that balance right, when we've got a strategic interest or a strategic priority like the distribution network is, but also balancing that with the concerns we have about human rights and so many other concerns.

With regard to Kazakhstan, that balance is basically between that strategic priority or interest and respect for universal human rights.

How do you approach that as an incoming Ambassador, to make sure that we ensure that we get that balance right?

Mr. FAIRFAX. Thank you, Senator, for that question, because, particularly, that's one that's personally important to me because of my belief that, ultimately, these are not two separate issues, but simply a question of short-term and long-term interests that need to be aligned.

As I said in my statement, I believe there is a strong relationship between security and stability, economic development, and political development.

Thus far, Kazakhstan's economic development and its cooperation with the United States on security have certainly been in the lead, but I think in order for that to continue in the decades in the future, the democratic development is important. And we have to continue, both through short-term actions, such as arguing on behalf of jailed activists, such as Mr. Zhovtis, but also long term, through public outreach, educational exchanges, and other efforts that help to bring Kazakhstan into the mainstream of world thinking and respect for human rights.

And I think this is actually a hopeful picture in Kazakhstan, if you look, not just at their willing acceptance of programs such as the Humphrey program or other exchange programs, but the fact that they finance, through Bolashak, 3,000 college students to go overseas, many to the United States, to learn about how the rest of the world operates; the fact that they are financing Nazarbayev University with participation of multiple leading U.S. universities and other international universities.

There is a long-term trajectory toward movement into internationally accepted norms, and I think those include not just economic norms but, ultimately, political and human rights. And that's what I would try to work for as Ambassador, if confirmed.

Thank you.

Senator CASEY. Thank you. And I want to thank every nominee for your testimony, the answers you gave to questions, the answers you'll provide by way of response to written questions that will be submitted.

We're out of time. One of the reasons is I have to vote in a few minutes, and I won't be able to do both, both stay and vote at the same time.

But one question I was going to ask and I'll submit it, a question for the record, because it's so significant, but we tend to overlook it when we're dealing with foreign policy, is just the basic question of the economy of the place within which you serve.

You could be a very capable diplomat, and we could have the right policy in place, but sometimes the economies of these places and the economic security of their people can be as important as any other consideration. So we'll ask you about that in writing.

But let me conclude on a note of gratitude for your public service already; your willingness to commit yourselves to a new assignment, and difficult assignments; and the commitment of your families at so many levels and at such a great sacrifice. We're grateful you're doing that, especially at a time of tension and danger throughout the world, but especially in many of the places that you serve. We're grateful for that.

And I wish we had more time, but we're limited. And we hope to see each of you not just confirmed, but also on the road somewhere, either in the places you'll serve or back here on Capitol Hill.

But thanks again for your service.

And we are adjourned.

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

## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF ANNE W. PATTERSON TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question #1.* While the Egyptian revolution has opened up political space, there is clearly a serious short-term economic problem. You said in your opening statement that Egypt must create 750,000 jobs a year just to keep up with the population growth.

- Can you elaborate on how U.S. assistance has been reoriented to address Egypt's current political and economic challenges?
- How can the United States best deploy its economic development assistance to meet the stated goals of the Egyptian people of creating sustainable jobs and beginning the process of long-term economic reform?

Answer. Our goal is to help Egypt's transitional government meet short-term economic stabilization requirements as well as longer term economic modernization needs. These two objectives are not mutually exclusive—rather we can direct our support now to help meet the future needs of the Egyptian people.

The United States has made available $165 million of bilateral assistance to support Egypt's immediate needs. President Obama announced on May 19 that the administration will seek congressional authorization to provide Egypt up to $1 billion in debt relief under a debt swap arrangement. The United States would implement this in three tranches over 3 years, forgiving about $330 million of Egypt's debt each year. As principal and interest payments come due, we will work with the Government of Egypt to direct the equivalent amount of Egyptian pounds to mutually agreed projects that are high-impact, visible, and benefits Egyptians from all segments of society. This major effort will require reorienting previously appropriated funds to cover the budget cost.

Egypt will need to build a stronger private sector, which will increase entrepreneurial activity and generate new jobs. Developing Egypt's private sector will require that (1) small businesses have access to capital in order to start and expand; (2) firms adopt entrepreneurial approaches and take advantage of new opportunities; (3) workers' skills meet the actual needs of private sector employers; (4) the business and regulatory environment is conducive to small businesses and entrepreneurs; and (5) the U.S. and international private sector is engaged in this process.

To improve access to finance, we are working with Congress to establish an enterprise fund for Egypt which would be initiated with up to $60 million from existing bilateral assistance funds to stimulate private sector investment, promote projects that support competitive markets, and encourage public/private partnerships. We are supporting the expansion of the European Bank for Reconstruction and Development to help catalyze Egypt's private sector during its transition. In addition, the Overseas Private Investment Corporation (OPIC) will create a 10-year loan guarantee facility in Egypt which could provide up to $700 million in loans to small and medium-sized enterprises (SMEs), supporting over 50,000 local jobs. OPIC will also seek to provide up to $1 billion in guarantees and/or loans to public/private partnerships in order to promote growth in mutually agreed-upon sectors of the Egyptian economy.

To aid in the development of an entrepreneurial "ecosystem," the State Department's Global Entrepreneurship Program is pursuing multiple initiatives, including a USAID-funded, Cairo-based Entrepreneur-in-Residence (EIR). The EIR, in turn, is leading intensive educational modules—entrepreneur boot camps—that will teach promising entrepreneurs, women and men, the critical aspects of starting a new company. It is also facilitating angel capital networks in Egypt to ensure entrepreneurs, including women and minorities, have the means to get their ideas off the ground. Finally, the program is planning to help arrange temporary job placement for students and new entrepreneurs in U.S.-based startups, to help develop skills matched to market needs.

To encourage commercial networking, USTDA just concluded its "Egypt: Forward" forum and facilitated trade missions for the Egyptian delegates to cities across the United States. We are seeking every opportunity to leverage private sector activities for their public diplomacy value and their ability to interest more American companies in doing business with Egypt. One successful example of this sort of public-private partnership that is already paying dividends is Partners for a New Beginning (PNB).

To develop a local chapter for PNB in Egypt, the Aspen Institute PNB Secretariat will be working with the Egyptian counterparts of our PNB Steering Committee,

such as Cisco, Intel, ExxonMobil, Coca-Cola, Morgan Stanley, Dow Chemical, and others. The Aspen Institute PNB Secretariat is meeting with local leaders in Egypt about developing a locally driven, self-operational committee that will identify local priorities and implement targeted PNB projects to address those needs.

We will offer the Egyptian people concrete support for economic policy formulation alongside our democratization efforts. We have been using and will continue to use bilateral programs to support economic reform, including outreach and technical assistance from our government, universities, and think-tanks to individuals, and NGOs in Egypt. We are also prepared to begin robust discussions with Egypt and Tunisia and their regional counterparts on a set of strategic trade initiatives, including the possible expansion of Egypt's Qualifying Industrial Zones (QIZs).

*Question #2.* It is clear that corruption and a lack of transparency about the Egyptian economy were among the engines of the January 25 revolution.

- a. How can our assistance efforts be designed to ensure that they promote transparency and the rule of law?
- b. What lessons have we learned from our previous experience in Egypt in tackling corruption? What lessons have you learned from your time in Pakistan and elsewhere about the effective provision of foreign assistance?

Answer. It is a high priority to ensure U.S taxpayer dollars are used wisely. USAID's Inspector General has an office in Cairo and there are controls and rigorous procedures in effect to ensure our funds are not wasted or diverted for other purposes. We will ensure that the monitoring procedures on all our grants are meticulous.

Tackling the issue of societal corruption was difficult during the Mubarak government. USAID/Egypt has run a number of rule of law and human rights, but political will to address corruption issues has been the key factor that determined whether our programs could translate to broad societal change. Experience in other transitional situations indicates that a newly elected government may be highly motivated to act on campaign promises and address grievances. We will work with the Egyptians to advance their goals to curb corruption, improve transparency, and strengthen the judicial system. Our efforts will benefit from Egypt's status as a party to shared international anticorruption standards in the U.N. Convention against Corruption, and the Convention's expert peer review process to assess compliance and implementation, which will bolster political will and guide reform.

With a portion of the $165 million in transition assistance, we are already supporting reform in this area, primarily by focusing on how civil society can broaden public awareness of corruption and build demand for transparency and accountability. Transparency International, for example, is building a grassroots anticorruption network in Egypt, utilizing the U.N.'s checklist on implementation of the U.N. Convention against Corruption. We are also working with Egyptian and international organizations to focus on anticorruption campaigns and awareness, media reporting on transparency and corruption, and business ethics. A recent U.S.-sponsored regional conference in Rabat, with Egyptian participation, stressed the importance of these approaches and on the importance of engaging the full range of stakeholders—citizens, businesses, NGOs, government officials, the media—in reform. We will also leverage our regional and global anticorruption efforts to enhance the impact of our assistance in Egypt. For example, the State Department has supported the development in recent years of an Arab-led regional network of anticorruption officials and bodies, which will be a very useful, "locally owned" channel to share good practices with Egyptian officials and to engage in policy dialogue at the regional level on key anticorruption reform issues.

In Pakistan, we confronted multiple challenges in our own system and with the Government of Pakistan in implementing the assistance program. It required too much time to focus the program on specific projects. We did not develop quickly enough a convincing narrative about the meaning of our assistance. While I strongly believe that we made the right decision to funnel assistance money through the government—and thus build capacity within the government and encourage citizens to look to their government for services—it slowed implementation. Nonetheless, the long-term American commitment indicated by the Kerry-Lugar-Berman legislation was recognized by a broad range of Pakistanis, who realized it was a sea change in our bilateral relationship.

I am determined to avoid the same mistakes in Cairo. We will undertake a review of the program quickly and focus it on a limited number of activities, namely support for the private sector, economic growth, and democracy and governance. I have heard from think-tank experts that while we have made astonishing advances in (for instance) maternal and child health with U.S. assistance in Egypt, the capacity of the Egyptian Government to implement these programs without donor financing

and technical assistance is still limited. This is an issue I will look at carefully. I look forward to working with the committee on this issue.

*Question #3.* In the past, USAID funding has generally been allotted to NGOs registered with the Egyptian Government, thereby excluding many civil society groups that the government did not recognize, some of which played a role in the January 25 revolution. USAID representatives have said that this policy is being reevaluated and that going forward USAID and other USG granting institutions will work with both registered and nonregistered organizations. What is the status of that reevaluation and how do USAID and the Department of State plan to engage differently with Egyptian nongovernmental actors in the future?

Answer. We do not distinguish between registered and unregistered NGOs in our funding decisions. The United States provides funding to both types of organizations as a policy.

*Question #4.* What is the status of the initial $150 million reprogrammed on February 17 to assist with transition and economic recovery in Egypt? What effects of and responses to that assistance have you seen thus far?

Answer. In addition to the $150 million reprogrammed on February 17, the USG also repositioned $15 million of previously appropriated democracy and governance funds designated for Egypt. Of the $165 million, we have reserved $65 million for democracy and governance and $100 million for economic growth projects.

We have awarded $59 million of the democracy funds, focusing on elections, labor rights, media freedom, and human rights. For example, the Middle East Partnership Initiative (MEPI) has programmed $4.5 million in small grants to Egyptian, Washington, DC-based, and international organizations working closely with Egyptian partners. These grants have provided support to Egyptian organizations in the preelection environment in the areas of human rights, inclusion, transparency, and networking/coalition-building. Thirty-two million dollars was provided to NDI and IRI; and $5.6 million to IFES to support election administration, political party development strengthening, voter education, and election observation. Other activities supported by the democracy funds include:

- Support for expanding women's participation in the political and decision making processes.
- Building the capacity of independent worker organizations to advocate for workers' rights and participate in the democratic transition.
- Training to journalists to serve as a watchdog in the elections, including support for blogging, for female and youth citizen journalists.

For the economic growth funds—focusing on private sector, entrepreneurship, and job growth—we have awarded about $15 million, with more proposals in negotiations. Another $10 million of the economic growth funds were recently notified to Congress for transfer to OPIC to support a small and medium enterprise lending facility.

*Question #5.* Women protested alongside men during the revolution in Tahrir Square and played a key role in organizing the protests. How do U.S. assistance policies address the inclusion of women and minorities into mainstream decisions in a post-Mubarak Egypt?

Answer. Regrettably, the committee to draft revisions to Egypt's Constitution in March did not include any women, and the Ministry of Women's Affairs was abolished soon after the interim government was formed. Although some women have taken prominent roles in activist groups, more needs to be done to ensure women's voices are part of Egypt's transition. We will continue pressing the Egyptian Government to promote the participation of women in government and political parties. The United States promoted a conference on June 2 in Cairo, cosponsored by International IDEA and U.N. Women, to raise the profile of women's rights in democratic transitions. Chaired by U.N. Women Executive Director Michele Bachelet, this event advocated for robust women's political participation and empowerment, with special attention on Egypt, and has likely laid the groundwork for a ministerial-level gathering on the subject on the margins of the U.N. General Assembly.

Many of the civil society programs we support aim to empower women politically and economically, and we will monitor the drafting of Egypt's new constitution to ensure women's rights are protected. Support for women as political leaders and candidates will be an important part of the work NDI and IRI will undertake with U.S. funding. Additional programs under the $165 million assistance package with America's Development Foundation, Vital Voices, and six Egyptian NGOs specifically aim to increase women's participation in elections, democratic processes and women's rights advocacy—whether as citizens, activists, or candidates.

Through its local grants program, the Middle East Partnership Initiative (MEPI) is funding 10 Egyptian NGOs to carry out innovative projects to break down barriers for women in the legal profession, raise awareness of women's rights among female students in Upper Egypt, train ordinary Egyptian women to become community leaders and business owners, and carry out voter education and corruption awareness campaigns targeting women, including in lesser developed regions of Egypt. MEPI also is preparing to fund new Egyptian local grants that focus on women's rights, economic opportunity, and participation during the transition.

Economic opportunity for women is a parallel theme, along with political participation. We will ensure our assistance provides women with economic opportunities and access to capital, as financial independence for women sets the groundwork for greater opportunity in other spheres of life as well. OPIC's projects in Egypt will give particular focus to women, and the Global Entrepreneurship Program will increase the number of women participants and match women entrepreneurs with women mentors. PNB member Coca-Cola is partnering with the MENA Businesswomen's Network to provide training and skills development courses for young professional women.

Looking forward, we will also focus more of our International Visitor Leadership Programs (IVLPs) on women, putting together projects in the fields of governance, sciences, business, and in economics. These include sectors in which women are underrepresented. In the 4th quarter of FY 2011, Egyptian women will take part in IVLP projects such as "Youth Leaders," "Women as Political Leaders" and "Science and Technology." In FY 2012, Egyptian women will participate in IVLP projects including "Global Economic Cooperation and Recovery," "Women's Innovations in Science and Engineering," "U.S. Political System: Background for Journalists," "Women as Political Leaders," "Women and Entrepreneurship," and "Small Business Development." In addition, State/ECA will expand programs like TechWomen, in which we provided six Egyptian women and colleagues from other parts of the NEA region the opportunity to participate in a professional mentorship exchange program for women engaged in technology. Additionally, in 2011, two Egyptian women leaders participated in the Fortune/ U.S. State Department Global Women's Mentorship Program, in which State/ECA offers emerging women leaders from around the world the opportunity to develop their leadership, management, and business skills through mentorships with senior female executives from the Fortune Most Powerful Women Summit.

*Question #6.* Many human rights groups have expressed concerns about ongoing human rights abuses in post-Mubarak Egypt. What is the most pressing human rights issue in Egypt today?

- What steps are being taken to enhance legal protections and access to due process, particularly in light of ongoing trials of civilians in military courts? What is the capacity of the civilian courts to handle the caseload?
- What is your interpretation of the tensions and in some cases, violence, between Copts and Muslims? What efforts are being made to foster collaboration and reconciliation between different religious groups within Egyptian society?
- In your assessment, how, if at all, have press freedoms changed in post-Mubarak Egypt and do you think that laws criminalizing certain journalistic acts will remain in place?

Answer. Despite the fact that the Egyptian Government is committed to carrying out a democratic transition, serious concerns about human rights remain. We have raised at the highest levels the need for Egypt's military leadership to address transparently and inclusively the grievances of the Egyptian people, including lifting the state of emergency, protecting freedom of expression and assembly, reforming security institutions, investigating allegations of abuse by security forces, conducting trials in civilian, not military, courts, and transitioning to civilian control of the government through free and fair elections. Specifically regarding military courts, we have made clear to the Egyptians our belief that in spite of ongoing security concerns, criminals can and should be tried in civilian courts. The Egyptian Government has generally argued that the emergency law is necessary to maintain security during a volatile period, but in fact, the persistence of the state of emergency and the use of military courts have been key factors driving protesters to the streets on multiple occasions. We also believe that elections held under the emergency law may not be perceived as free, fair, and credible, particularly if the government attempts to restrict political parties and free expression. Although Egypt's court system could be made more efficient in terms of processing cases, capacity constraints are not the reason that suspects continue to face trial in military courts.

Sectarian violence remains a troubling problem in Egypt, and there is a gap between official statements and the security situation on the ground, as evidenced for

example by the violence that erupted in the Cairo neighborhood of Imbaba. On May 7, riots against two churches in Imbaba killed 15 and injured 232. Other incidents include the January 1 bombing of a church in Alexandria and the burning of churches in the village of Sol on March 4. On May 17, Field Marshal Tantawi, the head of the Supreme Council of the Armed Forces (SCAF) issued a strongly worded, public condemnation of sectarian attacks. The SCAF also stated that it would investigate and prosecute those responsible for the May 7 Imbaba clashes, and has referred 48 individuals to trial in conjunction with his case. On June 7, Prime Minister Sharaf attended the formal reopening of the Holy Virgin Church, one of two churches damaged during the May 7 riots. The Egyptian transitional government has also allowed the construction and repair of 17 churches that had previously not been granted permission to be built or repaired. Unfortunately, the Egyptian Government rarely refers perpetrators of sectarian violence to courts, but rather has sought to resolve sectarian tensions through extra-judicial reconciliation sessions between perpetrators and victims of violence. We have raised the issue of reconciliation sessions repeatedly with the Egyptian Government, and again have urged the Egyptian Government to abide by due process of law.

On May 14, Prime Minister Sharaf announced the formation of a National Justice Committee to draft an antidiscrimination law and consider a "unified places of worship law" within 30 days—two key Coptic Christian demands. On June 1, the Egyptian Cabinet announced that it had approved a draft "Unified Law for Organizing the Construction of Places of Worship." This draft law, which governs the building and renovation of churches and mosques, is currently under public review, and some Coptic leaders and human rights activists have raised concerns during this review process that the draft law does not free the approval process for church construction from political influence that has allowed for discrimination. We are closely following the development of this legislation and urging the Egyptian Government to pass and implement it, taking into account the concerns raised by religious leaders and human rights groups as the law moves forward.

We remain very concerned about incidents of sectarian violence in Egypt and will continue to monitor this issue closely. We will continue to impress upon the Egyptian Government the importance of taking steps to confront sectarian violence, including steps to reverse discriminatory laws and treatment, of holding perpetrators of violence accountable, and of fostering an environment that promotes religious tolerance. Following parliamentary elections in September, Egyptians will draft a new constitution, and we are working to ensure that the final document fully respects the rights of religious minorities.

We are aware of recent interrogations of journalists, bloggers, and judges critical of the SCAF and military and have made our concerns regarding such cases clear to the Egyptian Government and the SCAF. Freedom of expression is a critical component of any democratic state, and we have repeatedly stated that attempts to silence political opposition in Egypt are unacceptable. Following the revolution, many new television stations and newspapers have emerged, but the military remains highly sensitive to how it is depicted in the media. It is too soon to tell whether laws on freedom of expression will change once Egypt has completed its transition back to civilian rule.

*Question* #7. Has the State Department received any response or signal from the Egyptian Government regarding the presence of international monitors at the upcoming election? In your assessment what technical support is necessary to foster a robust electoral process and strong political parties? How might the United States and the international community address those needs, particularly in light of ambivalence in the face of democracy and governance assistance?

Answer. On July 20, 2011, the press reported that Major General Shahin, spokesman for the Supreme Council of the Armed Forces (SCAF), announced that international observers would not be invited to monitor Egypt's elections. We have expressed disappointment that Egypt's transitional government has chosen not to invite international observers, but continue to encourage Egypt to accept monitors as it is a standard practice among democratic states.

The SCAF has begun clarifying procedures for September's parliamentary elections but much remains to be decided. Egypt's youth leaders and new political parties face the challenge of quickly organizing campaigns. Among the issues that the Egyptian Government must address are setting up and securing polling sites, safeguarding the transfer of ballot boxes, training poll workers, and educating the many new voters who will likely turn out in September. U.S. Government programs are helping to address some of these issues, and we are working with the Egyptian Government and international partners to provide additional assistance in this important area.

*Question #8.* Noor and Ramsay Bower, 8 and 10 years old respectively, were abducted by their Egyptian mother, Mirvat El Nady, in August 2009 and taken to Egypt without the knowledge or consent of their American father, Colin Bower.

On December 1, 2008, a U.S. court granted Mr. Bower sole legal custody and joint physical custody of the children. United States courts ruled again on August 28, 2009, granting Mr. Bower sole legal and physical custody of the children. A federal warrant and an Interpol Red Alert have been issued for the mother on charges of kidnapping.

- If confirmed, what will you do to ensure that Mr. Bower once again acquires custody of his children?
- In accordance with the "Memo of Understanding on Consular Cooperation in Cases Concerning Parental Access to Children," the U.S. Embassy in Cairo has liaised with the appropriate officials in Egypt in attempts to facilitate regular visitations for Mr. Bower, but to date, only three such visits have taken place. The most recent visit took place in early December 2010, and to my knowledge the mother has been unresponsive to requests for visitations since the January 25 Revolution. If confirmed, will you offer Colin the support of the U.S. Embassy to ensure that regular visitations resume as soon as possible and that they continue with necessary frequency until Noor and Ramsey return to their father?

Answer. Secretary Clinton and the Department have been in direct contact with Egyptian authorities at senior levels concerning this matter. I have met Mr. Bower and we will continue to raise this case with appropriate Egyptian authorities in the hope of seeing Noor and Ramsay returned to Mr. Bower. Both the Special Advisor for the Office of Children's Issues, Ambassador Susan Jacobs, and the U.S. Consul General in Cairo have, on multiple occasions, worked directly with Mr. Bower on this difficult matter. The Office of Children's Issues is very engaged on Mr. Bower's behalf. We will continue to press the Egyptian Government to sign the Hague Convention on the Civil Aspects of International Child Abduction.

We will also continue to work with the Egyptian Ministry of Justice in order to support Mr. Bower in his efforts to visit with his children. A meeting between Mr. Bower and his children is currently scheduled in Cairo for July 9. An Egyptian court granted visitation rights to Colin Bower to see his children on the second and fourth Friday of each month. Mr. Bower's inability to visit regularly with the children has been exacerbated since the events of January 25. We will do all that we can to assist with Mr. Bower's efforts to obtain consistent access to his children.

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RESPONSES OF MICHAEL H. CORBIN TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* How has the recent regional political change and unrest of the Arab Spring affected the views of the leadership of the United Arab Emirates about their country's political system, including power-sharing between Emirates and the partially elected Federal National Council? What challenges, if any, has the recent political upheaval created for U.S.–UAE relations?

Answer. The UAE was as surprised as we all were by the suddenness of the popular uprisings and the speed with which they spread across the region. They have sought to maintain stability at home and abroad. Generally speaking, the UAE has remained stable and cohesive in the face of protests in surrounding countries.

The FNC serves in an entirely advisory capacity but is an important feature of the Emirati political landscape. The Emirati leadership recently announced various reforms expanding the electoral college vote in the FNC election ninefold, but this still amounts to only a small percentage of the citizenry. The UAE Government is gradually introducing reforms aimed at increasing political participation; most recently, the leadership announced it was developing plans to move toward universal suffrage as early as 2019.

We engage with the Emirati Government regularly and at all levels regarding the universal principles of freedom of expression, assembly, and association. The UAE and the United States do not always see eye to eye on the popular uprisings of the Arab Spring, but we have maintained a robust and productive dialogue throughout this period of historic change.

*Question.* What is the administration's view of the UAE's participation in the Peninsula Shield force deployed by the GCC to Bahrain during the recent unrest there? How does the UAE population view their involvement?

Answer. The Government of Bahrain invited the UAE to deploy forces and the UAE responded affirmatively to that request.

There has been no evidence of backlash within the Emirati population regarding the deployment of Peninsula Shield forces.

*Question.* How would you assess the strengths and weaknesses of the UAE economy? What prospects are there for increasing bilateral trade and investment flows? What is the status of Dubai's economy, 2½ years into the global economic crisis? How has the relationship between Dubai and Abu Dhabi shifted, if at all, since the beginning of the economic crisis?

Answer. The strengths of the UAE economy are its location, innovative leadership, and natural resources. In addition to having large natural gas and oil deposits, it is a transshipment hub and has made open trade and transport its hallmarks since before it existed as a nation. It is the No. 1 destination for U.S. exports in the Middle East, 2 years running.

The leadership of the UAE is acutely aware of the fact that its hydrocarbon resources will eventually run out. It has been seeking to diversify its economic base and compete in international markets in order to mitigate possible future negative economic effects. The UAE has become the regional headquarters for over 700 American companies active in the petroleum, defense, services, education, and health care sectors. It has developed a leading role in business services, including finance and logistics, and has emerged as the primary business hub between Asia and Europe. It is also seeking a leading role in the research and development of renewable energy.

Bolstered by strong oil revenues, Abu Dhabi has contributed significantly to stabilizing the Dubai economy following a real estate crash triggered by the 2008 global financial crisis. The Abu Dhabi leadership continues to work with the authorities in Dubai to strengthen the UAE's economic standing following the global financial crisis. Several of Dubai's Government-linked real estate development firms have successfully restructured debt and developed repayment plans for contractors, including a number of American companies.

*Question.* What is the perspective of the administration on the recent arrests of figures calling for political reform by the Emirati authorities?

Answer. We engage the Emirati Government regularly and at all levels regarding the universal principles of freedom of expression, assembly, and association. Our Embassy and senior Department officials have been reaching out to the Emirati Government regarding our concern that any trials be conducted in a transparent and open manner in accordance with international standards of due process. If confirmed, I will continue to make these points. We understand the lawyers for the five defendants have asked that the trial be closed to the public and the press. We will continue to monitor the situation to the best of our ability.

*Question.* How would you assess the UAE's level of cooperation in implementing U.N. Security Council Resolution 1929, which imposes sanctions against Iran? Please describe any U.S. efforts to cooperate with the UAE on implementation of Iran sanctions.

Answer. The UAE takes seriously its international obligations to enforce sanctions against Iran. We have had excellent cooperation with the UAE on implementation on UNSCR 1929 and look forward to our continuing close efforts. The UAE has a strong track record of disrupting or preventing transfers to Iran of items of proliferation concern. It has also taken good steps in the area of proliferation finance.

The UAE has a national strategy to protect the reputation of its historically open trade environment against abuse by proliferators. In August 2007, the UAE passed comprehensive strategic trade control legislation providing the basis for an enforceable export control system. The law is currently being enforced and we have been working in close partnership with UAE authorities to halt attempts to divert sensitive dual-use technology, including U.S.-origin goods, from the UAE. With respect to enforcement and counter proliferation issues, the UAE is an active participant in the Proliferation Security Initiative (PSI) and hosted, in January 2010, a major multinational PSI exercise, LEADING EDGE. They also cohosted with the United States a Global Transshipment Conference in March 2011 designed to focus international attention on the problems of illicit transshipment and ways to address them.

If confirmed, I will continue to advance our policy of working with the UAE to ensure our continued cooperation as we seek the full implementation of sanctions on Iran. This has been a top priority and will continue to be one under my tenure, if confirmed. I will also continue our efforts to prevent the sale of refined petroleum products to Iran, with a focus on monitoring of and reporting on efforts by commercial entities to evade international and U.S. sanctions, including the CISADA refined petroleum sanctions.

*Question.* The UAE was listed as a Tier 2 country in the State Department's 2010 Trafficking in Persons Report. What are the most concerning aspects of government policy on this issue and what steps will you take as Ambassador to address the widespread problem of human trafficking, particularly on the issues of sex and labor trafficking? What steps has the government taken to regulate and protect its migrant domestic workers? Please describe any opportunities for public diplomacy activities related to trafficking in persons and any technical cooperation or other partnership initiatives being undertaken on this issue.

Answer. UAE's human trafficking problem is serious. We have witnessed strong efforts to tackle sex trafficking through punishing traffickers and expanding victim protection services. Over the past year, the UAE established a special court to hear human trafficking cases in Dubai and opened two new shelters for victims of trafficking. However, challenges remain for the UAE to combat its considerable and multifaceted problem of forced labor, including among its population of migrant domestic workers.

Our concerns about the forced labor of migrant workers and the trafficking of women and girls for prostitution in this region have been highlighted many times and at many levels—to governments, civil society, source countries, the media, and to victims. If confirmed, I will continue to urge the UAE to focus their attention on these serious issues and continue to prosecute trafficking offenses; identify and provide protection for victims of trafficking; and end labor practices such as the withholding of passports by employers that make foreign workers vulnerable to abuse.

*Question.* Can you describe the range of ways in which the UAE has supported and continues to support the Libyan Transitional National Council since the conflict in Libya began? What has been the UAE's role in supporting the temporary funding mechanism established by the Libya contact group?

Answer. The UAE is a key partner in NATO-led operations in Libya, and is providing pilots and aircraft to assist with the no-fly zone and civilian protection mission. The UAE is a leader in working to protect the Libyan people and stabilize the situation in that country, and has disbursed several million dollars in humanitarian aid to those affected by the crisis.

On June 9, the UAE hosted the most recent Libya Contact Group meeting in Abu Dhabi and is cochairing the July 15 meeting in Istanbul. The Abu Dhabi meeting built on the previous Contact Group meetings in Doha and Rome to solidify international resolve in ensuring the departure of Qadhafi from power. The Contact Group in Abu Dhabi also issued a statement which stressed that Qadhafi has lost legitimacy and must go, the use of force against civilians must cease, regime forces must withdraw from cities they have occupied, and a political transition must be based on the Transitional National Council's (TNC) inclusive approach expressed in its "Roadmap on Libya." Under UAE leadership, the Contact Group meeting in Abu Dhabi also announced the establishment of a temporary financial mechanism to channel financial support to the TNC. In the runup to that meeting, the UAE offered concrete suggestions that helped structure the Temporary Financing Mechanism (TFM) and build consensus in support of its establishment.

The UAE recognized the Transitional National Council on June 12 as "the sole legitimate representative for the Libyan people" on the occasion of an official visit to Abu Dhabi by TNC leader Mustaf Abdul Jalil. UAE Foreign Minister Abdullah bin Zayed noted in the wake of the visit that the UAE would "work toward helping our Libyan brothers out of this difficult situation." On June 13, the UAE expelled the pro-Qadhafi Libyan Ambassador from Abu Dhabi and committed to opening a representative office in Benghazi in the near future, which the Foreign Minister pointed to as a sign that it wanted to establish "government-to-government relations" with the TNC.

*Question.* How would you characterize the UAE's approach to Hamas and to the Israeli-Palestinian conflict more broadly?

Answer. The UAE supports a two-state solution as well as the dual-track strategy of pursuing a vigorous political negotiation along with an equally vigorous and mutually reinforcing institution-building track. They have also helped shape the Arab League position on supporting direct negotiations between Israel and the Palestinians.

Among Arab partners, the UAE has a history of strong financial support to the Palestinian Authority's development of responsible institutions, which is imperative to maintaining a viable partner for peace talks: the UAE provided $134 million in 2008, $173 million in 2009, $42 million in 2010, and thus far has contributed an additional $43 million in 2011.

While the UAE supported Fatah-Hamas reconciliation, it shares our concerns about Islamist extremist groups such as Hamas and the Muslim Brotherhood.

*Question.* What is the status of U.S.–UAE defense cooperation? What are the major priorities of each side?

Answer. Cooperation on defense is a central pillar of our strategic partnership and is reflected in regular bilateral strategic security discussions. The port of Jebel Ali in Dubai is the U.S. Navy's busiest overseas port of call and the UAE is our largest Foreign Military Sales cash customer in the world. The Emirati Air Force annually hosts the United States and other air forces for "Iron Falcon," a training exercise at the UAE Air Warfare Center. The UAE has worked with international partners, including the United States, to limit illegal, destabilizing activities in the gulf and organized an international conference on countering piracy March 18–19 of this year. On May 19 the North Atlantic Council approved the establishment of a separate UAE mission to NATO making the UAE, along with Japan, one of the first two non-Partnership for Peace partner missions and the United States was highly supportive of this effort.

The major priorities of both the UAE and the United States are to continue our close security partnership and to promote peace and security in the region.

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RESPONSES OF MATTHEW H. TUELLER TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* How has the regional political change and unrest of the Arab Spring affected the political situation in Kuwait? To what do you attribute the fact that Kuwait has not been faced, to date, with mass popular unrest?

Answer. Kuwait is in a unique position, having long been one of the countries in the Middle East where political freedoms are embraced and upheld by the government and society. Well-defined democratic principles are enshrined in Kuwait's constitution, and reflected in free competitive legislative elections, a fully elected and empowered Parliament, a vibrant civil society, and relatively open press environment. Kuwait's Government also ensures that Kuwaiti citizens benefit from the country's wealth by subsidizing education and health care and at times taking steps to offset for citizens increases in the cost of living.

Kuwait has witnessed some peaceful, organized rallies this spring. Ongoing tensions between elements within Parliament and the Kuwaiti Government led to the Cabinet's decision to resign earlier this spring. There were some rallies in the leadup to that period, and also following the swearing in of the new Cabinet. Kuwait's bidoon or "stateless" residents also organized several rallies this spring to bring attention to the demands of their population, including in areas such as better access to health care, education, and job opportunities.

*Question.* Kuwait has been listed as a Tier 3 country in four consecutive State Department Trafficking in Persons Reports. Why, in the administration's view, has Kuwait failed to make progress to curb trafficking in persons? What are the most concerning government failures on this issue? Migrant workers working in domestic service face particular hardships that in some cases have caused them to flee back to their countries of origin. What is Kuwait doing to prevent these types of abuses? Please describe how you intend to press this issue as Ambassador.

Answer. The situation for migrant workers remains particularly precarious in light of the restrictive sponsorship system, which effectively gives sponsors power over the movement and activities of the migrants, making foreign workers extremely vulnerable to forced labor. Domestic workers are particularly vulnerable given their isolation within private homes.

Kuwait's victim protection structure and law enforcement efforts are fundamentally weak. While the GOK operates a shelter for victims of trafficking, it has not developed a procedure to identify and refer victims to the facility.

Currently, draft legislation prohibiting trafficking is stalled in the legislature. Although the Department has encouraged Kuwait for years to use existing laws to punish traffickers, the government remains reluctant to prosecute Kuwaiti citizens for trafficking offenses.

If confirmed, I would like to see and will encourage the Kuwaiti Government to actively prosecute and punish acts of forced labor, including against employers who use violence, threats, or restrictions on movement (such as withholding of passports and exit permits) to compel labor. Additionally, if confirmed, I would like to see and will encourage the Kuwaiti Government institute a formal identification procedure to adequately find and protect victims of TIP.

*Question.* How would you assess Kuwait's level of cooperation in implementing U.N. Security Council Resolution 1929, which imposes sanctions against Iran? Please describe any U.S. efforts to cooperate with Kuwait on implementation of Iran sanctions.

Answer. Kuwait, which is increasingly concerned about Iran's disruptive influence in the region, is committed to full implementation of UNSCR 1929. Kuwait is alarmed by Iran's continued refusal to comply with its United Nations Security Council obligations and with International Atomic Energy Agency (IAEA) safeguards. The Kuwaiti Government has publicly urged Iran to abide by IAEA and Nuclear Non-Proliferation Treaty (NPT) obligations. Kuwait fears that the development of an Iranian nuclear weapons capability would have a destabilizing effect on the region as a whole and in particular for Kuwait, given the geographic proximity of the two countries, and therefore has urged Tehran to work with the international community to ensure full transparency of Iran's nuclear program. If I am confirmed as Ambassador, I will continue our candid dialogue with the Kuwaiti Government to use sanctions and other measures increase pressure on Iran and encourage it to engage on the nuclear issue.

*Question.* On January 12, 2011, the Prime Minister of Kuwait became the first Kuwaiti Prime Minister to visit Iraq since the August 2, 1990, invasion. To what extent has progress been made on Iraqi-Kuwaiti issues such as border demarcation, reparations, diplomatic and economic normalization, and the status of the missing Kuwaiti state archives? What role, if any, might the United States play in support of normalization between Iraq and Kuwait?

Answer. There have been positive developments in the Iraq-Kuwait relationship over the past several years, including the reestablishment of diplomatic ties. Kuwait sent an ambassador to Baghdad in 2008, and Iraq sent an ambassador to Kuwait in 2010. These steps reflect a shared desire to strengthen the bilateral relationship, and rebuild the trust that was destroyed by Saddam Hussein's invasion of Kuwait.

We were encouraged to see Iraq and Kuwait launch a joint ministerial commission earlier this year. This commission provides a useful forum for the two sides to discuss cooperation and steps forward to achieve progress on all outstanding issues in the bilateral relationship.

Going forward, additional issues must be discussed. Iraq needs to quickly fulfill its remaining obligations under the relevant Chapter VII Security Council resolutions pertaining to the situation between Iraq and Kuwait, including the resolutions on the Iraq-Kuwait border and efforts to locate Kuwaiti nationals and Kuwait's national archives missing from the first gulf war. This will create a more positive atmosphere in which to address other outstanding issues.

Given the United States unique relationship with both Iraq and Kuwait, we are in an advantageous position to play a positive role in achieving progress on this issue. If confirmed, I will work toward strengthened dialogue between Iraq and Kuwait, utilizing existing channels such as the ICRC-led Tripartite Commission and Tripartite Subcommittee, and the newly established Iraq-Kuwait Joint Ministerial Commission.

*Question.* What is the view of the Kuwaiti Government on the Peninsula Shield operation? What are the views of the Kuwaiti people? How was the rejection of a Kuwaiti medical team in Bahrain in March perceived by the government? What is the potential for Kuwait to play a mediating role in the ongoing conflict in Bahrain?

Answer. Both the Government of Kuwait and Kuwaiti civil society have been playing an active role in trying to mediate between the Government of Bahrain and the opposition to find a political solution to the crisis. When the Government of Bahrain appealed to other GCC member states for assistance, the Government of Kuwait, concerned by a possible Iranian role in the unrest, responded to what it saw as its treaty obligations under the GCC mutual defense pact by deploying naval ships to protect Bahrain from external aggression. Kuwait's role in the Peninsula Shield intervention has been the subject of vigorous debate in the local media, within political society, and in the National Assembly, with some factions calling on the government to send ground forces to Bahrain and others urging their government not to participate at all. On March 31, the Cabinet—which was facing a number of interpellation motions, including some related to the Peninsula Shield operation and the Government of Bahrain's decision earlier that month to refuse entry to a team of Kuwaiti medics—resigned en masse. The Prime Minister himself, who was reappointed in early May, stood for interpellation on June 14 to defend his government's action on Bahrain; though some opposition MPs subsequently filed for a noncooperation motion against him, the Prime Minister defeated that vote on June 23.

*Question.* Some Kuwaiti women viewed it as a major breakthrough that four women were elected to the National Assembly in 2009, without any quotas or set-asides. What is your assessment of their influence in the National Assembly and more broadly of women's political participation in Kuwait?

Answer. Kuwait's female parliamentarians, all of whom hold doctoral degrees from American universities, have proven to be among the most active and productive of all National Assembly members. In so doing, they have secured the admiration of some who were previously skeptical of women's abilities to succeed in this environment, and have even on occasion formed alliances with them on issues of cross-cutting concern. With the female MPs' assistance, the Cabinet and National Assembly have continued to chip away at legislation that discriminates against women, particularly in terms of benefits allocations. Now 6 years after gaining suffrage, women continue to play an important role in Kuwait, both inside and outside of Parliament. Traditionally, at least one woman has served in the Cabinet (currently, the Minister of Commerce and Industry, Dr. Amani Khalid Buresli, is a woman) and women hold leadership positions in both the public and private sectors. Women also continue to play their historically active role in Kuwaiti civil society, advocating not only for women and children's rights, but for human rights more generally.

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RESPONSES OF SUSAN L. ZIADEH TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* What impact does the recent Arab Spring have on Qatar's domestic politics and process of political liberalization? Has Qatar's economic situation helped the country weather the wave of popular unrest sweeping the region? If so, how? And how can the U.S. incentivize the Qataris to open up their political system more?

Answer. Qatar has not experienced domestic demonstrations or protests. The country's small, homogenous population and wealth insulate it from many of the factors that are driving protests in other countries. Qatar's unemployment rate is extremely low, it has the world's highest per capita GDP, and the country ranked 19th in the Transparency International's 2010 Corruption index. Nevertheless, Qatar has taken small but important steps to increase citizen participation in government. It held municipal council elections in May 2011 and announced that it will hold elections for its advisory council soon. This would be an important step forward and demonstrate Qatar's commitment to implementing meaningful reform. It is U.S. policy that governments need to be transparent, accountable, and responsive to their citizens. If confirmed, I will encourage Qatar to build on the steps it has already taken and advocate for government transparency, accountability, responsiveness and greater citizen participation in governance.

*Question.* What role does Qatar play in the Peninsula Shield forces sent to Bahrain in light of the ongoing unrest there?

Answer. Qatar is a member of the Gulf Cooperation Council (GCC), and the United States understands that Qatar contributed a small number of people to the Peninsula Shield Force. According to the GCC and the Government of Bahrain, the Peninsula Shield Force was used to protect government installations and critical infrastructure. The Government of Saudi Arabia has announced that some of their Peninsula Shield troops are leaving Bahrain; we have no reason to believe there are any Qatari forces currently in Bahrain.

*Question.* Please comment on Qatar's cooperation in implementing U.N. Security Council Resolution 1929, which imposes sanctions against Iran. How has the decision to participate in the Peninsula Shield force deployed to Bahrain affect Qatar's bilateral relationship with Iran?

Answer. Qatar is an active participant in the Gulf Cooperation Council and it shares the same concerns as other gulf countries regarding Iran's interference in regional issues and its nuclear program. Qatar enforces U.N. sanctions on Iran. It does not appear that Qatar's decision to participate in the Peninsula Shield Force has had any effect on its bilateral relationship with Iran.

*Question.* Can you describe the range of ways in which Qatar has supported and continues to support the Libyan Transitional National Council since the conflict in Libya began? What has been Qatar's role in supporting the temporary funding mechanism established by the Libya contact group?

Answer. Qatar has taken an important leadership role in Libya. It was the first Arab country to join the coalition and provide military assets to Operation Unified

Protector. Qatar has sent significant amounts of humanitarian assistance to Libya. It helped establish an independent Libyan TV station to counter Qadhafi's propaganda and is marketing oil for the Transitional National Council (TNC). Qatar has also recognized the TNC as the legitimate representative of the Libyan people. Qatar has coordinated closely with several international partners, including the United States, France, and the U.K., to establish a Temporary Financing Mechanism (TFM) to facilitate contributions to the TNC. Qatar pledged $100 million to the TNC at the June Libya Contact Group meeting in Abu Dhabi.

*Question.* The Qatari-funded Al Jazeera media outlet has received criticism for being selective in its coverage of the unrest across the Arab world. What impact does Al Jazeera have in the projection of Qatar's soft power in the region? How much influence does the Government of Qatar have on Al Jazeera's coverage?

Answer. Al Jazeera's coverage of the Arab Spring, especially in Tunisia and Egypt, has had a profound impact on events in the region. Al Jazeera's reach extends beyond the Arab world. The network, through its Arabic and English channels, has established itself as a global media platform that broadcasts across the world—from the Western Hemisphere to Europe, Asia, and Africa. The Qatari Government provides significant funding for Al Jazeera but has long maintained that Al Jazeera operates independently.

*Question.* Relations between Qatar and Egypt under President Mubarak were cold and tense. How do you see relations between the two countries evolving now that there is new leadership in Egypt? What is the status of Qatar's pledged financial assistance of $10 billion to Egypt? How are the United States and Qatar coordinating efforts to offer Egypt financial assistance?

Answer. Qatar has welcomed the transition in Egypt and expressed interest in investing several billion dollars in Egypt. Qatari officials have made several trips to Egypt to explore areas for cooperation and investment. The United States is coordinating with Qatar and Egypt to identify investment opportunities, and to reduce duplication our effort and to maximize support for Egypt's economic recovery. The United States will continue to encourage Qatar to support Egypt as it undergoes its transition to democracy.

*Question.* Qatar has in recent years enjoyed close relations with Hamas, leading to some speculation that Hamas might relocate to Doha. How would you characterize Qatar's approach to Hamas and to the Israeli-Palestinian conflict more broadly?

Answer. The Government of Qatar (GOQ) has a relationship with Hamas and there have been press reports that Hamas will relocate its headquarters. Doha has been mentioned as a possible location, but there have not been any announcements by Hamas or the GOQ about relocation of Hamas' headquarters to Doha. The United States considers Hamas a terrorist organization, and we continue to raise our concerns about Hamas with the GOQ. As head of the Arab League Peace Initiative Follow-Up Committee, Qatar can play a positive role in encouraging Middle East peace efforts. The committee issued a statement that welcomed President Obama's May 19 speech calling for a two-state solution.

The U.S. goal is to encourage direct engagement by the parties on the basis of President Obama's May 19 speech in order to try to reach an agreement that resolves the permanent status issues and brings an end to the conflict.

*Question.* Qatar was listed as a Tier 2 Watch List country in the State Department's 2010 Trafficking in Persons Report. What are the most concerning government failures on this issue and what steps will you take as Ambassador to address the widespread problem of human trafficking, particularly on the issues of sex and labor trafficking? What steps has the government taken to regulate and protect its migrant domestic workers? Please describe any opportunities for public diplomacy activities related to trafficking in persons and any technical cooperation or other partnership initiatives being undertaken on this issue.

Answer. Trafficking in persons (TIP) remains a serious problem in Qatar. The State Department continues to engage the Government of Qatar (GOQ) on the issue and helped push the GOQ to develop a comprehensive action plan to address TIP. In addition, the GOQ is close to enacting a TIP law that will significantly strengthen its ability to investigate and prosecute TIP. We have recommended to the Qataris that it improve its antitrafficking policies by increasing law enforcement against trafficking offenders and enhancing procedures to identify victims to ensure that they receive protection services. The current U.S. Ambassador to Qatar recently published an op-ed in a Qatari newspaper to highlight the 2011 Trafficking in Persons report. If confirmed, I will engage a variety of stakeholders, including the GOQ and civil society, to advocate for increased efforts to prosecute traffickers, protect victims, and prevent trafficking.

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RESPONSES OF HON. ANNE W. PATTERSON TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* What instructions do our representatives at the World Bank and the International Monetary Fund have with regards to the need for political and economic reform "conditionalities" as part of any additional lending or assistance programs to Egypt?

Answer. We support ambitious reform benchmarks for international financial institution (IFI) assistance that reinforce the homegrown agenda of Egyptian reformers and civil society, including support for the democratic transition and a macroeconomic program that promotes economic stability and growth. Egyptian citizens are demanding greater accountability and equity, so we are supporting conditionality that fosters transparency and a level playing field, targets key measures that can be credibly implemented, and creates conditions for future reforms by catalyzing domestic pressures for good economic governance and sustainable and inclusive growth.

The Government of Egypt recently revised its budget to reduce public spending and external financing needs. We therefore believe it is unlikely that Egypt will begin a new lending program with the IMF prior to elections.

*Question.* I believe it is critical, given the dramatic changes in the Middle East, that the NEA bureau is able to staff all of its positions, both domestically and overseas, with at-grade personnel. This is particularly important with regard to senior positions at our Embassies. I am concerned, for instance, that there has been no Ambassador at post in Bahrain during this critical period, nor is there a nominee from the administration before the committee. I also note that at a number of critical posts, both the Ambassador and Deputy Chief of Mission are changing this summer.

Please provide details about staffing in your Embassy. What percentage of positions are filled with at-grade personnel, with the appropriate language ability? Please list any position in the Political or Economic sections of your Embassy that has been vacant for more than 6 months as of June 1, and indicate whether an officer has been paneled for the position, and if so when he or she will arrive at post.

Answer. Ninety-three percent of personnel at Embassy Cairo are at grade or above. The percentage of personnel with minimum or higher language qualifications is 60 percent. No positions in the Economic and Political Section of Embassy Cairo have been vacant for more than 6 months as of June 1.

*Question.* Please identify any position at post which has been vacant for 3 months or longer over the past 2 years due to the incumbent's departure for service in Afghanistan, Iraq, or Pakistan.

Answer. The table that follows details individuals who departed for service in Afghanistan, Iraq, or Pakistan, and the length of time their positions at Embassy Cairo were vacant:

| Office | Country (TDY) | From | To | Arrival date | GAP/vacant |
|---|---|---|---|---|---|
| RSO/WSU | Baghdad, Iraq | Aug-09 | Jun-10 | Apr-10 | 8 months. |
| RSO/WSU | Baghdad, Iraq | Oct-09 | Mar-11 | Jul-10 | 9 months. |
| RIMC | Baghdad, Iraq | Nov-09 | Nov-10 | | Vacant. |
| PAO | Baghdad, Iraq | Jun-08 | Jun-09 | Sep-09 | 15 months. |
| IMO | Baghdad, Iraq | Sep-08 | Sep-09 | Mar-10 | 18 months. |
| HR | Kabul, Afghanistan | Jun-10 | Dec-10 | Apr-11 | 10 months. |
| OBO | Kabul, Afghanistan | Aug-09 | Aug-10 | | Vacant. |
| ECPO | Kabul, Afghanistan | Aug-09 | Aug-12 | Jul-10 | 11 months. |
| ECPO | Baghdad, Iraq | Mar-11 | Present | | Vacant. |

*Question.* If the Ambassador and DCM positions at your Embassy are transitioning simultaneously this transfer cycle, please indicate steps taken to mitigate the potential for this to be necessary in future years.

Answer. It is the policy of the Department and the NEA Bureau to try and schedule the transfer of Ambassadors and DCMs so that transitions do not occur at the same time. Transfers are coordinated based on the needs of the service, foreign policy priorities, and the needs of our Foreign Service families. Given these often competing factors, it does happen that employees depart prior to the arrival of their replacements, and Ambassadors may not overlap for accreditation reasons. In most cases, either the Ambassador or the DCM is present at all times. Egypt is a foreign policy priority. As such, DCM Tueller will remain at post to have a few weeks of overlap with me if I am confirmed before taking up his new position (pending his own confirmation) in Kuwait. The staff in Cairo is very experienced. The Economic and Political Minister, the USAID Director, and the heads of other important agencies will not be transferring this summer.

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RESPONSES OF MICHAEL H. CORBIN TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* Since the initiation of the NATO operation to enforce the arms embargo against Libya on 22 March, and the decision to initiate no-fly zone enforcement operations on March 24, please describe all U.S. transfers, sales, grants or leases of defense articles, defense services or technical data to the United Arab Emirates under the Foreign Military Sales (FMS) program, direct commercial sales (DCS), or any other relevant authority or authorization to transfer, sell, grant or lease U.S. defense articles, defense services and technical data. Please provide aggregate dollar values, and provide a summary of the particular defense articles, defense services or technical data transferred, sold, granted or leased to date.

Answer. Arms Transfers to UAE since March 22, 2011:

*FMS*

UH–60 Blackhawks: On June 23, DSCA notified Congress of a possible FMS sale of five Blackhawk helicopters and associated equipment, parts, training and logistical support for an estimated cost of $217 million. The UAE will use these helicopters for intracountry transportation of UAE officials to militarily critical training and operation sites.

F–16 Program Support: On May 24, DSCA notified Congress of a possible FMS sale of support and maintenance of F–16 aircraft and associated equipment, parts, training and logistical support for an estimated cost of $100 million. The UAE Air Force and Air Defense have operated the F–16 Block 60 aircraft for over 10 years, including in current coalition operations in Libya. Munitions are not part of this possible sale, although the UAE continues to purchase munitions for these aircraft.

AIM–9X–2 Sidewinder missiles: On April 18, DSCA notified Congress of a possible $251 million FMS sale of 218 AIM–9X short-range air-to-air missiles, which the UAE will use on its aircraft to support coalition operations in Libya and contingency operations with the United States.

In addition DOD has $4.8 billion in total Foreign Military Sales for UAE pending. The bulk of this total reflects the offer for the THAAD (Terminal High Altitude Area Defense) missile system, a $3.5 billion previously notified FMS case. These sales also include 54 GBU–12s (Guided Bomb Unit—12) for UAE's F–16s.

*DCS*

From March 22 to June 27, the U.S. Government adjudicated and approved or approved with provisos 375 direct commercial sales (DCS) licenses for defense articles and services involving the UAE, for an estimated value of $1.3 billion. These figures do not necessarily represent actual exports, but the value of the approved licenses for potential sales and deliveries.

*Question.* Iran was viewed by many Gulf States as a counterweight to Saddam Hussein's regime in Iraq, although that view has shifted now that Iraq has a representative government and Saddam is gone. What is your assessment of the threat, if any, posed by Iran to the UAE?

Answer. The UAE shares our concerns about Iran's nuclear program and has taken a strong stance on its obligations under UNSCR 1929 in recognition of Iran's pursuit of weapons of mass destruction. The UAE also shares our concerns about Iranian meddling in the region. The UAE has a strategic interest in regional stability and is an active participant in the Gulf Cooperation Council. The UAE takes its national security very seriously and is building a strong military partnership with the United States and other Western partners.

The UAE maintains diplomatic and commercial ties with all its immediate neighbors, including Iran. This is necessitated by the UAE's geographical proximity, its historical ties with Iran that go back centuries, and the approximately 500,000 Iranians live in the UAE (about half the number of Emiratis).

*Question.* Each of the Gulf States have seen some political unrest, and each monarchy has dealt with it in a different manner. Each regime clearly prioritizes survival often at the sacrifice of human rights and democratic values we hold dear. What lessons do you take from Tunisia and Egypt going into your posting?

Answer. We regularly engage the Emirati Government at all levels regarding the universal principles of freedom of expression and association. While the UAE and the United States have not always seen eye to eye on the popular uprisings of the Arab Spring, we have maintained a robust and productive dialogue throughout this period of historic change. Following the events in Tunisia and Egypt, this engagement is more as important as ever.

As with any country in the region, we will continue to support and empower the democratic and reformist voices. And we will continue to do this by speaking honestly about the need to respect human rights and the legitimate aspirations of the people. We support the right to free expression, political participation, confidence in the rule of law, and governments that are transparent and responsive and accountable to their people.

*Question.* I believe it is critical, given the dramatic changes in the Middle East, that the NEA Bureau is able to staff all of its positions, both domestically and overseas, with at-grade personnel. This is particularly important with regard to senior positions at our Embassies. I am concerned, for instance, that there has been no Ambassador at post in Bahrain during this critical period, nor is there a nominee from the administration before the committee. I also note that at a number of critical posts, both the Ambassador and Deputy Chief of Mission are changing this summer.

Please provide details about staffing in your Embassy. What percentage of positions are filled with at-grade personnel, with the appropriate language ability? Please list any position in the Political or Economic sections of your Embassy that has been vacant for more than 6 months as of June 1, and indicate whether an officer has been paneled for the position, and if so when he or she will arrive at post.

Answer. In UAE—Abu Dhabi the percentage of at-grade or above personnel is 72 percent, and the percentage of minimally or higher language qualified personnel is 73 percent. In UAE—Dubai the percentage of at-grade or above personnel is 86 percent, and the percentage of minimally or higher language qualified personnel is 70 percent.

There a total of 22 Political and Economic positions in Mission UAE. Seventy-three percent of these positions are filled with at-grade personnel with the appropriate language ability. No positions have been vacant for 6 months as of June 1.

*Question.* Please identify any position at post which has been vacant for 3 months or longer over the past 2 years due to the incumbent's departure for service in Afghanistan, Iraq, or Pakistan.

Answer. The mission has one position which will be vacant for 3 months or longer due to the incumbent's departure for service in Afghanistan, Iraq, or Pakistan. Dubai ECON FS–03 Departed 6/2011 replacement due 7/2012.

*Question.* If the Ambassador and DCM positions at your Embassy are transitioning simultaneously this transfer cycle, please indicate steps taken to mitigate the potential for this to be necessary in future years.

Answer. It is the policy of the Department and the NEA Bureau to try and schedule the transfer of Ambassadors and DCMs so that transitions do not occur at the same time. Transfers are coordinated based on the needs of the service, foreign policy priorities, and the needs of our Foreign Service families. Given these often competing factors, it does happen that employees depart prior to the arrival of their replacements; and, in the case of Ambassadors, they may not overlap for accreditation reasons. In most cases either the Ambassador or the DCM is present at all times. In the case of UAE, the DCM position is transferring this summer but the incoming DCM will arrive the end of July and will be in place prior to my arrival if I am confirmed.

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RESPONSES OF SUSAN L. ZIADEH TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* Since the initiation of the NATO operation to enforce the arms embargo against Libya on 22 March, and the decision to initiate no-fly zone enforcement operations on March 24, please describe all U.S. transfers, sales, grants or leases of defense articles, defense services or technical data to Qatar under the Foreign Military Sales (FMS) program, direct commercial sales (DCS), or any other relevant authority or authorization to transfer, sell, grant or lease U.S. defense articles, defense services and technical data. Please provide aggregate dollar values, provide a summary of the particular defense articles, defense services, or technical data transferred sold, granted, or leased to date.

Answer. Foreign Military Sales: Since March 22, DOD has $4.8 million in total Foreign Military Sales pending for Qatar. There have been no congressionally notified FMS cases for Qatar.

Direct Commercial Sales: From March 22–June 27, the U.S. Government adjudicated and approved or approved with provisos 102 direct commercial licenses (DCS) for defense-related technical data and spare parts to Qatar, for an estimated value of $2.1 billion. These sales include four C–130 aircraft. These figures do not necessarily represent exports approved, but the value of the approved licenses for potential sales and deliveries.

*Question.* Iran was viewed by many Gulf States as a counterweight to Saddam Hussein's regime in Iraq, although that view has shifted now that Iraq has a representative government and Saddam is gone. What is your assessment of the threat, if any, posed by Iran to Qatar?

Answer. Qatar maintains a relationship with Iran primarily because of geographic proximity and shared economic interests. Qatar and Iran share the world's largest nonassociated gas field, and although Qatar develops its side of this field independently, maintaining a nonconfrontational relationship with Iran remains a priority for the Qatari Government. Qatar has a strategic interest in regional stability and it views any action that threatens regional security as a threat. Qatar is an active participant in the Gulf Cooperation Council and it shares the same concerns as other gulf countries regarding Iran's interference in regional issues and its nuclear program. Qatar enforces U.N. sanctions on Iran. Qatar's strong military partnership with the United States demonstrates its commitment to promoting regional security and countering regional threats.

*Question.* Each of the Gulf States have seen some political unrest, and each monarchy has dealt with it in a different manner. Each regime clearly prioritizes survival often at the sacrifice of human rights and democratic values we hold dear. What lessons do you take from Tunisia and Egypt going into your posting?

Answer. The Government of Qatar (GOQ) has reacted positively to the Arab Spring, and Qatar's leadership has publicly announced its support for reforms in the Middle East. Qatar has not experienced demonstrations or protests at home. The country's small, homogenous population and wealth insulate it from many of the fac-

tors that are driving protests in other countries. Nevertheless, the GOQ has taken small, but important steps to increase citizen participation in government. Qatar held municipal council elections in May 2011. The GOQ also announced that it will hold elections for its advisory council soon. This would be an important step forward and demonstrate Qatar's commitment to implementing meaningful reform. It is U.S. policy that governments need to be transparent, accountable, and responsive to their citizens. If confirmed, I will advocate for government transparency, accountability, responsiveness and greater citizen participation in governance. I will also emphasize the need to uphold universal rights.

*Question.* I believe it is critical, given the dramatic changes in the Middle East, that the NEA Bureau is able to staff all of its positions, both domestically and overseas, with at-grade personnel. This is particularly important with regard to senior positions at our Embassies. I am concerned, for instance, that there has been no Ambassador at post in Bahrain during this critical period, nor is there a nominee from the administration before the committee. I also note that at a number of critical posts, both the Ambassador and Deputy Chief of Mission are changing this summer.

Please provide details about staffing in your Embassy. What percentage of positions are filled with at-grade personnel, with the appropriate language ability? Please list any position in the Political or Economic sections of your Embassy that has been vacant for more than 6 months as of June 1, and indicate whether an officer has been paneled for the position, and if so when he or she will arrive at post.

Answer. The Percentage of positions filled by at-grade or above personnel is 85 percent. The percentage of minimally or higher language qualified personnel is 80 percent. There have been no positions in the POL/ECON Section that have been vacant for more than 6 months as of June 1.

*Question.* Please identify any position at post which has been vacant for 3 months or longer over the past 2 years due to the incumbent's departure for service in Afghanistan, Iraq, or Pakistan.

Answer. There are no positions that have been vacant for more than 3 months due to AIP in the last 2 years.

*Question.* If the Ambassador and DCM positions at your Embassy are transitioning simultaneously this transfer cycle, please indicate steps taken to mitigate the potential for this to be necessary in future years.

Answer. It is the policy of the Department and the NEA Bureau to try and schedule the transfer of Ambassadors and DCMs so that transitions do not occur at the same time. Transfers are coordinated based on the needs of the service, foreign policy priorities and the needs of our Foreign Service families. Given these often competing factors, it does happen that employees depart prior to the arrival of their replacements; and, in the case of Ambassadors, they may not overlap for accreditation reasons. In most cases either the Ambassador or the DCM is present at all times. In the case of Doha, the DCM is not transferring this summer.

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RESPONSES OF MATTHEW H. TUELLER TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* The most recent U.S. State Department reports on terrorism criticize Kuwait for not enacting specific laws against terrorism support or terrorism financing. The State Department also reported in May 2010 that, "the provision of financial support to terrorist groups, both by charities and by individuals utilizing cash couriers continues to be a major concern." What is preventing enactment of such laws? To what extent would clear laws help the government reduce the potential for terrorist attacks in Kuwait? What is Embassy Kuwait advocating in this respect?

Answer. If confirmed, I will be fully committed to strengthening United States-Kuwait counterterrorism cooperation, including cooperation on combating the ability of terrorist networks to finance terrorist activities from Kuwaiti soil. Kuwait's relatively permissive environment renders the country vulnerable to exploitation by terrorist networks, who may find Kuwait to be a more attractive environment for raising and transmitting funds in comparison to other countries in the region. The fact that Kuwait does not have a law criminalizing the financing of terrorism is a serious impediment to the Kuwaiti Government's ability to pursue and prosecute individuals suspected of financing terrorist activities. However, over the past several years, there have been several encouraging examples of the Kuwaiti Government charging and prosecuting suspected terrorist financiers on related crimes, such as plotting an attack against a foreign country.

If confirmed, I will continue the U.S. Embassy's sustained engagement on this issue, pressing the Kuwaiti Government and Kuwait's Parliament to prioritize passage of an amended antimoney laundering/counterterrorism finance law. Last year, Kuwait's Parliament considered a draft amendment that would have specifically criminalized terror financing and returned it to the executive branch to draft two separate laws: an antimoney laundering law and an antiterror financing law.

Additionally, in 2010 Kuwait underwent a mutual evaluation by both the Financial Action Task Force (FATF) the international body for countering money laundering and terrorist financing, and the Middle East North Africa FATF, the regional body in the FATF network. The mutual evaluation and related discussions highlighted the vulnerabilities and reputational damage Kuwait faces without robust legislation in place criminalizing terrorism finance. If confirmed, I will lead strong U.S. engagement on this important issue, working closely with relevant U.S. Government agencies, and with international bodies such as the FATF to leverage the role of the international community in raising Kuwait's awareness of the need for progress in this area.

*Question.* Kuwait's relationship with Iraq remains rocky 20 years after you served there and helped reopen the Embassy in 1991, and 8 years after Saddam. Heading to Kuwait for now your third tour, and having served in Baghdad in the interim, what do you believe are the keys to putting that relationship on solid footing, what are the impediments, and how can the United States best facilitate a resolution of the deep-seated mistrust?

Answer. If confirmed, I will be fully committed to encouraging continued progress on rebuilding the relationship between Iraq and Kuwait. Having served in Kuwait directly following the liberation, I recognize the challenges associated with achieving progress on what are very sensitive, emotional, issues for both sides. I am encouraged by the positive developments we have seen over the past several years, including the restoration of diplomatic relations and several high-level visits in 2011, which I take as encouraging signs that both sides are committed to rebuilding the bilateral relationship.

Given the United States unique relationship with both Iraq and Kuwait, we are in an advantageous position to play a positive role in achieving progress on this issue. If confirmed by the Senate, I will lead sustained engagement by the U.S. Embassy in Kuwait, working in close coordination with the U.S. Embassy in Baghdad, the U.S. Mission to the United Nations, and Member States of the U.N. Security Council. I am confident that Iraq and Kuwait recognize that both countries stand to benefit from closer ties between their two countries, particularly in areas such as trade and investment.

If confirmed, I will work toward strengthened dialogue between Iraq and Kuwait, utilizing existing channels such as the ICRC-led Tripartite Commission and Tripartite Subcommittee, and the newly established Iraq-Kuwait Joint Ministerial Commission. The United States, along with the United Nations, will continue to call on Iraq to abide by its U.N. obligations with regards to Iraq-Kuwait issues, which will create a more positive atmosphere in which to address other outstanding issues.

*Question.* Iran was viewed by many Gulf States as a counterweight to Saddam Hussein's regime in Iraq, although that view has shifted now that Iraq has a representative government and Saddam is gone. What is your assessment of the threat, if any, posed by Iran to Kuwait?

Answer. In recent years, the Kuwaiti Government has maintained mostly correct but not close relations with Iran. Ongoing concerns about disruptive Iranian influence in the region were exacerbated by the discovery of an Iranian spy ring in Kuwait and what they believe were clear signs of Iranian efforts to exploit the subsequent political unrest in Bahrain. Kuwait is also concerned about Iran's refusal to cooperate with international nuclear energy regimes, and the Kuwaiti Government has publicly urged Iran to abide by IAEA safeguards. Kuwait fears that any attack on Iranian nuclear facilities would have disastrous consequences for Kuwait, given the geographic proximity of the two countries, and therefore urges Iran to cooperate with the international community on ensuring full transparency of Iran's nuclear program. Kuwait has also enforced U.N. sanctions on Iran.

*Question.* Each of the Gulf States have seen some political unrest, and each monarchy has dealt with it in a different manner. Each regime clearly prioritizes survival often at the sacrifice of human rights and democratic values we hold dear. What lessons do you take from Tunisia and Egypt going into your postings?

Answer. I believe Kuwait is in a uniquely advantageous position amidst the wave of unrest sweeping across the region, having long been one of the countries in the Middle East where political freedoms are embraced and upheld by the government

and society. Kuwait's well-defined democratic principles are enshrined in its constitution, and reflected in free competitive legislative elections, an elected and empowered Parliament, a vibrant civil society, and relatively open press environment. Kuwait's Government also ensures that Kuwaiti citizens benefit from the country's wealth, by subsidizing health care and education through the university level.

Kuwaitis enjoy a relatively high degree of freedom of expression. Kuwaitis are free to—and do—criticize senior members of the ruling family. In a move unique to the region, the Prime Minister has submitted to parliamentary questioning three times in the past 2 years, providing for parliamentary oversight of the government. Other ministers have also faced parliamentary questioning.

If confirmed, I am committed to strengthening U.S. support for Kuwait's democratic traditions and practices, including by supporting Kuwait's vibrant civil society through MEPI programming. Over the years, MEPI-sponsored activities have made notable contributions in Kuwait by encouraging and training women to be effective candidates, activists, and voters in future elections, and strengthening civil society organizations so that they can play a more positive role in Kuwait's political and democratic process.

*Question.* I believe it is critical, given the dramatic changes in the Middle East, that the NEA Bureau is able to staff all of its positions, both domestically and overseas, with at-grade personnel. This is particularly important with regard to senior positions at our Embassies. I am concerned, for instance, that there has been no Ambassador at post in Bahrain during this critical period, nor is there a nominee from the administration before the committee. I also note that at a number of critical posts, both the Ambassador and Deputy Chief of Mission are changing this summer.

Please provide details about staffing in your Embassy. What percentage of positions are filled with at-grade personnel, with the appropriate language ability? Please list any position in the Political or Economic sections of your Embassy that has been vacant for more than 6 months as of June 1, and indicate whether an officer has been paneled for the position, and if so when he or she will arrive at post.

Answer. a. Staffing at Embassy Kuwait:

- Sixty percent at grade or above personnel.
- Eighty percent minimally or higher language qualified personnel.
- Twenty-one percent of Political and Economic positions are filled by employees one grade below the grade of the position (43 positions total, nine stretches). All are language qualified.
- All Political and Economic positions are filled.

*Question.* Please identify any position at post which has been vacant for 3 months or longer over the past 2 years due to the incumbent's departure for service in Afghanistan, Iraq, or Pakistan.

Answer. Post vacancies due to due to the incumbent's departure for service in Afghanistan, Iraq, or Pakistan:

- RSO departed April 2011, successor arrives August 2011.
- A/RSO departed April 2011, successor arrives July 2011.
- Facilities Maintenance departed April 2010, successor arrived January 2011.

*Question.* If the Ambassador and DCM positions at your Embassy are transitioning simultaneously this transfer cycle, please indicate steps taken to mitigate the potential for this to be necessary in future years.

Answer. It is the policy of the Department and the NEA Bureau to try and schedule the transfer of Ambassadors and DCMs so that transitions do not occur at the same time. Transfers are coordinated based on the needs of the service, foreign policy priorities and the needs of our Foreign Service families. Given these often competing factors, it does happen that employees depart prior to the arrival of their replacements; and, in the case of Ambassadors, they may not overlap for accreditation reasons. In most cases either the Ambassador or the DCM is present at all times. In the case of Kuwait, foreign policy priorities as well as family needs played a significant factor in the transition schedule. While both the Ambassador and the DCM positions will be vacant for a few weeks, we have full confidence in the designated Chargé. The incoming DCM will arrive in late August.

RESPONSES OF KENNETH J. FAIRFAX TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* Kazakhstan's cooperation on nonproliferation has been a model example of U.S. security engagement. What do you see as the next steps in our relationship with Kazakhstan in the realm of nonproliferation and cooperative threat reduction?

Answer. Cooperation on nonproliferation has been a pillar of the United States-Kazakhstan bilateral relationship and is a model for U.S. security engagement. Kazakhstan has cooperated extensively with the United States to eliminate its Soviet-legacy weapons of mass destruction (WMD) infrastructure, secure materials of proliferation concern, and redirect former WMD scientists to sustainable, non-military employment. The shutdown of the BN–350 reactor and shipment of enough nuclear material for 775 nuclear weapons to a secure location made a significant contribution to global security. Kazakhstan continues to build upon its commitment to international security and nonproliferation through its active participation in the Cooperative Threat Reduction (CTR) program, the IAEA, and more than 25 U.S. nonproliferation initiatives and programs currently active in Kazakhstan.

Cooperation on nonproliferation and cooperative threat reduction will remain a focus of our bilateral relations with Kazakhstan. Through our Biological Threat Reduction program, the United States is working with Kazakhstan to improve bio-safety and bio-security by consolidating and securing dangerous pathogen collections, and we continue to fund the redirecting of underemployed biological weapons experts to careers with peaceful purposes. We are also supporting Kazakhstan's efforts to combat bioterrorism and are enhancing its ability to detect, diagnose, and respond to disease outbreaks. Through Kazakhstan's participation in the Proliferation Security Initiative and the Export Control and related Border Security assistance program, the United States is strengthening Kazakhstan's ability to prevent proliferation of WMD and related materials across its borders and reducing the risk of proliferation through training for and provision of equipment to licensing officials, border guards, and customs officials.

Our Annual Bilateral Consultations have provided another important mechanism through which to further our engagement with Kazakhstan on nonproliferation issues, including its interest in a more prominent role in the IAEA and its offer to host the IAEA low enriched uranium fuel bank.

*Question.* Kazakhstan could play an increasingly important role as a supplier to the development of a Southern Energy Corridor and already participates in trans-Caspian shipments to Azerbaijan. Do you see any prospect for Kazakhstan to enlarge its role in this project through trans-Caspian shipments?

Answer. As its oil production increases, Kazakhstan could increase its delivery of crude oil across the Caspian, most likely through enhanced tanker shipments. At this point, it is not clear that Kazakhstan will have substantial volumes of gas available for delivery into the Southern Energy Corridor. Most gas currently produced in Kazakhstan is utilized domestically or reinjected to enhance oil production. We also understand that Kazakhstan believes trans-Caspian oil and gas pipelines will be difficult to build without a five-country agreement on delimitation of the Caspian Sea.

*Question.* With regard to United States-Kazakhstan energy cooperation, what additional steps do you believe the United States should take to enlarge our relationship?

Answer. We have an ongoing and productive dialogue with Kazakhstan on ways to deepen energy cooperation. Our engagement with Kazakhstan has largely focused on the country's investment climate and its planning to increase oil production in the coming decade. The United States has a strategic interest in Kazakhstan's production moving forward and additional Kazakhstani crude reaching world markets.

Our engagement occurs during the U.S.-Kazakhstan Annual Bilateral Consultations and U.S.-Kazakhstan Energy Partnership. The second Annual Bilateral Consultation, which took place March 24–25 in Astana, included discussion of investment climate issues related to Kazakhstan's energy sector. We expect to have an ABC review session with the Kazakhstani Government in Washington in September 2011, where we will continue the discussion of deepening our economic and energy partnership. The Annual Bilateral Consultations include meetings with representatives of American and Kazakhstani energy companies.

The U.S.-Kazakhstan Energy Partnership has been active for 8 years and is an essential part of our relationship with this hydrocarbon-rich nation. The next U.S.-Kazakhstan Energy Partnership meeting is scheduled for November 2011 in Washington, and will include a visit by the Minister of Oil and Gas Sauat Mynbayev.

I also plan to work closely with private American companies active in the energy field in Kazakhstan, as well as those who would like to become involved in emerging markets such as alternative energy in Kazakhstan, in order to facilitate and encourage the growth of a long-term, mutually beneficial commercial relationship that benefits both Kazakhstan and the American people.

*Question.* In what areas do you believe Kazakhstan could expand its participation in the Northern Distribution Network?

Answer. Kazakhstan is providing significant support to our stabilization efforts in Afghanistan through its active participation in the Northern Distribution Network. We are also working with Kazakhstan's Government and private sector to increase local procurement of construction materials, supplies, and food products to support our operations in Afghanistan. Kazakhstan plays an important role in our efforts to build a stable, economically prosperous Afghanistan, reconnected with its region. Kazakhstan's participation in NDN demonstrates the potential for trade linking Central and South Asia via Afghanistan, and we are working with Kazakhstan to enact policies to speed the flow of trade through the region.

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RESPONSES OF ANNE W. PATTERSON TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* An Egyptian court convicted two people for attacking a Coptic sit-in in Cairo last month, but 16 suspects were found not guilty. The two convicted men were reportedly released on bail. The court was reviewing accusations related to last month's attacks on a Coptic sit-in, which was staged in front of the state radio and television building. A group of unidentified men attacked the people participating in the sit-in, using firearms, knives, stones, and Molotov cocktails. At least 78 people were wounded. The protesters decided to end their sit-in 5 days later after authorities agreed to open three churches. Copts have faced discrimination, even on governmental levels, as their churches are sometimes closed, or require special permits for even minor renovations.

- What progress is being made by the military council to end sectarian violence and tension and what are the prospects for constitutional changes and laws that would address sectarian violence and ease restrictions on building churches? Can Egypt achieve a secular government that (1) respects the rights of its religious minorities; and (2) fosters the full integration of religious minorities in all levels of government?

Answer. Sectarian violence remains a troubling problem in Egypt, as evidenced by the May 7 violence that erupted in the Cairo neighborhood of Imbaba. On May 17, Field Marshal Tantawi, the head of the Supreme Council of the Armed Forces (SCAF) and de facto leader of Egypt during this transition period, issued a strongly worded, public condemnation of sectarian attacks. The SCAF also stated that it would investigate and prosecute those responsible for the May 7 clashes, and has charged 48 individuals in conjunction with his case. On June 7, Prime Minister Sharaf attended the formal reopening of the Holy Virgin Church, one of two churches damaged during the May 7 riots. The Egyptian transitional government has also allowed the construction and repair of 16 churches that had previously not been granted permission to be built or repaired.

On May 14, Prime Minister Sharaf announced the formation of a National Justice Committee to draft an antidiscrimination law and consider a "unified places of worship" law within 30 days—two key Coptic Christian demands. On June 1, the Egyptian Cabinet announced that it had approved a draft "Unified Law for Organizing the Construction of Places of Worship." This draft law, which governs the building and renovation of churches and mosques, is currently under public review, and some religious and civil society leaders have raised concerns during this review process that the draft law does not sufficiently depoliticize the construction process.

We remain very concerned about the prospects of sectarian violence in Egypt and will continue to monitor this issue closely. We will also continue to impress upon the Egyptian Government the importance of taking steps to confront sectarian violence, including steps to reverse discriminatory laws and treatment, of holding perpetrators of violence accountable, and of fostering an environment that promotes religious tolerance.

*Question.* Your service in Cairo coincides with a unique moment on world history—a potential political sea change in the Middle East and North Africa. Egypt has many challenges and opportunities—this year will see parliamentary and Presi-

dential elections and early next year we expect Egyptians to begin drafting a new constitution.

- In the context of these changes, are you concerned about an erosion of the relationship between Israel and Egypt? Do recent actions, the facilitation of the talks that led to the declaration of Fatah-Hamas unity government—a step that may prove fatal to the negotiation process—and the reopening of the Rafah border crossing, which has been closed since 2007 due to concerns about Hamas using the crossing to bring weapons and fighters into Gaza foretell a different relationship between Egypt and Israel?
- If confirmed, will you make clear to Egypt that the state of relations between our countries is directly linked to its adherence to the Camp David Peace Treaty with Israel?
- The Egypt-Israel peace treaty formed the basis of our foreign assistance program to Egypt. Is Egyptian adherence to its international obligations, including the peace treaty with Israel, a prerequisite for U.S. assistance, including possible debt relief?

Answer. The current Egyptian Government has repeatedly expressed its commitment to adhere to past agreements, including its Treaty of Peace with Israel. The Department of State fully appreciates the significance of Egyptian-Israeli peace to our regional interests and those of our ally, Israel. In our discussions with Egyptian leadership across the political spectrum, we have and will continue to underscore the importance of upholding this and other international obligations. It is important that Egypt and Israel continue to strengthen their bilateral relationship and their lines of communication, particularly as Egypt moves through its transition. Egypt has maintained direct diplomatic and security engagement with Israel throughout the transition, and we continue to encourage such cooperation.

With regard to the reconciliation agreement between the Palestinian Authority and Hamas, we want the agreement to be implemented in a manner that moves us closer to our common goal of comprehensive peace. We will work with Egypt toward this objective, as Egypt continues to play a leadership role in the peace process.

*Question.* Earlier this month Secretary Clinton said, "We are also troubled by reports of sexual violence used by governments to intimidate and punish protesters seeking democratic reforms across the Middle East and North Africa. Rape, physical intimidation, sexual harassment, and even so-called 'virginity tests' have taken place in countries throughout the region. These egregious acts are violations of basic human dignity and run contrary to the democratic aspirations so courageously expressed throughout the region." The virginity tests utilized by security forces in Egypt are the most blatant violation of women's rights, and a worrying sign that one of the goals of the Egyptian revolution—to secure civil liberties for women—is not being met. In contrast to the democratic transition in Tunisia, where women have been guaranteed parity with men in the party lists for the upcoming Constituent Assembly, women in Egypt have not been largely integrated into the transition process. Since the "Million Woman March" on March 8 in Cairo, most of the main complaints women have have not been addressed:

(1) Women's participation in the constitutional, legislative, and political future of Egypt;

(2) A new civil constitution which respects citizenship, equality and cancels all forms of discrimination;

(3) A change to all laws, including the personal status law to guarantee equality;

(4) Fundamental policy and legal changes to impose significant penalties on all forms of violence toward women.

- How will you continue to raise the issue of women's rights with the military council in Egypt and the new government that will emerge this fall? What leverage does the United States have to pressure the integration of women into the democratic transition, and ensure women's equality is safeguarded in Egypt?

Answer. We are disgusted by allegations of torture and "virginity tests" by military police in the Egyptian Museum on March 9. At the highest levels, we have called on the Supreme Council of the Armed Forces (SCAF) to investigate these reports and prosecute those who are culpable. The SCAF has publicly vowed to investigate allegations that protesters detained by the military on March 9 were tortured.

We share your concerns about the involvement of women in the political transition. Regrettably, the committee to draft revisions to Egypt's Constitution in March did not include any women, and the Ministry of Women's Affairs was abolished soon after the interim government was formed. Although some women have taken promi-

nent roles in activist groups, more needs to be done. If confirmed, I will continue pressing the Egyptian Government to promote the participation of women in government and political parties. The United States also promoted a conference on June 2 in Cairo, cosponsored by International IDEA and U.N. Women, to raise the profile of women's rights in democratic transitions. Chaired by U.N. Women Executive Director, Michele Bachelet, this event advocated for robust women's political participation and empowerment, with special attention on Egypt, and has likely laid the groundwork for a ministerial-level gathering on the subject on the margins of the U.N. General Assembly.

Many of the civil society programs we support also aim to empower women politically and economically, and we will monitor the drafting of Egypt's new Constitution to ensure women's rights are protected. As part of the $165 million we have made available to meet urgent Egyptian needs, USAID is providing $20 million in funding to support political party development through NDI and IRI, civil society development, election monitoring, and voter education. Support for women as political leaders and candidates will be an important part of these projects. In its regular assistance portfolio, USAID provides direct grants to enhance women's and girls' civic and political rights and participation, improve the operation of family courts, provide psychological counseling services to women and children, and combat violence against women by improving the capacity of Egypt's National Council for Women and National Council for Childhood and Motherhood to advocate for policy changes and provide services and legal assistance for battered and trafficked women.

Through its local grants program, MEPI is funding 10 Egyptian NGOs to carry out innovative projects to break down barriers for women in the legal profession, raise awareness of women's rights among female students in Upper Egypt, train ordinary Egyptian women to become community leaders and businessowners, and carry out voter education and corruption awareness campaigns targeting women, including in lesser developed regions of Egypt. MEPI also is preparing to fund new Egyptian local grants that focus on women's rights, economic opportunity, and participation during the transition.

*Question.* Our government has stated and restated the importance of peaceful, democratic transition in Egypt that includes respect for human rights, including expression, association and assembly, freedom of the press. However, recent reports from Egypt have estimated that between 5,000 and 10,000 people have been tried in military courts over the past 3 months. Activists believe the prosecutions are a scare tactic by the Supreme Council of the Armed Forces to intimidate Egyptians off the street, as they often specifically target protesters.

- How is the administration addressing this failure with the military council, to ensure that the transitional government is not backsliding and reverting to tactics reminiscent of the Mubarak era?

Answer. We have raised at the highest levels the need for Egypt's military leadership to address transparently and inclusively the grievances of the Egyptian people; including lifting the state of emergency; protecting freedom of expression and assembly; reforming security institutions; trying civilians in civilian, not military, courts; and transitioning to civilian control of the government through free and fair elections.

We are aware of recent interrogations of journalists, bloggers, and judges critical of the SCAF and military and have made our concerns regarding these cases clear to the Egyptian Government and the SCAF. Freedom of expression is a critical component of any democratic state, and we have made clear that attempts to silence political opposition in Egypt are unacceptable.

*Question.* Ambassador Patterson, I have been following Chairman Kerry's effort with respect to the Bower children who were wrongfully removed from the United States by their mother. As you are aware, their father, Colin Bower, has been trying unsuccessfully to secure the return of his children, Noor and Ramsay, to the United States. Pursuant to a 2008 decision by Probate and Family Court of the Commonwealth of Massachusetts, Mr. Bower has sole legal custody of Noor and Ramsay and joint physical custody with Mirvat El Nady. That ruling stipulated Mirvat el Nady was not to remove Noor and Ramsay from the Commonwealth. There are no international or bilateral treaties in force between Egypt and the United States dealing with international parental child abduction, and Egyptian law does not consider the removal of a child by the noncustodial parent to or within Egypt to be a crime.

- What efforts is the Department undertaking with the interim government to secure the return of Mr. Bower's children? What pressure do you believe would be helpful to motivate the Military Council or a future Egyptian Government to resolve this case favorably? In your role as Ambassador, what actions will

you take to encourage Egypt to sign the Hague Convention on the Civil Aspects of International Child Abduction?

Answer. Secretary Clinton and the Department have been in direct contact with Egyptian authorities at senior levels concerning this matter. We will continue to raise this case with appropriate Egyptian authorities in the hope of seeing the children returned to Mr. Bower. Both the Special Advisor for the Office of Children's Issues, Ambassador Susan Jacobs, and the U.S. Consul General in Cairo have, on multiple occasions, worked directly with Mr. Bower on this difficult matter. The Office of Children's Issues is very engaged on Mr. Bower's behalf. We will continue to press the Egyptian Government to sign the Hague Convention on the Civil Aspects of International Child Abduction.

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RESPONSES OF MICHAEL CORBIN TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

HUMAN RIGHTS/DEMOCRACY

*Question.* Five prodemocracy activists have been detained in the United Arab Emirates since April 18 without bail. According to Human Rights Watch, the activists were charged with "peaceful use of speech to criticize the UAE Government." The UAE Government said they were charged with harassment after the activists and other UAE nationals signed a petition in March that demanded constitutional and parliamentary changes in the Emirates, and free elections for all citizens. The detainees include a leading human rights activist and university lecturer. In his address on the Middle East and North Africa last month, President Obama declared that "it will be the policy of the United States to promote reform across the region, and to support transitions to democracy."

- With the trial date of these prodemocracy activists set for July 18, how will the administration follow through on its promise of promoting reform and democracy including in the UAE? How will you as Ambassador pressure the Emirati Government to conduct the trial in a transparent and open manner, and preserve freedom of speech and assembly?

Answer. We engage the Emirati Government regularly and at all levels regarding the universal principles of freedom of expression and association. Our Embassy and senior Department officials have been reaching out to the Emirati Government regarding our concern that any trials be conducted in a transparent and open manner in accordance with international standards of due process. If confirmed, I will continue to make these points. We understand the lawyers for the five defendants have asked that the trial be closed to the public and the press. We will continue to monitor the situation to the best of our ability.

RELATIONSHIP WITH IRAN

*Question.* The relationship between the United States and the UAE is multifaceted and reflects many complex issues that both countries face. At the top of our agenda for the past several years has been the issue of Iran and the important role the UAE must play in enforcing international sanctions. While we have seen a dramatic and positive shift in the UAE's behavior toward Iran in the past year, it can and must do much more. For example, the UAE should stop refined petroleum exports to Iran; they should further clamp down on illicit re-exports to Iran; and they should do more to cut banking ties with Tehran.

- Can you describe the UAE's compliance with international sanctions on Iran?
- If confirmed, will you make it a top priority to press the Government of the UAE, including the individual Emirates, to fully comply with U.N. and U.S. sanctions on Iran?
- The State Department recently sanctioned two UAE firms for their role in the export of refined petroleum products to Iran. If confirmed, will you ensure Embassy personnel investigate and report to Washington on companies involved in the export of refined petroleum to Iran in violation of U.S. law?

Answer. The UAE takes seriously its international obligations to enforce sanctions against Iran. To this end, it has a track record of disrupting or preventing transfers to Iran of items of proliferation concern. The UAE has a national strategy to protect the reputation of its historically open trade environment against abuse by proliferators. In August 2007 the UAE passed comprehensive strategic trade control legislation providing the basis for an enforceable export control system. The law is currently being enforced and we have been working in close partnership with UAE authorities to halt attempts to divert sensitive dual-use technology, including U.S.-

origin goods, from the UAE. With respect to enforcement and counterproliferation issues, the UAE is an active participant in the Proliferation Security Initiative (PSI) and hosted, in January 2010, a major multinational PSI exercise, LEADING EDGE. They also cohosted with the U.S. a Global Transshipment Conference in March 2011 designed to focus international attention on the problems of illicit transshipment and ways to address them.

If confirmed, I will continue in our policy of pressing the UAE including each of the Emirates, as we do all our partners, to fully comply with U.N. and U.S. sanctions on Iran. This has been a top priority and will continue to be one under my tenure, if confirmed.

If confirmed I will ensure that post continues our efforts on refined petroleum products to build on the work done so far. I will work to focus on monitoring of and reporting on efforts by commercial entities to evade international and U.S. sanctions, including the CISADA refined petroleum sanctions.

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RESPONSE OF MATTHEW H. TUELLER TO QUESTION SUBMITTED BY SENATOR JAMES M. INHOFE

*Question.* You have surely been briefed about the Kuwaiti detention without bond of a U.S. citizen in his seventies, Aliyar Dehghani. His family is deeply concerned that he is not being afforded normal, due legal process, and that his continued detention poses risks to his health given his age and heart condition.

Even though the circumstances surrounding the case are controversial, it is especially troubling if one of our allies ever were to single out an American citizen for discrimination, in violation of its own legal standards and process.

- Should you be confirmed, will you raise this case—and potentially any others like it—to ensure fair treatment under the law of American citizens in Kuwait?

Answer. If confirmed by the Senate, I will be fully committed to ensuring the protection and well-being of all U.S. citizens in Kuwait, including securing fair treatment under the law. I assure you that, if confirmed as Ambassador, I will raise with the Kuwaiti Government any cases in which we believe an individual is being discriminated against or mistreated because of his or her U.S. citizenship.

Regarding the specific situation of Mr. Aliyar Dehghani, a U.S.-citizen resident in Kuwait for many years, I understand that Mr. Dehghani was released from the Kuwait Central Prison on May 29 after he posted bond. The case is pending the outcome of the ongoing investigation into his role in connection to the 2009 failure of the Mishref Sewage Pumping Station.

The U.S. Embassy in Kuwait informs me there is no indication Mr. Dehghani is being targeted, disadvantaged, or discriminated against in any way because of his U.S. citizenship. After Mr. Dehghani was detained by Kuwaiti authorities on May 10, representatives of the Consular Section of the U.S. Embassy in Kuwait visited Mr. Dehghani on several occasions and were in regular contact with members of his family. The Department of State and the U.S. Embassy in Kuwait continue to closely follow Mr. Dehghani's situation and will continue to provide appropriate consular assistance.

# NOMINATIONS

**WEDNESDAY, JUNE 29, 2011**

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

Derek J. Mitchell, of Connecticut, to be Special Representative and Policy Coordinator for Burma, with the rank of Ambassador

Frankie Annette Reed, of Maryland, to be Ambassador to the Republic of the Fiji Islands, and to serve concurrently as Ambassador to the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati

The committee met, pursuant to notice, at 10:05 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Jim Webb presiding.

Present: Senator Webb.

## OPENING STATEMENT OF HON. JIM WEBB, U.S. SENATOR FROM VIRGINIA

Senator WEBB. Good morning. The hearing will come to order.

Today the committee will consider the nominations of Derek J. Mitchell to be U.S. Special Representative and Policy Coordinator for Burma; and Frankie A. Reed to be U.S. Ambassador to the Fiji Islands, and the Republic of Nauru, the Kingdom of Tonga, Tuvalu, and the Republic of Kiribati.

In 2008, the Tom Lantos Block Burmese JADE Act established the position of the Special Representative and Policy Coordinator for Burma. The Special Representative is charged, among other responsibilities, with promoting a comprehensive international effort to support democracy in Burma and address the humanitarian needs of its people.

I believe this position can play a key role in bringing together the various voices on Burma policy in striving to develop a more coherent, effective policy. However, to date, the position has not been filled, and we should not delay this any longer.

In 2009, after a great deal of coordination, I became the first Member of Congress to travel to Burma in 10 years. There I had the opportunity to meet with Aung San Suu Kyi, and was also the first and only American official ever to meet with General Than Shwe.

Following this visit, there were, in my view, many opportunities for follow-on activities by others in our Government and in theirs that could bring about a change in our policy toward Burma.

Our sanctions-led approach had produced no meaningful results in the country, except to further isolate the people, and I believe that we need to find a way to break this cycle.

Soon thereafter, following its own policy review, the administration agreed with this position and announced a new dual-track policy guided by direct engagement with the Government in Burma and the continued policy of economic sanctions.

Since this shift, the administration has taken some limited steps toward direct engagement, but given the strategic importance of Burma and the critical humanitarian needs in that country, more can and should be done.

Fixed between two powers—India and China—and bridging two subcontinents, Burma has been wrecked by internal conflict, led in part by the desire of the previous military government to enforce national unity among a diverse ethnic population. In the past few weeks, this conflict has flared up in a serious way, particularly in the Kachin areas near the Chinese border.

Despite this enduring violence, the Burmese people have steadily pursued a transition toward civilian government and, hopefully, toward eventual democracy.

On November 7, 2010, Burma held its first election in 20 years. With limited international observation, most will argue that the election was neither free nor fair, with the military-backed Union Solidarity and Development Party, USDP, winning the majority of open seats in the new Parliament.

Coupled with the military's automatic holding of 25 percent of the seats in Parliament, this bloc will carry a supermajority.

Yet numerous independent reports indicate that the election process has created the potential for a new political dynamic in the country, with candidates participating from more than 37 different political parties. The National League for Democracy did not register as a political party and, therefore, was unable to participate in the election. But other democratic and ethnic minority parties did participate, and their candidates won seats in the national and regional Parliaments.

This was a step—albeit an incomplete one—toward forming a representative government, and it is a greater step than many other countries in the region can claim.

This spring, we have observed the convening of the Parliament and the appointment of new government officials. By all indications, a transition of some sort is occurring. My colleague, Senator John McCain, in his visit to Burma earlier this month, noted that "this new government represents some change from the past," and that the new government wants a better relationship with the United States.

The release of Aung San Suu Kyi after the election was an important benchmark in this process, and her continued freedom of movement may serve as a bellwether for the development of a more vibrant civil society.

I believe these changes yield promise for improving accountability and transparency in Burma. The International Crisis Group, a well-respected nonprofit organization committed to preventing conflict, concurs. Their March 2011 report notes "this moment of relative change in a situation that has been deadlocked for

20 years provides a chance for the international community to encourage the Government to move in the direction of greater openness and reform."

However, it also important to realize that this transition is not guaranteed, either domestically or because of foreign influence. China, the second largest economy in the world with a decidedly nondemocratic political system, wields a great and continuing influence in Burma. With the construction of gas and oil pipelines, hydropower development, and additional assistance, China has attempted to purchase influence through investments that support the Burmese Government and provide China with strategic access to the Indian Ocean. Chinese leaders may be concerned with the ethnic conflict on their border, but they have yet to take constructive steps to encourage a meaningful political reconciliation with Burma.

Even more troubling has been China's role as a transshipment point for illicit exports from North Korea, which many observers believe may be bound for Burma. While there are legitimate concerns about Burma's relationship with North Korea, the administration has yet to question China's role in these exports.

I believe we should be more consistent and responsible in our rhetoric, particularly on an issue of such importance.

With this political and regional complexity, the Special Representative faces a difficult task. Yet this position has the opportunity to play a positive and continuing role in ending the isolation of the Burmese people and promoting democratic development through deeper, more sustained direct engagement with the Government and civil society.

Historian and scholar Thant Myint-U testified in 2009 before this committee that "there can be no grand strategy on Burma from the outside, only efforts to use and build on opportunities as they come along. And seeing these opportunities depends on being more present on the ground, in direct contact with the Burmese people." And I encourage our nominee today to consider this approach.

Today we are also considering our policy toward Fiji, Nauru, Tonga, Tuvalu, and Kiribati. That distance that spans these locales is a challenge, only to be matched by the requirement that our Ambassador represent the United States simultaneously to five different countries with varied political systems and domestic challenges.

The largest among these, Fiji, is an important political, educational, and economic center in the western Pacific. It is also a country of significant ethnic tensions—particularly between indigenous Fijians and Fijians of Indian ancestry—that have affected its political stability.

In 2006, Fiji's military chief sponsored a coup that nullified contentious elections in the name of national unity. Since this time, United States relations with Fiji have been strained.

The military chief, now interim Prime Minister, has further postponed elections until 2014. It is interesting to note that our response to this undemocratic action has appeared softer than our response to other military coups in Asia, such as those in Burma.

For example, while we cut bilateral military assistance to Fiji following the coup, the U.S. Agency for International Development

will be opening an office there this year. I look forward to examining this decision and exploring the prospects for United States-Fiji relations as we go forward.

In closing, I look forward to the testimony of our nominees, and before their remarks, I would like introduce them and invite them to recognize those who have come to support their nomination today.

And to begin the introductions, I would like to welcome Congressman Faleomavaega, the U.S. Representative from American Samoa and ranking member on the House Foreign Affairs Subcommittee on Asia and the Pacific.

Congressman Faleomavaega is a fellow veteran and has recently been reelected to his twelfth term in the Congress this year. Throughout his service, he has been a vital voice on the importance of the Asia Pacific region and the value of our relationships there.

And he's joined us today to introduce Frankie Reed, our nominee to be U.S. Ambassador to Fiji.

And, Congressman, welcome, and the floor is yours, sir.

**STATEMENT OF HON. ENI F.H. FALEOMAVAEGA, U.S. DELEGATE FROM AMERICAN SAMOA**

Mr. FALEOMAVAEGA. Thank you, Mr. Chairman.

With due respect, I did not have the opportunity to meet Mr. Mitchell, but I'm sure that President Obama has made a very wise decision in terms of this position that is going to be so important to establish a bilateral dialogue between us and the state of Myanmar.

Mr. Chairman, I want to thank you very much for the opportunity that I have. I voluntarily offered myself to come here not only to introduce my very dear friend, but someone whom I have respected over the years. I would say among the very few Foreign Service officers who knows anything about the Pacific region. And I felt it so important that I wanted to come here to do this and to share with you some of my observations in the 20 years that I've served as a member of the House Foreign Affairs Committee, specifically also as a member of the Asia Pacific Subcommittee on Foreign Affairs for the past 20 years.

If I may, Mr. Chairman, it's a real honor and a humbling experience for me to introduce a dear friend. Although I don't represent her and her constituency in the great State of Maryland, I feel like I know her, and in terms of the close working relationship that we've had and her efforts as she had served previously as the Deputy Chief of Mission in the Independent State of Samoa.

I'm sure you already have the biography of Ms. Frankie Reed, Secretary Reed. And I just wanted to reiterate some of the highlights of her career and how much to the extent that I totally support President Obama's nomination of her to serve as our Ambassador not only to Fiji but to the Republics of Kiribati, Tuvalu, Nauru, and also the Kingdom of Tonga.

Ms. Reed is a graduate of Howard University and got her degree in journalism. And then she also received her law degree at the University of California, Berkeley; became a Peace Corps Volunteer; served also as a member of the California Bar; and before becoming a Foreign Service officer, she was initially assigned as a

desk officer for the Bureau of African and Western Hemisphere. She later held posts Kenya and also in Cameroon and Senegal, and then became the deputy director of the Office of Australia and New Zealand and the Pacific Islands.

She then became the Deputy Chief of Mission to the Independent State of Samoa for about 3 years. Then she went off again to Guinea and then later became Consul General and Deputy U.S. Observer to the Council of Europe and the European Council for Human Rights in Strasbourg, France.

And returning from that assignment, she became a diplomat in residence at her alma mater at U.C.-Berkeley and lectured there and conducted several outreach programs to universities in the Pacific Northwest.

She was then assigned as Deputy Assistant Secretary for the Bureau of East Asian Affairs and Pacific Affairs. And then to this point now in her brilliant career, she is nominated by President Obama to serve as Ambassador.

And my reason for wanting to do this very much, Mr. Chairman, is the fact that we do have some very serious issues and problems affecting the Pacific region. I think I've been very vocal for all these 20 years. As I recall, when I first became a member of the House Foreign Affairs Committee, interestingly enough, nobody wanted to talk about Asian-Pacific issues 20 years ago. I think the entire mentality here in Washington, DC, was Europe and the Middle East. And if we talked about any issue affecting the Asian-Pacific region, it was really nothing that we could really take interest in. And I wondered myself why we have not really taken a more serious interest in this very important region of the world.

I do want to say that I honestly believe that Secretary Reed will do a fantastic job for the simple reason that she knows the Pacific. I've often said that President Obama is the first President of the United States that at least knows where the Pacific Ocean is. For the simple reason that when we talk about Asian Pacific, it's almost like a foreign language to many of our policymakers here in Washington, DC.

I say this with interest, Mr. Chairman, because both you and I as Vietnam veterans, I know we've taken a lot deeper understanding of the fact that many times the policies that we enunciate toward Asian-Pacific region have not been very positive, out of the fact that I think we don't know the complexity of the region, and for the simple reason that we just have not had a very positive experience in dealing with the peoples of the Asian-Pacific region.

I do appreciate the fact that this administration and President Obama and Secretary Clinton, in the initiatives that they've taken for the past 2 years, I think it's positive. And yet, we need to do more.

And I believe that you have hit it right on the nail in terms of the challenges that Secretary Reed is going to have when she becomes Ambassador to these five different countries. Even though by way of population that seems to be sometimes the way we operate as a matter of policy—if the country is not heavily populated, we don't seem to take much interest in it. And we see this in the Pacific region as a classic example.

And my basic criticism, Mr. Chairman, of our policy toward the Pacific region is that we have no policy. Our policy toward the Pacific region has only been toward Australia and New Zealand, and all the other countries are only incidental to this policy.

And I sincerely hope that Secretary Reed, and I know from her given experience, that it's going to become a lot more positive, more engaging, and I really believe that we ought not neglect the needs of these 14 island countries, sovereignties, and we should pay more attention to the problems of the Pacific.

And you and I could not agree more of the fact that we should pay more attention to Asia, as well. Despite the fact that President Obama has taken the initiative—a lot of meetings, a lot of conferences, a lot of this, but we need to be a little more substantive in terms of what we really mean we should do, we ought to do, when dealing with the Asian-Pacific region.

So with that, Mr. Chairman, again, I want to thank you for giving me this opportunity to comment on the distinguished nominees that we have here, especially my good friend Secretary Frankie Reed. And I sincerely hope that the committee will approve her nomination as Ambassador to Fiji.

I will not go into the crisis or the problems we're dealing with Fiji at this point in time. Perhaps, Mr. Chairman, if you have questions, I would be more than happy to assist in that regard. But again, I want to thank you for this opportunity and I yield back.

Senator WEBB. Congressman, thank you very much for taking the walk to the other side of the Capitol and being with us this morning, and for your long years of service to our country and to Congress. We very much appreciate you coming and expressing your support for Ambassador-to-be Reed.

Thank you again for being with us. And I know you probably have things waiting for you on the House side this morning.

At this time, I'd like to introduce Derek Mitchell, who has been nominated to be Special Representative and Policy Coordinator for Burma, with the rank of Ambassador. Currently, he is Principal Deputy Assistant Secretary of Defense for Asian and Pacific Security Affairs. Prior to this position, Mr. Mitchell was a senior fellow at the Center for Strategic and International Studies; special assistant at the Department of Defense; and a senior program officer at the National Democratic Institute. He has a master's degree from the Fletcher School of Law and Diplomacy at Tufts University, a bachelor's degree from the University of Virginia.

Welcome, Mr. Mitchell. I know you would like to introduce those who are here today to support your nomination, and please do that.

We welcome your wife. I had a chance to say hello to her before we came up here, but please do so, and then we'll look forward to your testimony.

## STATEMENT OF DEREK J. MITCHELL, OF CONNECTICUT, TO BE SPECIAL REPRESENTATIVE AND POLICY COORDINATOR FOR BURMA, WITH THE RANK OF AMBASSADOR

Mr. MITCHELL. Thank you, Mr. Chairman.

Let me, indeed, introduce my wife first, Min Lee, who is right behind me. She is a reporter. We used to work in Taiwan. She's originally from Taiwan and now works for a cable station in Hong

Kong. But I want to welcome Min, who is sitting right behind me, so thank you very much for the opportunity.

Senator WEBB. Welcome.

You may proceed.

Excuse me, I neglected to say that Senator Kerry has a statement he would like to have introduced into the record, and it will be included at this point.

[The prepared statement of Senator Kerry follows:]

PREPARED STATEMENT OF SENATOR JOHN F. KERRY, CHAIRMAN, SENATE FOREIGN RELATIIONS COMMITTEE

Today, the Senate Foreign Relations Committee convenes to consider the nominations of Derek Mitchell to be Special Representative and Policy Coordinator for Burma, with the rank of Ambassador, and Frankie Reed to be Ambassador to the Republic of the Fiji Islands, the Republic of Nauru, the Kingdom of Tongo, Tuvalu, and the Republic of Kiribati.

Both the nominees before the committee today have distinguished records, and they are well qualified to represent the United States overseas in these important posts.

Given the moral imperative of fashioning a wise policy that benefits Burma's long-suffering people, I would like to take a moment to discuss the opportunities and challenges that await one of our nominees: Mr. Mitchell, our current Principal Deputy Assistant Secretary of Defense for Asian and Pacific Security Affairs, and the President's deserving choice to be his special envoy for Burma.

If confirmed, I have every confidence that Mr. Mitchell will faithfully implement the Obama administration's "dual-track" approach toward Burma. After years of a one-sided, "sanctions only" policy that did not produce change, the administration is seeking to combine pressure with principled engagement to encourage the Burmese Government to embrace reforms and make a genuine transition to civilian, democratic rule. Let me be clear: The special envoy position's mandate is to undertake a comprehensive international effort that includes both engagement with Burma's leaders and working with Burma's neighbors and international organizations to coordinate more effectively pressure for change. This holistic approach holds the best chance of achieving real results.

When he arrives in Naypyidaw for the first time early in his tenure, the President's envoy will need to assess the implications of recent developments in Burma, including the release of Daw Aung San Suu Kyi from house arrest, the controversial 2010 elections, and the formation of a government led by a former top regime general and now President, Thein Sein.

Many questions linger about Burma's new Parliament and its "civilian" government. The elections that produced them reflected a deeply flawed process with highly restrictive rules that excluded the main opposition party, the National League for Democracy (NLD). All the while, the NLD's longstanding leader Daw Suu remained sidelined under house arrest. Members affiliated with the old regime and military appointees occupy almost 90 percent of all positions in the legislatures. While many former military officers now wear civilian clothes, Senior General Than Shwe's role in daily affairs is not readily apparent. It is similarly unclear how much power various institutions such as the Presidency, Vice Presidencies, the Cabinet, the Parliament, the United Solidarity and Development Party and the Tatmadaw (the military) will wield over time.

If confirmed, I expect Mr. Mitchell will test and probe in principled ways to understand the new political dynamics inside Burma and see if there is a possibly changing environment that is more amenable to calls for reform. This will require him to consult broadly with various stakeholders, including the government; Daw Suu and other current and future NLD leaders; other legitimate democratic groups; civil society; ethnic groups; and, of course, the international community. While creatively exploring how best to encourage political change, our envoy will also need to search for ways to help Burma's people today, including through more effective implementation of humanitarian programs that can empower them.

The Burmese Government could take some tangible steps to show it is sincere about making real progress: Releasing political prisoners, easing media and speech restrictions, making good on President Thein Sein's recent promises of economic reforms, devoting more resources to education and health, as well as allowing greater space for international and nongovernmental organizations to help meet the critical needs of the Burmese people would be a good start. Minimal concrete steps to date

in these areas combined with deeply troubling reports of sensitive military technology transfers from North Korea and renewed violence in Kachin state and other ethnic regions make fair-minded observers wonder whether Burma is still conducting "business as usual."

I believe the administration is prepared to improve ties with Burma's Government if it breaks from the policies of the past. For their part, Burmese diplomats have repeatedly expressed a desire for better relations. In fact, they recently asked for a few modest U.S. measures to build confidence such as calling the country by its current name—Myanmar—and removing travel restrictions on visitors to its United Nations Mission in New York, who have to adhere to a 25-mile limitation. Yet, there has been very little progress by Naypyidaw on either core human rights concerns or an inclusive dialogue that leads toward national reconciliation.

In the months ahead, both sides should explore taking carefully calibrated measures independent of each other to begin a process that encourages constructive change inside Burma and could lead to serious talk on tough issues. Burma could grant the ICRC access to prisoners, for example, while the United States could allow it observer status in a signature, new U.S. program focused on environmental, health, education, and infrastructure development in mainland Southeast Asia called the Lower Mekong Initiative.

Make no mistake, U.S. efforts to encourage democratic reform and progress on human rights will get more traction if our envoy is able to forge greater multilateral cooperation on all facets of U.S. Burma policy. Other Southeast Asian countries can send a message about their own expectations by linking Burma's chairmanship of ASEAN in 2014 to tangible political progress. Burma's giant neighbors, China and India, are also indispensable partners in this equation.

My experience working to improve relations with Vietnam taught me that clear-eyed diplomacy, combining elements of pressure and engagement, can encourage even an authoritarian regime to change course, particularly if Washington works in concert with like-minded members of the international community.

I and others will be watching closely to see whether Burma's Government is interested in a path toward peace and democracy or whether it remains anchored to the failed policies of the past.

The appointment of a U.S. Presidential envoy dedicated to Burma will afford its leaders an important, new opportunity to pursue policies that benefit their people, can improve relations with the United States, and begin to repair their international reputation.

Senator WEBB. Go ahead, Mr. Mitchell.

Mr. MITCHELL. Thank you, Mr. Chairman.

Mr. Chairman, I am honored to appear before you today as President Obama's nominee to serve as the Special Representative and Policy Coordinator for Burma with the rank of Ambassador. I am truly humbled by the confidence that President Obama and Secretary of State Clinton have shown in me by this nomination.

As you are well aware, Mr. Chairman, Burma is a nation rich in history, rich in culture, and rich in possibility. At the crossroads of South and Southeast Asia, Burma sits on sea lanes, natural resources, and fertile soil that create the conditions for potentially unlimited development.

It is, therefore, particularly unfortunate that while much of Southeast Asia has become more free, prosperous, and globally interconnected in recent decades, Burma has been the outlier.

Burma remains a country at war with itself and distrustful of others. With a Government that has chosen for several decades to distance itself from the outside world, Burma now is the poorest country in Southeast Asia and a source of great concern and potential instability in the region.

Although rich in natural and human resources, nearly a third of Burma's population lives in poverty. Hundreds of thousands of its citizens are internally displaced and thousands more continue to seek refuge and asylum in neighboring countries, largely due to the

central authority's longstanding conflicts with and systematic repression of the country's ethnic minority populations.

Over 2,000 political prisoners languish in detention, even as Burma's military continues to routinely violate international standards of human rights.

And although the Burmese Government has claimed a successful transition to a "disciplined, flourishing democracy," a political system that exhibits anything close to recognizable standards of representative democracy remains to be seen.

As a result, United States relations with Burma have been strained. Over the past 2 decades, however, international policies of either pressure or engagement, as you have suggested yourself, Mr. Chairman, alone have not produced the change in Burma that we and the rest of the international community seek.

In September 2009, the Obama administration completed its Burma policy review and announced its intention to pursue a more flexible U.S. policy approach that integrated both sanctions and engagement, a dual-track approach fully consistent with President Obama's call for "principled engagement" with nations around the world.

Congress' establishment of a Special Representative and Policy Coordinator for Burma was meant, in my view, to enable a more focused, sustained, coordinated, and ultimately effective attention on Burma by the U.S. Government.

Although United States policy toward Burma has evolved, the overriding objective has and, I believe, should not: The United States still seeks a peaceful, prosperous, open, and democratic Burma that respects the rights of all its citizens and that adheres to its international obligations. The United States remains prepared to establish a positive relationship, based on mutual respect and mutual benefit, with a Burmese leadership that adheres to and advances these principles.

If I am confirmed, Mr. Chairman, I will seek opportunities for direct and candid dialogue with the regime concerning a path forward for our relationship with Burma that is consistent with our values and broader national interests, and contributes to Burma's own development as a secure and prosperous nation at peace with itself. I will report regularly, including to the U.S. Congress, on the results of this engagement, so we may calibrate our dual-track policy appropriately.

I believe we should be prepared to respond flexibly and with agility to opportunities as they arise in Burma, according to evolving conditions on the ground.

If confirmed, I will also conduct extensive consultations with key stakeholders inside and outside government, at home and abroad. My objective will be to implement U.S. law faithfully and coordinate efforts to advance our common objectives.

To date, in my view, the inability of key members of the Burma-interested community around the world to coordinate their approach to Burma has only undermined the effective realization of our shared objectives.

Mr. Chairman, I believe I have the right mix of skills, experience, and regional expertise to carry out fully the congressional mandate for this position. I currently serve, as you said, as the

Principal Deputy Assistant Secretary of Defense for Asian and Pacific Affairs, where I have been responsible for overseeing U.S. security policy and strategy throughout East, Southeast, South, and Central Asia.

I have more than 20 years of experience studying and working on Asia from various perspectives, both inside and outside of government, from within the United States and in Asia itself.

Mr. Chairman, I know you take a particularly keen personal interest in the situation in Burma, as do many others in Congress, throughout our country, and around the world. It is a country of unique interest to me as well. It would be a great privilege to serve my country as the first Special Representative and Policy Coordinator for Burma.

If confirmed, I will bring the full weight of my diverse experience, personal contacts, understanding of Asia, and strategic instincts to this position. I will consult closely with you and other members of this committee in Congress to fulfill the mandate of this position in the interests of the United States and toward the betterment of the people of Burma.

Thank you for considering my nomination. I look forward to your questions.

[The prepared statement of Mr. Mitchell follows:]

PREPARED STATEMENT OF DEREK MITCHELL

Mr. Chairman, and members of the committee, I am honored to appear before you today as the President's nominee to serve as the Special Representative and Policy Coordinator for Burma with the rank of Ambassador. I appreciate the confidence that President Obama and Secretary of State Clinton have shown in me by this nomination.

As you are well aware, Burma is a nation rich in history, rich in culture, and rich in possibility. At the crossroads of South and Southeast Asia, Burma sits on sea lanes, natural resources, and fertile soil that create the conditions for potentially unlimited development.

It is therefore particularly unfortunate that while much of Southeast Asia has become more free, prosperous, and globally interconnected in recent decades, Burma has been the outlier. Burma remains a country at war with itself and distrustful of others. With a government that has chosen for several decades to distance itself from the outside world, Burma now is the poorest country in Southeast Asia and a source of great concern and potential instability in the region. Although rich in natural and human resources, nearly a third of Burma's population lives in poverty. Hundreds of thousands of its citizens are internally displaced and thousands more continue to seek refuge and asylum in neighboring countries largely due to the central authority's longstanding conflicts with and systematic repression of the country's ethnic minority populations. Over 2,000 political prisoners languish in detention, while Burma's military continues to routinely violate international human rights.

Overall, the average Burmese citizen lacks fundamental freedoms and civil rights. Although the Burmese Government has claimed a successful transition to a "disciplined, flourishing democracy," a political system that exhibits anything close to recognizable standards of representative democracy remains to be seen. I am encouraged that the new President of Burma speaks of reform and change, but the pathway to real national reconciliation, unity among its diverse peoples, and sustainable development requires concrete action to protect human rights and to promote representative and responsive governance.

As a result, U.S. relations with Burma have been strained. Over the past two decades, international policies of either pressure or engagement alone have not produced the change in Burma that we and the rest of the international community seek. In 2008, Congress directed the establishment of a Special Representative and Policy Coordinator for Burma to enable more focused, sustained, and coordinated attention on Burma by the U.S. Government. Consistent with this directive, in September 2009, the Obama administration completed its Burma policy review and announced its intention to pursue a more flexible U.S. policy approach that inte-

grated both sanctions and engagement to achieve results in Burma. This dual-track approach is fully consistent with President Obama's call for "principled engagement" with nations around the world.

Although U.S. policy toward Burma has evolved, our overriding objective has not: the United States still seeks a peaceful, prosperous, open, and democratic Burma that respects the rights of all its citizens and adheres to its international obligations. The United States remains prepared to establish a positive relationship, based on mutual respect and mutual benefit, with a Burmese leadership that advances these principles.

If I am confirmed, my role as "Special Representative and Policy Coordinator" will be to work closely with and build upon the excellent foundation established by Assistant Secretary of State Kurt Campbell and Deputy Assistant Secretary of State Joseph Yun in implementing Burma policy. I will seek opportunities for direct and candid dialogue with the regime concerning a path forward for Burma that promotes our values and broader national interests, and contributes to Burma's own development as a secure and prosperous nation. Of course, engagement is not an end in itself or the single measure of success: engagement must be time-bound, results-based, and accompanied by meaningful progress. If confirmed, I will report regularly to the White House, Secretary of State Clinton, and the U.S. Congress on the results of our dialogue and evidence of such progress so we may calibrate our dual-track policy appropriately. I believe we should be prepared to respond flexibly and with agility to opportunities available in Burma and according to evolving conditions on the ground.

If confirmed, I will also conduct extensive consultations with key stakeholders both inside and outside government, at home and abroad. My objective will be to implement U.S. law faithfully and coordinate efforts to advance the common international objectives of bringing about in Burma the unconditional release of all political prisoners, respect for human rights, an inclusive dialogue between the regime and the political opposition, including Aung San Suu Kyi, and ethnic groups that would lead to national reconciliation, and Burma's adherence to its international obligations, including all U.N. Security Council resolutions on nonproliferation. To date, in my view, the inability of key members of the international community to coordinate their approach to Burma has undermined the effective realization of our shared objectives.

Mr. Chairman, I believe I have the right mix of skills, experience, and regional expertise to carry out fully the congressional mandate for this position. My first job in Washington was in the foreign policy office of the late Senator Ted Kennedy, where I learned the importance of congressional oversight, particularly on international issues of unique interest to Members and the American people. I have more than 20 years of experience studying and working on Asia from various perspectives both inside and outside of government, from within the United States and in Asia itself. For 8 years, I led the Asia division at the Center for Strategic and International Studies (CSIS) International Security Program and established CSIS' Southeast Asia Initiative. I currently serve as the Principal Deputy Assistant Secretary of Defense for Asian and Pacific Affairs, where I have been responsible for overseeing U.S. security policy and strategy throughout East, Southeast, South, and Central Asia.

My first visit to Burma was in 1995, when I traveled to Rangoon with the National Democratic Institute for International Affairs and met with government officials, international NGO representatives, and political party leaders, including the remarkable Daw Aung San Suu Kyi. I made subsequent visits, which solidified my appreciation for the richness of the country's history and culture as well as the tragic limitations of its political and economic development. I retained a keen interest in Burma's affairs in the years since, and cowrote an article in the journal Foreign Affairs in 2007 that outlines a new U.S. policy approach to the country not dissimilar to results of the Obama administration's 2009 policy review.

Mr. Chairman, I know you take a particularly keen personal interest in the situation in Burma, as do many others in Congress, throughout our country, and around the world. It is a country of unique interest to me as well. It would be a great privilege to serve my country as the first Special Representative and Policy Coordinator for Burma. If confirmed, I will bring the full weight of my diverse experience, personal contacts, understanding of Asia, and strategic instincts to this position. I will consult closely with you and other members of this committee and in the Congress to fulfill the mandate of this position in the interest of the United States and toward the betterment of the people of Burma.

Senator WEBB. Thank you very much, Mr. Mitchell.

And, Ms. Reed, welcome.

Let me first mention that, as the congressman noted in his introduction, Frankie A. Reed is a career Foreign Service officer. She served in Cameroon, Kenya, Senegal, Samoa, Guinea, and France. Currently, she's Deputy Assistant Secretary of East Asian and Pacific Affairs for Australia, New Zealand, and the Pacific Islands. She has a law degree from the University of California at Berkeley, a bachelor's degree in journalism from Howard University. Prior to joining the Department of State, Ms. Reed practiced law, worked in print journalism, spent 2 years as a Peace Corps Volunteer.

And I know that you have people who have come to support your nomination, so I'd like to give you the chance to welcome them, and then we'll go to your testimony.

**STATEMENT OF FRANKIE ANNETTE REED, OF MARYLAND, TO BE AMBASSADOR TO THE REPUBLIC OF THE FIJI ISLANDS, AND TO SERVE CONCURRENTLY AS AMBASSADOR TO THE REPUBLIC OF NAURU, THE KINGDOM OF TONGA, TUVALU, AND THE REPUBLIC OF KIRIBATI**

Ms. REED. Thank you, Mr. Chairman. I have my cousin, Susan Reed Slocum, and her husband here today.

Senator WEBB. Welcome.

You may take such time as you care.

Ms. REED. Thank you, Mr. Chairman.

I am deeply honored that the President has nominated me to be the United States Ambassador to the Republic of the Fiji Islands, the Republic of Kiribati, the Republic of Nauru, the Kingdom of Tonga, and Tuvalu. I want to thank the President and Secretary Clinton for nominating me for this position, and thank you for the opportunity to appear before you and this committee today.

The United States Ambassador resident in Fiji, as we have noted, is responsible for the bilateral relationships with five independent nations.

Embassy Suva is a busy hub of American activity in the Pacific. The staff collaborates with multilateral organizations, including the Pacific Island Forum. In addition, the Embassy also has consular and commercial responsibilities for French Polynesia, New Caledonia, and Wallis and Futuna, making it the largest geographic consular district in the world, one which attracts over 150,000 Americans annually.

Fiji, in the heart of the Pacific region, is a diverse country of some 850,000 people. It is a regional transport and communications hub, as well as the site of the University of the South Pacific and the regional headquarters of many foreign aid organizations.

In December 2006, as we also noted, the Fijian military, led by Commodore Bainimarama, overthrew the country's lawfully elected government. This event has created a prolonged political and economic crisis in Fiji.

In accordance with the foreign operations assistance act, the United States suspended military and other foreign assistance programs in Fiji and will maintain these sanctions on Fiji until a return to a civilian government. That return must be signaled by a transparent, inclusive process that includes all elements of Fijian society.

We look forward to working with the Fijian Government on continued law enforcement training with police and port security officials, however. And, if confirmed, we also look forward to a deepened cooperation on disaster preparedness with the Pacific Command Center for Excellence.

If confirmed, I will work with the Fijian people, the government, and other regional partners to push for early elections, elections restoring Fiji to the path of democracy.

The Pacific Islands face many of the same global issues that other countries face, but in this particular region, the repercussions can be more acute.

These countries, many of them low-lying atolls, will be the first to experience the effects of climate change and environmental degradation.

Tuvalu, one of the world's smallest nations, has nine atolls only a few feet above sea level. Nauru's once bountiful phosphate mines are almost exhausted. The problem of overfishing and threatened marine resources hits hard in the Pacific, since island states are dependent upon fish stocks not only for the sustenance of their people, but also as a major source of government revenue.

If confirmed, I will work with these nations and regional partners like the Secretariat of the Pacific Community, as well as our Australia and New Zealand partners, to address these pressing global issues.

Despite these challenges at home, these Pacific islands are our partners in fostering both regional and global stability. Tonga and Tuvalu became early members of the coalition to liberate Iraq. Tongan troops are currently serving in Afghanistan. Fiji contributes 600 soldiers to peacekeeping operations in Iraq, the Middle East, Sudan, and Liberia.

Fiji, Kiribati, Nauru, Tonga, and Tuvalu occupy a strategically important part of the Pacific. They are our partners in addressing critical global and regional issues.

If confirmed, I will do my best to continue to strengthen relations between the United States and each of these five countries. Working together, we can achieve our common goals for a stable, peaceful, and prosperous region.

Thank you.

[The prepared statement of Ms. Reed follows:]

PREPARED STATEMENT OF FRANKIE REED

Mr. Chairman and members of the committee, I am deeply honored that the President has nominated me to be United States Ambassador to the Republic of the Fiji Islands, the Republic of Kiribati, the Republic of Nauru, the Kingdom of Tonga, and Tuvalu. I want to thank the President and the Secretary for nominating me for this position and thank you for the opportunity to appear before you today.

Currently, I serve as the Deputy Assistant Secretary in the Bureau of East Asian and Pacific Affairs responsible for relations with Australia, New Zealand and the Pacific Island posts (Fiji, Tonga, Kiribati, Samoa, Papua New Guinea, Vanuatu, Solomon Islands, Republic of the Marshall Islands, Federated States of Micronesia, and Palau), the Consul General and Deputy U.S. Observer to the Council of Europe and the European Court of Human Rights in Strasbourg, France, the Deputy Chief of Mission in Guinea and in Samoa, and as the Deputy Director in the Office of Australia, New Zealand and Pacific Island Affairs. My service outside of the Department of State includes that of Diplomat in Residence at the University of California and as a Pearson Congressional Fellow.

The U.S. Ambassador resident in Fiji is responsible for the bilateral relationships with five independent nations. Embassy Suva is a busy hub of American activity in the Pacific. Some 26 American employees and 80 Foreign Nationals work to advance U.S. interests over a stretch of the Pacific Ocean. The dedicated staff members collaborate with multilateral organizations, and promote regional public diplomacy activities, environmental programs and policies, the National Export Initiative, and defense-related relationships on a daily basis. If confirmed, I will engage closely with the Pacific Islands Forum continuing the good work of my predecessor, who was designated as the first U.S. Representative to the PIF. The Embassy also has consular and commercial responsibilities for French Polynesia, New Caledonia, and Wallis and Futuna, making this geographically the largest consular district in the world, spanning across 3,000 miles and attracting approximately 55,000 Americans annually.

Fiji, located in the heart of the Pacific region, is an ethnically and religiously diverse country of 850,000 people. It is a regional transport and communications hub, as well as the site of the University of the South Pacific and the regional headquarters of many foreign aid organizations, NGOs, and multilateral organizations, including the Pacific Islands Forum Secretariat. The New Embassy Compound in Suva, opened in June this year, serves four other U.S. Embassies in the region as the hub for our Regional Environmental, Labor, Law Enforcement, Public Diplomacy, and Defense offices.

Fiji's unique position in the Pacific makes it a key focal point for our larger regional engagement with the South Pacific. In comparison with other small Pacific Island nations, Fiji has a fairly diversified economy. It remains a developing country with a large subsistence agriculture sector, and Fiji is rich in natural resources including gold, timber, and marine fisheries. For many years, sugar and textile exports drove Fiji's economy. However, neither industry is currently competing effectively in globalized markets. Additionally, remittances from Fijians working abroad, and a growing tourist industry—with 400,000 to 500,000 tourists annually—are the major sources of foreign exchange. However, Fiji's tourism industry as well remains damaged by the coup and continues to face an uncertain recovery time.

In December 2006, the Fijian military, led by Commodore Voreqe (Frank) Bainimarama, overthrew the country's lawfully elected government creating a prolonged political and economic crisis in Fiji. Fiji's coup leaders have not taken any credible steps to restore democratic institutions. The public emergency regulations remain in place; the press remains heavily censored and the right to assembly is severely restricted. The United States has consistently advocated for the Fijian regime to take steps to return democracy to the Fijian people by holding free and fair elections and an end to Fiji's Public Emergency Restrictions (PER). A promise to hold in 2009 did not materialize and the government has now said it will hold elections in 2014.

A key feature of our engagement with Fiji is close consultation and coordination with Australia, New Zealand, and other regional players. We seek more direct engagement with Fiji's Government and encourage it to take the necessary steps to restore democracy and freedom. By taking credible steps toward an increased civilian role in government, lifting of the PERs and other democratic reforms, Fiji can work toward reintegrating into international institutions and restoring its former international role. Assistant Secretary Campbell is in the region now continuing our engagement with our friends in the Pacific; and if confirmed, I will do the same. Also, we look forward to discussing Fiji at the upcoming September Pacific Island Forum Leaders meeting in Auckland.

Following the 2006 coup, the United States suspended military and other assistance to Fiji under section 7008 of the Foreign Operations Appropriations Act. This suspension applies to foreign military financing, International Military Education and Training grants, peacekeeping operations, and military aid that falls under section 1206 of the of the 2006 Defense Authorization law. The United States will maintain these sanctions on Fiji until a return to civilian government, signaled by a transparent, inclusive, open-ended process including all elements of Fijian society. U.S. foreign assistance to Fiji has been suspended due to the coup. If it resumes due to a return to a democratically elected government, assistance will remain focused on security for Fiji.

On occasion the United States cooperates with civilian police authorities and, if confirmed, I will continue to work with the Fijian Government on law enforcement training with police and port security officials. The United States also plans to provide substantive technical assistance toward an elections process once Fiji's Public Emergency Restrictions are lifted and credible democratization timetables are implemented. Fiji's Strategic Framework for Change envisions a timeline for elections in 2014, but inclusive national dialogue and concrete steps to restore a democratic

process should begin as early as possible. If confirmed, I am prepared to meet with all levels of government, civil society, and other regional partners, to push for early elections and restoring democracy in Fiji.

Pacific Island nations face many of the same global issues that other countries face, but in this particular region, the repercussions can be more acute. These countries, many of them low-lying atolls, will be the first to experience the effects of climate change and environmental degradation. Tuvalu, one of the world's smallest nations, has nine atolls only a few feet above sea level. Nauru's once bountiful phosphate mines are almost exhausted. HIV/AIDS, drug smuggling, and human trafficking are also growing concerns. The problem of overfishing and threatened marine resources, another global problem, hits hard in the Pacific, since Island states are dependent upon fish stocks not only for the sustenance of their people, but also as a major source of government revenue. Non communicable diseases like diabetes and heart disease among the Pacific Island population are also an area of increasing concern. Kiribati participates in regular consultations based on our 1979 Treaty of Friendship.

The challenges are many, but these small states are open to working with us, and we have learned that focused, timely engagement can have a large impact. If confirmed, I will work with all members of the U.S. Government and private sectors, as well as regional partners like Australia and New Zealand to try to address these pressing issues. Historically, Pacific Island nations have been our friends but others are increasing their profile in this strategic region, and we want to ensure that nothing gets in the way of our close mutually supportive cooperation.

Despite these challenges at home, these Pacific Islands are our partners in fostering both regional and global stability. In the recent November 2010 elections, Tonga has shown its commitment to the region in being consistent in its vision toward democratization in that country. Tonga and Tuvalu were early members of the coalition in Iraq. Tongan troops are currently serving in Afghanistan. Fiji contributes approximately 600 soldiers toward peacekeeping operations in Iraq, the Middle East, Sudan, and Liberia.

Fiji, Kiribati, Nauru, Tonga, and Tuvalu occupy a strategically important portion of the Pacific. They are our partners in addressing critical global and regional issues. If confirmed, I will do my best to continue to strengthen relations between the United States and each of these five countries. Working together, we can achieve our common goals for a stable, peaceful and prosperous region.

Senator WEBB. Thank you very much.

And I should point out that your full statements, if they vary at all from what you said, will be entered into the record at the conclusion of your oral statements. Also that there may be other members of the committee who have questions, and the record will be held open until tomorrow evening, in case they would like to submit those questions in writing and have them included as part of the record.

Let me start, Mr. Mitchell, with some questions for you.

First a technical one: Have you been informed as to how your position is going to fit into the hierarchy of the State Department? Who's going to be the lead person for policy toward Burma? And how are you going to fit into that?

Mr. MITCHELL. Well, it is the first time someone will have this position, so it will need to be worked out over time and in practice.

I have been told that I will take a lead role on Burma policy but, obviously, in consultation with East Asia-Pacific office there, with Kurt Campbell, with Joe Yun, and obviously in close consultation with the Secretary. But I've been told that I'll be taking a leading role in consultation, in essence.

Senator WEBB. We haven't had an ambassador to Burma since 1990, how do you feel about this in terms of affecting your ability to engage the Government and the diplomatic representatives of other countries in Burma?

Mr. MITCHELL. I think we can engage effectively. This has been a longstanding issue. We haven't had an ambassador for a couple

decades now. But I think it's a matter of what we say and how we say it, as well. We need to take this a step at a time.

But I think we can engage effectively with the chargé there and with my position and other channels.

Senator WEBB. A key part of your role as defined by the JADE Act is to consult with regional partners and others to coordinate policy. What is your view of ASEAN's current policy toward Burma?

Mr. MITCHELL. Well, ASEAN has traditionally taken a different approach. They have their ASEAN way of noninterference and very strict notions of sovereignty and such.

Things are changing. Things are evolving within ASEAN. There are some key members, including Indonesia, that have made the transition from a Burma-like system to a democracy.

So things are shifting there. They want to hold together, though, so there is a kind of consensus approach that limits the ability to take a more hard-line toward Burma.

They have sought engagement. They've pursued the constructive engagement approach for some time. I think they realize, as we have, as I said in my statement, that pure engagement, pure pressure is not necessarily getting the results we want.

And a key aspect of my job, a central aspect of my job, is going to be coordinating with ASEAN, coordinating with ASEAN nations to find a coordinated approach that gets us further down to where we both want to be.

Senator WEBB. As you know, there is some serious discussion that Burma may chair ASEAN in 2014 and that this prospect could actually incentivize the Government toward more rapid change. What is your view or has the State Department taken a view on this as of yet?

Mr. MITCHELL. I don't think the State Department has taken a view. This is for the ASEANs to determine themselves.

But I'm sure there's diplomatic outreach to ASEAN talking about this issue, but I can't comment about where they stand on that.

Senator WEBB. What are your thoughts about that prospect?

Mr. MITCHELL. About chairing ASEAN? I think, frankly, where Burma is today—I mean, ASEAN recognizes that Burma is an outlier, that Burma is somewhat of an embarrassment to the organization, that it is not moving in the direction that they want it to, even with the so-called elections and such that have happened late last year and the government now in Naypyidaw.

So I think they're wondering, they're debating themselves, whether this is the right time and whether Burma itself needs to prove that it deserves that kind of position within ASEAN, to be basically the face of ASEAN for a year. That's pretty substantial.

I mean, Burma has some work to do in order to make ASEAN nations comfortable with that, and the rest of the international community, I should say.

Senator WEBB. You mentioned something a minute ago about Indonesia having evolved from a military system. Vietnam and China have never held democratic elections, yet have opened up their economies to the outside world, have spurred regional economic development, and have transformed their domestic societies a great deal through that process, which is obviously not perfect.

But Indonesia was a system viewed as corrupt and controlled by the military. But over the course of decades, it's evolved into a fairly successful democracy and a leader in Southeast Asia.

What type of model do you see for Burma's political and economic transition?

Mr. MITCHELL. Well, every country has its own model. There's no perfect cookie-cutter approach for countries. Burma will have its own path to development and progress.

Indonesia I think clearly provides a very, very useful model. They used to actually want to model themselves after Indonesia, before Indonesia changed. I would hope they would continue that talking point today, given how Indonesia has changed from being a military-dominated society to a democracy that is more stable than not and developing.

Burma hasn't made the choice that China and Vietnam have in terms of opening up, and economic reform and such. So I think they're very different situations, but we'll see how Burma proceeds.

Senator WEBB. Well, wouldn't you agree that one of the reasons that Burma hasn't made that choice is that they've had sanctions on them, and once sanctions were lifted—for instance, in Vietnam, once the trade embargo was lifted in 1994, it enabled a different type of interaction from the outside world, not only economic but on many different levels.

Mr. MITCHELL. I think Burma, traditionally, it's paranoia and it's xenophobia, and it's isolation. It's isolated itself for many decades.

And there's still that old thing there. There is a lot of concern about what this all will mean for the people in control of the system, including the economic system. They did that to themselves, and I think the sanctions were put in place in part because the sense was that the elites were doing well and the rest of the people were not. This was not a country that was seeking real change. It was maybe only enough change to benefit the few.

But we should watch how they develop. We should watch how they proceed and see if development can assist the people of Burma.

Senator WEBB. You would agree, would you not, that sanctions from the outside affect the ability of a country to evolve economically and in other ways? You can't just say that Burma did this to itself. I'm not defending the Burmese regime, but just the reality of how sanctions policies work.

Mr. MITCHELL. Sanctions certainly does affect our business investment and trade. There's no question about that.

But I think, fundamentally, the problem is not sanctions, when it comes to their economic development or where they are economically. I think, fundamentally, they have to make decisions about how they want to order their system in a way that really benefits the people of Burma.

Senator WEBB. Well, at a time when we have had these sanctions in place, Beijing has made well more than $5 billion in direct investment without asking for any sort of political change inside the country.

And I know from personal experiences of American businesses that were in Burma that had to leave once the sanctions were put into place. And the comment at the time, this was 2001, was that

we were going to cut off our ability to help effect change inside the country.

So wouldn't you agree that a two-step approach, similar to what we have in place but taking advantage of signals from this newly formed government, would possibly include lowering sanctions?

Mr. MITCHELL. Well, as I said in my testimony, as well, I think we do need to be flexible. We need to evolve according to conditions on the ground, if we see things are fundamentally changing.

I mean, I don't think there's an ideology of sanctions—it is the law, of course. I'm going to fulfill the law and it's up to Congress to lift these restrictions. It won't be up to me, necessarily.

But clearly, we need to watch what's going on there, and if we do find, as in our humanitarian assistance, that we are able to get in and help the people of Burma, truly help the people of Burma through our engagement in that way, then we ought to be considering that.

But right now, we're not necessarily seeing those signals, and I don't think we're seeing the change from the Burmese Government that makes that productive.

Senator WEBB. I hope you get your feet on the ground over there and maybe you can come back and have another discussion about what the signals are. Thant Myint-U, who I think is one of the most thoughtful and balanced observers of what's going on in Burma, is saying pretty strongly that there's a window here that could be taken advantage of, for the benefit of the United States position in that part of the world and also for the ability of the people inside the country to be able to reconnect with the international community.

And so, let's see if we can't get a really clear look at the signals that are being given off. And again, one of his comments to me was that this was a window. If we don't take advantage of it, it could very well go back the other way, and we certainly wouldn't want to see that.

Mr. MITCHELL. I should say, Mr. Chairman, he's a friend of mine. I've talked to him several times about this, and I've heard the same from him. And I certainly will keep my eyes and ears open. I'm not coming in with any preconceived notions in that regard.

Senator WEBB. You wrote an article in Foreign Affairs in 2007. One of the quotes was, "All parties have good reasons to make concessions. None of them can afford to watch Burma descend further into isolation and desperation and wait to act until another generation of its people is lost."

What are your thoughts about that now?

Mr. MITCHELL. I continue to believe that. That's why this position is meant to go out and coordinate and discuss with other partners around the world, with ASEAN, with India, with China, with Europe, and Japan, Korea, and others, about how we get a coordinated approach, where strict sanctions or strict engagement, which hasn't worked uncoordinated—maybe I think we can find ways that we can come together on a more coherent approach, even if we have different impulses.

Senator WEBB. Thank you.

Ms. Reed, I'd say, listening to the Congressman's introduction, and talking about this part of the world, I've had the pleasure of,

I'd guess I would say bouncing around Pacific Asia over the years and wearing different hats. I worked in Guam and Micronesia, at one point, as a military planner. I was out in different spots as a journalist. Also had the very emotional opportunity to visit Kiribati and the Solomon Islands when I was Secretary of the Navy. And Kiribati, as you know, was the site of one of the bloodiest battles in Marine Corps history, the Battle of Tarawa.

It was an incredible experience to stand on that narrow beach and look out at the amphibious vehicles that were still in the water, and think about all the sacrifices that went on in that remote place.

And so there are some of us up here who actually have, at some level, been involved in those issues. I worked pretty hard on this Trust Territory of the Pacific transition into the political divisions that are now Micronesia.

I wish you the best, and the one thing I think about when I am in that part of the world or remembering it, I was back in Guam and Tinian just a couple months ago, is what the Australians call the tyranny of distance.

And of course, I'd be interested in your thoughts in terms of challenges of your position, with the remote locations of these different countries that you're going to represent, represent us to.

Ms. REED. Thank you, Mr. Chairman. And I appreciate your comments, particularly I had the opportunity to listen to some of your discussion on Federated States of Micronesia a little over a year ago, when we were here for a confirmation hearing for our Ambassadors to Australia, New Zealand, and the Federated States of Micronesia.

As we are speaking, we have a group led by the Assistant Secretary. This is an interagency group with Admiral Walsh. They are visiting nine islands in the Pacific and just left Kiribati and are participating in memorial ceremonies also at each of the stops. I believe they are just leaving Tonga, also, now.

But the tyranny of distance is exactly that. I just came back from Papua New Guinea, where we were launching a women's conference, Pacific women leaders. And having missed all of the connections, it was about 29 hours. And that is the challenge.

I think what is important, in terms of U.S. engagement, is an understanding of the economics of that engagement and why it does necessarily cost more in terms of time and people power to undertake this.

It's also important in understanding what the economies of these island states are like and why it may take a bit more in terms of generating strong economies.

But certainly, not only the historical connection, in terms of regional security, the role that some of these island states, all of them, in supporting the United States and the United Nations, it's a very valuable investment.

Senator WEBB. We have a term in military planning called strategic denial. There are two different ways you look at territories. One is strategically where you need to be involved, and the other is strategically where you don't want somebody else to be, because it will affect your ability to do things. And the Pacific Ocean area, particularly Micronesia, but also Kiribati, these areas, have always

been a concern to United States military planners, in terms of how other countries might operate in the region and affect our ability to communicate.

What do you see as the involvement of other major nations in this region right now that we should look at, whether it's economic or otherwise, just involvement of larger countries in this region?

Ms. REED. I guess in formulating my answer to that, I was recently here with the Energy and Resources Committee discussing Palau and we talked about strategic denial. And while the impact of U.S. resources is probably, and I'm phrasing this carefully, a bit more apparent in the freely associated states, for historical reasons, and the compacts, of course, it is closely watched by those others.

Again, another recent trip I made where one of the countries that does not have a compact said they wish they did, OK?

I find in the Pacific, in particular in the small island states, because of the tyranny of distance, there's a lot of room for other powers to come in, if there's a void. And in my view, and having spent a lot of time out there—we lived in Samoa, Apia, Samoa, western, for 3.5 years, a lot of investment that has come in, in between that period of time, from other powers, and a lot of that, in my view, has to do with the absence—and when I say absence, the United States didn't leave the Pacific, but sometimes we are not as physically present as many of these countries would like.

Senator WEBB. I would strongly agree with your summation on that.

And what is it, in the areas that you're going to represent, the most important for the United States Government to be doing?

Ms. REED. These five countries present an opportunity, an almost unique opportunity, in terms of the ability for the United States to make a big difference in support for democratic reform, not only in Fiji, but in the other four.

Some of these systems have made great headway, Tonga, for example. But at the same time, it's an occasion to show our support through various support for civil society.

Because of the distance, it's important to have a physical presence. Engagement means much more than being able to access electronic media, some of which is almost nonexistent in many of these places.

When we talk about economic empowerment, this is a place where small investment can make a difference, support for small-business institutions, exactly what the U.S. Agency for International Development is so good at.

The Peace Corps is very present in some of these countries but has withdrawn from three. And again, a missed opportunity. You have island leaders who still talk about their Peace Corps teachers from 30 years back. And it has one of the more successful re-upping rates; that is, Peace Corps Volunteers who decide to do a third year or fourth in these island states.

And in terms of simply regional stability, I think U.S. presence, much of what the Pacific Command has been able to do out there, Pacific Partnership bringing medical clinics to the outer islands of many of these states, many people who have never had an opportunity to see a U.S. physician or nurse, setting up clinics.

That just touches on it just briefly, but I think there's room for quite a bit.

Senator WEBB. Thank you.

Mr. Mitchell, in several instances over the past year, the State Department has issued statements calling for Burma to fulfill its nonproliferation obligations, particularly with regard to North Korea.

Last May, Assistant Secretary Campbell made the comment, "We have urged Burma's senior leadership to abide by its own commitment to fully comply with U.N. Security Council Resolution 1874. Recent developments call into question that commitment."

Do we have evidence that Burma is noncompliant with U.N. Security Council Resolution 1874?

Mr. MITCHELL. I can't comment on that, personally. I don't know if we have that.

Senator WEBB. As policy coordinator, what steps do you intend to take to examine Burma's military relationship with North Korea, in particular China's role as an enabler in terms of a point of transshipment in this relationship?

Mr. MITCHELL. This is an absolutely critical issue. This is a core concern of ours, because there are reports and there seems to be some evidence of this relationship at a number of levels between North Korea and Burma. And it's one reason for engagement, is to be very frank and up front face to face, and tell them what's at stake if we get evidence that there is this relationship and they're violating U.N. Security Council resolutions. It will have substantial impact on any possibility of a betterment of certainly our bilateral relationship and their relations with the outside world.

Senator WEBB. There's a recent news report regarding possible shipments from North Korea to Burma. And Gary Samore, Special Assistant to the President, stated in the Wall Street Journal that Burma was among the countries that agreed to apply pressure on North Korea, and that contrary to initial press reports implying the ship was bound for Burma, the final destination of the North Korean ship was not known. This was the Wall Street Journal report of a comment by the Special Assistant to the President.

What is your view of this? Is this a positive development? Do you think it portends anything for future cooperation on nonproliferation?

Mr. MITCHELL. Well, I'd have to defer. I don't know about that report. I can't substantiate it. I don't know anything about that, so I'd refer to the State Department and the White House on that. But if there is evidence, then——

Senator WEBB. If it were correct, you would view that as a positive development?

Mr. MITCHELL. If correct, obviously very positive.

Senator WEBB. OK.

As I said, any questions for the record from other members of the committee can be submitted until close of business tomorrow.

I thank both of you for your testimony today and for your willingness to continue serving our country and for this very useful exchange.

This hearing is now closed.

[Whereupon, at 11 a.m., the hearing was adjourned.]

## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

RESPONSES OF DEREK MITCHELL TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* You made clear in your prepared remarks that the Obama administration policy you will pursue, if confirmed, is based on a more flexible approach that integrates sanctions and engagement to achieve results in Burma. This "dual-track" policy, as you noted, is reflective of President Barack Obama's broader call for "principled engagement" with countries worldwide. Thus far, the administration's engagement with Burma has yielded only modest results, as U.S. officials themselves point out. But it was also understood that this process would require some time and patience. While U.S. policy has evolved, the goal of a more open, democratic, peaceful, and prosperous Burma remains much the same. How will you approach the Burmese Government to advance these principles, and what will be your message to senior Burmese officials when you first arrive in Naypyidaw?

Answer. If confirmed, I will engage in a direct dialogue with senior Burmese officials in Nay Pyi Taw—as well as a full range of other leading players in the country—to listen to their perspective on the future direction of Burma, plans for democratic change, national reconciliation, economic reform, and protection of human rights, and frankly relay the perspectives and principles of the U.S. Government as they will affect our Burma policy going forward. My message to the Government and people of Burma will be that the United States harbors no animosity toward Burma but rather is committed to advancing Burma's own stated goal to become an open, just, democratic, and prosperous nation that adheres to international laws and principles, and serves as a responsible and respected member of the international community.

*Question.* Following last November's highly controversial elections, Burma's first Parliament in over 20 years completed its inaugural session from January to March 2011. Notwithstanding the fact that it is early and you have not had a chance to have first-hand conversations with relevant actors on the ground, what are your initial observations about how that institution is functioning? If confirmed, what principles would inform your consultations with opposition leaders, and based on those principles, with whom in the opposition would you most likely consult in addition to Daw Aung San Suu Kyi?

Answer. I was disappointed by media reports that noted Burma's parliamentary sessions were short and scripted and that members had to submit questions in advance. A true democratic legislature should serve as a forum for genuine debate and a check on executive branch power.

If confirmed, my consultations with opposition leaders would affirm these principles while ensuring that I consult with a full range of stakeholders, including civil society leaders, ethnic minority representatives, and political parties, in addition to Aung San Suu Kyi and the National League for Democracy and other groups, to enable me to understand the full range of thinking about Burma's future.

*Question.* Allegations have recently resurfaced that the Tatmadaw is seeking to obtain assistance from North Korea to develop nuclear weapons and missile technology. How do you view such claims and, more generally, the political-military relationship between Burma and North Korea? What might be motivating any Burmese efforts to acquire sensitive technologies from overseas?

Answer. I am troubled by reports of military-to-military ties between Burma and North Korea. If confirmed, I will monitor closely any reports or questions about illicit North Korea-Burma interaction and consult with the committee on any findings in an appropriate classified venue.

I will also raise our concerns about these reports in Nay Pyi Taw and urge the Burmese to be transparent in any dealings they have with North Korea and to comply with their international obligations, including full and transparent implementation of U.N. Security Council Resolutions 1718 and 1874.

*Question.* Burma's Ministry of National Planning Development reports Burma received $20 billion in inward foreign direct investment (FDI) in the fiscal year ending March 11, compared to $302 million in fiscal year 2010. The claim, if reasonably accurate, would seem to point to the challenges of coordinating international efforts to apply pressure on Burma. If confirmed, how would you try to address the growing

importance that Burma's neighbors seem to be placing on the country as an investment destination?

Answer. Burma is a country that is rich in natural resources, and I have seen reports that investment in the country is increasing, particularly in extractive industries. If confirmed, I will engage interested nations about the full range of interests and equities we share in genuine political and economic reform Burma, and our potential role in promoting that reform through coordinated and principled engagement. In addition, I would call upon the governments of Burma's neighboring countries to urge Burmese authorities to comply with international environmental, labor, and human rights norms.

*Question.* One of the responsibilities of the Special Representative is to consult with regional and international organizations and other countries to coordinate policies toward Burma. As you know, Burma is scheduled to chair ASEAN in 2014. Understanding that ASEAN's membership must ultimately reach their own decisions, how will you coordinate with them to leverage the ASEAN chairmanship to achieve improvement on human rights and more responsive governance?

Answer. If confirmed, I will coordinate and consult closely with ASEAN members individually and as an institution to encourage consideration of Burma's potential chairmanship in a manner consistent with ASEAN's own interests and reputation, and the ideals of ASEAN's own charter with respect to democratic principles, good governance, and respect for human rights. I believe the countries of ASEAN will have an essential role to play in assisting movement toward reform in Burma.

*Question.* If recent high-profile visits are instructive, China continues to exert considerable political and economic influence over Burma. China's ongoing practice is to shield Burma from criticism over its human rights record in global fora and to thwart international efforts to apply pressure on the Burmese Government that are intended to produce improvements in human rights and good governance. If confirmed, how would you approach China to coordinate our activities in ways that produce positive changes in Burma? Are there particular areas, for example, that you view as potentially ripe for cooperation with China?

Answer. If confirmed, I will pursue dialogue with Chinese officials to identify areas of shared concern and potential cooperation, and encourage China to consult not only with officials in Nay Pyi Taw but with a wide array of stakeholders. China's interest in stability on its borders provides an incentive for a common approach that encourages national reconciliation through dialogue with, rather than violence against, Burma's ethnic minorities. Likewise, China should understand that only through real political and economic reform will Burma achieve true stability, which in turn serves China's interests in the region.

*Question.* In recent years, India has shifted its approach on Burma to put a much greater emphasis on engagement with the Burmese Government. In New Delhi's view, a policy focused principally on engagement is more consistent with India's interests. Are there ways in which we can encourage India to conduct its engagement going forward so that it benefits a more diverse set of stakeholders in Burma and better prepares Burma for a transition to a more open, inclusive, and responsive political and economic order?

Answer. India could play a unique role in promoting genuine democratic reform in Burma, particularly as the largest democracy in the world and key regional player, but also due to close historical ties with Burma and a shared background as a former British colony. India's free press, flourishing civil society, and ethnic diversity offer a useful example for Burma's future. India has a wide range of national interests in Burma that affect its calculations in dealing with the country. I am convinced, however, that India and the United States have a mutual interest in national reconciliation, reform, and true stability in Burma based on democratic principles. If confirmed, I will consider it an important part of my job to engage India to determine how we can leverage our respective strengths and interests toward a coordinated international approach to Burma that achieves our common goals, promotes reform, and benefits the people of Burma.

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RESPONSES OF DEREK MITCHELL TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* The Governments of Thailand and Burma have a reciprocity agreement to return military personnel of the other country who have fled their country of origin. During the last 4 years, over 100 Burmese military personnel who fled to Thailand were reportedly returned to Burma. Some of these individuals were hoping to

defect to the United States. Will you work within the Obama administration to develop a strategy for approaching Thailand officials to reconsider the policy of returning fleeing military personnel from Burma, especially those who desire relocating to the United States?

Answer. If confirmed, I will consult closely with administration officials as well as Thai Government officials to help ensure appropriate protection for all Burmese fleeing the country, including former members of the military. We need to continue to emphasize to Thai authorities that any return of Burmese nationals to Burma be voluntary and in line with international norms. We will continue to work closely with UNHCR to assist Burmese refugees needing protection and durable solutions to their refugee circumstances, including through resettlement in the United States.

*Question.* Why have economic sanctions targeting Burma's junta not been fully implemented by the U.S. Government? For example, the U.S. Treasury Department has not terminated correspondent relationships between overseas financial institutions holding assets of key junta officials and U.S. financial institutions, as allowed under present U.S. law. When asked about this, Treasury officials advised that such action would require the approval of the Department of State, and was unlikely to be received.

Answer. Our sanctions against Burma are comprehensive and target senior government officials and their cronies, among others. As warranted by conditions on the ground and new information, our ability to tighten sanctions is an extremely important lever of pressure on the regime. We appreciate the authorities Congress has provided through the JADE Act.

If confirmed, I intend to thoroughly review implementation of all existing sanctions, including those authorized and imposed under the JADE Act, to ensure that our sanctions regime complies with the law and is implemented as effectively as possible.

*Question.* In 2009, a Burmese military official seeking to defect to the United States was turned away at the American Embassy in Bangkok. What are the instructions provided to U.S. embassies on how to respond to persons from Burma seeking asylum?

Answer. The Department issues annual guidance to all embassies on procedures for handling foreign national walk-ins. We have confirmed that our embassies in the region follow these procedures for any Burmese military personnel who may approach the embassy. Embassies are instructed to coordinate with UNHCR regarding persons seeking asylum. We will continue to monitor these types of situations closely and coordinate with the appropriate entities to respond to the needs of any Burmese asylum seekers, including military personnel, who may approach an embassy in the region.

*Question.* Please provide the dates and details of communications since 2008 inclusive, when U.S. officials based in the U.S. Embassy in Rangoon approached Burmese officials asking that officials of the International Red Cross be allowed to visit with imprisoned political prisoners?

Answer. At every opportunity, we call on the Government of Burma to release all political prisoners immediately and unconditionally. We are concerned by the International Committee of the Red Cross' lack of access to prisons in Burma. I am unable to address the specifics of this question at this time. However, if confirmed, I will do all I can to facilitate this inquiry and provide information through a classified briefing if you are still seeking this information at that time.

*Question.* What steps have been taken by the U.S. Government to encourage countries neighboring Burma to accommodate child soldiers seeking to escape from their forced service in Burma's military?

Answer. We consistently call on Burma's neighboring countries to provide safety and protection to all Burmese fleeing the country, including children seeking to escape involvement in military activities. We work with the international community, including at the United Nations, to continue to shed light on the deplorable human rights situation in Burma and to urge the Government of Burma to cease this practice and respect basic human rights of all its citizens. Together with the international community, we are urging the government to grant the United Nations access to areas where children are recruited.

*Question.* If confirmed, will you support Secretary Clinton's call for a Commission on Inquiry related to Burma?

Answer. If confirmed, I will fully support Secretary Clinton's commitment to seek accountability for the human rights violations that have occurred in Burma by

working to establish an international Commission of Inquiry through close consultations with our friends, allies, and other partners at the United Nations.

*Question.* In addition to the export of missiles to Burma from North Korea, are North Koreans assisting with the manufacture of missiles inside Burma?

Answer. I would refer you to the intelligence community for an answer to this question. If confirmed, I will monitor closely any reports or questions about illicit North Korea-Burma interaction and consult with the committee on any findings in an appropriate classified venue.

*Question.* What are the projected annual numbers of MANPADS exported to Burma from North Korea and what are the projected numbers of MANPADS reportedly manufactured inside Burma on an annual basis?

Answer. I am unable to provide answers to these questions at this time and would refer you to the intelligence community. If confirmed, I will do all I can to facilitate this inquiry and provide answers to the committee through a classified briefing, if you are still seeking this information at that time.

*Question.* What is the status of the nuclear reactor reportedly under construction in Pakokku Township, Magway Division, Burma? How many North Koreans are estimated to be working at this facility?

Answer. I am unable to provide answers to these questions at this time and would refer you to the intelligence community. If confirmed, I will do all I can to monitor reports of questionable Burmese activities and ensure the committee receives answers to its questions on this account in the appropriate classified venue.

*Question.* Is the reported collaboration between Burmese and North Korean officials in Pyin Oo Lwin connected to Burma's efforts to develop a nuclear weapons program?

Answer. I would refer you to the intelligence community for an answer to this question. I can say, however, that if confirmed I will monitor closely any reports of collaboration between Burma and North Korea, including but not limited to those that may violate U.N. Security Council resolutions, and will consult with the committee on this matter in the appropriate classified venue.

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RESPONSES OF FRANKIE REED TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* Please describe the objectives and efforts of U.S. IMET programs in the Pacific, particularly in countries that do not have their own defense forces.

Answer. IMET is an important component of the administration's broader commitment to strengthen our engagement with the Pacific region at a time when other countries are intensifying their interactions with the Pacific Islands. Modest U.S. security assistance to the Pacific Islands provides local security personnel the necessary technical training to enhance their maritime security capabilities while improving their professionalism. The links we develop between our respective security forces have an important people-to-people component that help us maintain close relations across the generations and at all levels of society.

In particular, Tonga, despite its small size and isolated geography, has been a valuable and regular contributor to U.S. and international security—with deployments to Iraq, Afghanistan, and the Solomon Islands. Nauru and Kiribati also support the Regional Assistance Mission to the Solomon Islands.

*Question.* What is the nature of the relationship between U.S. officials in Fiji and Commodore Bainimarama? Please provide the committee with a copy of his biography.

Answer. The U.S. Ambassador has had over the past 3 years a cordial but distant working relationship with Commodore Bainimarama. Commodore Bainimarama has not always accepted the Ambassador's requests for meetings and one-on-one meetings between the two have been limited. Bainimarama has not welcomed the Ambassadors's overtures to discuss specific ways that the United States could help Fiji return to civilian government and democracy. However, the Ambassador and Embassy officials have had an excellent working relationship with the Minister of Foreign Affairs and his staff. Embassy officials work with Fiji Government officials at all levels and on areas of mutual concern, particularly law enforcement cooperation, disaster response and votes in the United Nations.

*Question.* During the last 2 years, what has been the nature of communication between U.S. and Chinese officials in Fiji?

Answer. Embassy officials have a friendly and constructive relationship. Embassy officials periodically meet to discuss possible mutual cooperation on development and humanitarian assistance as well as consular affairs to ensure better disaster preparedness for overseas American citizens and Chinese citizens.

*Question.* Please outline in detail, the U.S. export strategy for the Republic of the Fiji Islands and the other areas where you will represent the United States.

Answer. The Embassy seeks to use the National Export Initiative as a mechanism to increase exports from the United States to the region. Pacific Island countries would benefit from using U.S.-generated bioengineered agricultural products and techniques to increase food production. Exporting green technologies, particularly to reduce the burden of high fossil fuel costs, also would expand U.S. markets. Favorable exchange rates currently provide opportunities to export poultry, meat, and vegetables. The establishment of a Web-based American-Pacific Chamber of Commerce would strengthen trade ties and bolster economic activity. In addition, labor mobility strategies for Pacific Island countries largely dependent on wage remittances would greatly enhance their purchasing power.

*Question.* Please outline and compare U.S. and Chinese foreign assistance to the Republic of Fiji.

Answer. The United States does not provide traditional foreign assistance to Fiji. On occasion, our efforts focus on capacity-building, training, and technical assistance, particularly in law enforcement, disaster management, and leadership training for civilians. China still supports significant "brick and mortar' projects, such as roads, housing, and other facilities, using Chinese companies. Both countries allow for small numbers of Fijian students to attend colleges and universities in their respective countries.

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## PREPARED STATEMENT OF DEREK MITCHELL TO QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

### REPORTING LINES AND STAFFING PATTERN

In order for this position to be effective, the Special Representative and Policy Coordinator will need to be able to work across bureaus at State and across agencies, particularly with regard to the policy coordination mandate of the position. As the person in this position will be working on such complex interbureau and interagency efforts as the Commission of Inquiry, the disposition of banking and other targeted sanctions, and questions of aid and investment policy, it is important that they have the imprimatur of a direct reporting line to the Secretary of State and the interagency convening authority that comes with it. At the same time it is important to understand where the Special Representative/Coordinator will fit within the existing hierarchy and policy processes dealing with Burma, and what mechanisms will be put in place to ensure that the Special Representative's role is integrated effectively into those processes.

*Question.* Would you please provide all information regarding the expected reporting lines for the Special Representative and the Department's justification for its proposed arrangement; and additional information on the proposed reporting lines between the Special Representative and the EAP front and Burma offices, Embassy Rangoon, and other relevant officers?

Answer. We expect that the Special Representative and Policy Coordinator for Burma will report to East Asia and Pacific Affairs Assistant Secretary Kurt Campbell and through him to the Secretary of State. The Department believes this reporting line will ensure that U.S Burma policy is integrated with our overarching policy in Southeast Asia and East Asia more broadly. The Special Representative will consult closely with our Embassy in Rangoon and all offices in the Department that have equities in Burma, as well as across the interagency, to ensure that our policy on Burma is comprehensive and coordinated.

*Question.* Would you please provide the committee with additional information regarding the proposed staffing pattern for the office, including the anticipated number and type of staff that the Special Representative's office will be allocated to carry out its work?

Answer. The Special Representative will be supported by a Special Assistant and an Office Management Specialist. As needed, the East Asian and Pacific Affairs Bureau will work to ensure that the Special Representative is adequately supported to ensure he can fulfill his mandate.

ASSISTANCE POLICY AND PROGRAMS

You noted that the U.S. Government has recently broadened the scope of its assistance programs inside Burma to assist directly the Burmese people through aid interventions. We are also seeing some other key donors moving to increase the nominal value of their aid programs in Burma and expand the types of activities in which they are engaged. Also, investment and aid from China in Burma varies widely. Some commentators have noted the deleterious effects of Chinese assistance to the Burmese Government as undermining the efforts of other donors to provide more responsible assistance.

*Question.* Could you elaborate on the current U.S. Government policy on humanitarian and development assistance in Burma, including examples of the types of activities that we consider to be possible at this time as well as those areas that remain outside the scope of current policy?

Answer. Current U.S. Government policy is to ensure all of our assistance programs are humanitarian or focused on democracy-building. Our assistance in Burma is designed to address the core problem of governance by empowering civil society to demand more responsive and democratic government, while also tackling the more immediate humanitarian issues that impede a democratic transition.

Burma is the poorest country in Southeast Asia and approximately one-third of Burma's people live in poverty. Our humanitarian assistance inside Burma combats public health threats, helps meet basic needs of refugees and migrants along Burma's borders, and addresses critical transnational challenges including infectious disease. Our democracy-building activities aim to develop and empower Burma's fragile civil society through training, education, and other civic capacity-building programs. The U.S. Government provides all humanitarian, health, and democracy assistance to Burma through U.N. agencies, international nongovernmental organization partners and local civil society organizations.

Any assistance activities that are outside of humanitarian or democracy assistance, flow through or to the Government of Burma at the national or local level, or support the Government of Burma are outside the scope of current policy. I believe that until we see evidence of genuine change inside Burma, we must continue to carry out our assistance programs independent of the government.

*Question.* Could you detail how assistance programs inside Burma are related to longstanding U.S. programs to assist refugees and political activists working from exile to support political reform in Burma, as well as how changes in European policies and programs have impacted USG policy and funding decisions in this area?

Answer. The overarching U.S. interest in Burma is a peaceful, prosperous, democratic country that respects human rights and the rule of law. Our assistance contributes to this objective by strengthening civil society; meeting the basic needs of the most vulnerable Burmese inside the country, along the Thai-Burma border, and elsewhere in the region; and addressing critical transnational issues. Assistance programs inside Burma complement ongoing programs to assist refugees and political activists working from exile to support political reform in Burma. To help meet the needs of people on both sides of the border, our assistance programs operate from both inside Burma and from the border regions.

In FY 2010, we provided significant cross-border assistance, totaling $25.5 million for vulnerable Burmese along the Thai-Burma border and roughly 150,000 refugees residing in nine refugee camps in Thailand. In addition to humanitarian assistance programs inside Burma, democracy programs also operate from both sides of the border. Current programs inside Burma, for example, improve the operational ability of nascent civil society organizations, and provide grants for scholarships to Burmese citizens who return from overseas to provide social work within their communities. We have strict monitoring requirements in place to ensure none of our assistance flows to or through the government or military in any way and is delivered directly to the people of Burma.

The European Union's continued support for humanitarian assistance in Burma and Thailand is welcomed. In March 2011, the EU Commissioner announced its commitment to provide 22.25 million Euros in support of vulnerable Burmese communities in Burma and Burmese refugees in Thailand. We coordinate closely with the EU and other donor governments to ensure that adequate funding is sustained in order to meet the humanitarian needs of vulnerable Burmese.

*Question.* Would you please explain how you propose to engage both our fellow donors, multilateral aid agencies, and others like China on developing and implementing appropriate standards for assisting Burma? Is this an area where the

United States can engage directly with the National League for Democracy and others outside the ruling party to effect better programs and outcomes?

Answer. The U.S. Government has consistently sought to coordinate with and influence other countries and multilateral organizations on the provision of assistance to Burma. Our goal has been to ensure that any assistance, from U.S. taxpayer dollars or anoth sources, benefits the people of Burma and does not enrich the Government of Burma or its supporters. This engagement has taken place not only with partners such as Australia and the European Union, but also with countries and organizations such as China, Japan, Canada, the Republic of Korea, the Association of South East Asian Nations (ASEAN), and the U.N. and its agencies.

In addition to advocating appropriate parameters for assistance programs with the international community, we have engaged with an array of civil society groups including the National League for Democracy (NLD) and its leader, Aung San Suu Kyi, to solicit their views on assistance and effective methods to promote democracy and the growth of civil society inside the country.

Our engagement with the NLD and Aung San Suu Kyi and other nongovernment entities has taken place both through our Embassy in Rangoon as well as through senior-level visits and correspondence from Washington officials. If I am confirmed, I will ensure that we continue the provision of assistance with the same philosophy and goals and that we remain focused on the betterment of the Burmese people.

# NOMINATIONS

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**WEDNESDAY, JULY 13, 2011**

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

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Paul D. Wohlers, of Washington, to be Ambassador to the Republic of Macedonia
William H. Moser, of North Carolina, to be Ambassador to the Republic of Moldova
John A. Heffern, of Missouri, to be Ambassador to the Republic of Armenia
Thomas M. Countryman, of Washington, to be Assistant Secretary of State for International Security and Non-Proliferation
Jeffrey DeLaurentis, of New York, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, and Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations

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The committee met, pursuant to notice, at 3 p.m., in room SD–419, Dirksen Office Building, Hon. Jeanne Shaheen presiding.

Present: Senators Shaheen, Menendez, Barrasso, and Risch.

## OPENING STATEMENT OF HON. JEANNE SHAHEEN, U.S. SENATOR FROM NEW HAMPSHIRE

Senator SHAHEEN. Good afternoon, everyone. We have a full house. I hope that means we have lots of relatives and it's not just because there's nothing else going on in the Senate this afternoon. Welcome to all of you.

The Senate Foreign Relations Committee is here today to consider the nominations of: Paul Wohlers, to be Ambassador to the Republic of Macedonia; William Moser, to be Ambassador to the Republic of Moldova; John Heffern, to be Ambassador to the Republic of Armenia; Tom Countryman, to be Assistant Secretary of State for International Security and Non-Proliferation; and Jeffrey Delaurentis, to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, and Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations. I'm sure we have an acronym for that title. [Laughter.]

We will do these nominations in two panels, and today we will examine a wide variety of posts and positions with responsibilities spanning regions and institutions across the globe. Each of them is important in strengthening U.S. influence and in safeguarding American interests. I want to congratulate each of you on your nominations and welcome you and your families and friends as we discuss the challenges and opportunities that you face should you be confirmed.

In the interest of time, I'm going to submit my full statement for the record and point out that three of our nominees have been named for ambassadorial posts in important countries in the strategic regions of southern and Eastern Europe. Macedonia seeks full European integration, including by joining the EU and NATO. Its full integration can't be achieved, however, until the Macedonians and the Greeks resolve the lingering impasse over the country's name. Separately, Macedonia faced a parliamentary crisis earlier this year, due largely to complaints of media oppression.

Moldova is Europe's poorest country, according to the World Bank. It faces low living standards and a weak economy, but has shown a real commitment to reform and expanding democratic values.

We've maintained close ties with Armenia since the dissolution of the Soviet Union, due to Armenia's promotion of democratic principles. Unfortunately, the quality of recent elections and the failure to resolve the Nagorno-Karabakh issue have not been encouraging.

Today we also examine the United States relationship with the United Nations. In particular, we will look at the role of the U.N.'s peace and security functions, including peacekeeping operations.

Finally, the committee will examine the role the United States should be taking to prevent the proliferation of weapons of mass destruction, particularly nuclear weapons and materials. The proliferation of such weapons and materials threatens not only U.S. security, but global stability.

I want to thank each of you for your willingness to take on these important and challenging posts, and I look forward to hearing your views.

I want to take a moment to briefly introduce our first panel before turning it over to you for your opening statements, and I will also turn it over to Senator Barrasso to make a brief statement. But first up today is Paul Wohlers, the nominee to be Ambassador to Macedonia. Paul has a distinguished record in the Foreign Service, serving multiple tours in Europe and the Department's Executive Secretariat. He is a graduate of the Naval Academy and currently serves as the Deputy Executive Secretary at the State Department.

Next is William Moser, who has been nominated to serve as Ambassador to Moldova. William is also a Foreign Service officer, having served in a wide range of management officer positions. He currently serves as the Department's Deputy Assistant Secretary for Logistics Management.

Finally, we have John Heffern, nominated to be Ambassador to Armenia. A career member of the senior Foreign Service, John has a wide range of experiences, including extensive service in Asia and Europe. He additionally spent time on the Hill, first with Senator

Danforth and later as a State Department Pearson Fellow. He currently serves as Deputy Chief of Mission at the U.S. mission to NATO.

As each of you give your opening statements, I hope you'll feel free to introduce your family or any friends who are here to support you. Now I'd like to turn it over to Senator Barrasso before we ask the panel to begin.

[The prepared statement of Senator Shaheen follows:]

OPENING STATEMENT OF HON. JEANNE SHAHEEN,
U.S. SENATOR FROM NEW HAMPSHIRE

The Senate Foreign Relations Committee is here today to consider the nominations of Paul D. Wohlers to be Ambassador to the Republic of Macedonia; William H. Moser to be Ambassador to the Republic of Moldova; John A. Heffern to be Ambassador to the Republic of Armenia; Thomas M. Countryman to be Assistant Secretary of State for International Security and Nonproliferation; and Jeffrey DeLaurentis to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, and Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations.

Today, we will examine a wide variety of posts and positions with responsibilities spanning regions and institutions across the globe. Each of them is important in strengthening U.S. influence and in safeguarding American interests. I want to congratulate each of you on your nominations, and welcome you and your families as we discuss the challenges and opportunities that you may face should you be confirmed.

Three of our nominees have been named for ambassadorial posts in important countries in the strategic regions of Southern and Eastern Europe. We will examine a wide range of issues regarding these countries today.

Macedonia seeks full European integration, including by joining the European Union and NATO. Its full integration cannot be achieved, though, until the Macedonians and Greeks resolve the lingering impasse over the country's name. Separately, Macedonia faced a parliamentary crisis earlier this year, due largely to complaints of media oppression.

Moldova is Europe's poorest country, according to the World Bank. It faces low living standards and a weak economy, but has shown a commitment to reform and extending democratic values. Moldova is taking significant steps to create a transparent legal system, to fight corruption, and to end human trafficking, but much work remains. Further, the unresolved status of Transnistria hinders Moldova's ability strengthen its institutions and economy.

We have maintained close ties with Armenia since the dissolution of the Soviet Union, due to Armenia's promotion of democratic principles. Unfortunately, the quality of recent elections and failure to resolve the Nagorno-Karabakh issue have not been encouraging.

Today, we also examine the United States relationship with the United Nations. In particular, we will look at the role of the U.N.'s peace and security functions, including peacekeeping operations. In recent years, numerous conflicts have led to an escalation in the use of U.N. peacekeepers. This expansion of operations has drawn attention to weaknesses and failures of the United Nations in these activities.

Finally, the committee will examine the role the United States should be taking to prevent the proliferation of weapons of mass destruction, particularly nuclear weapons and materials. The proliferation of such weapons and materials threatens not only U.S. security, but global stability. We face a great number of challenges, including stopping illicit networks, countering North Korean and Iranian nuclear programs, and implementing existing nonproliferation regimes. Additionally, we must look at how nuclear energy programs are being implemented globally.

I want to thank each of you for your willingness to take on these important and challenging posts, and look forward to hearing your views. I want to take a moment to briefly introduce our first panel before turning it over to you for your opening statements.

First up today, is Paul Wohlers, the nominee to be the Ambassador to Macedonia. Paul has a distinguished record in the Foreign Service, serving multiple tours in Europe and the Department's Executive Secretariat. He is a graduate of the Naval Academy, and currently serves as the Deputy Executive Secretary at the State Department.

Next, is William Moser, who has been nominated to serve as Ambassador to Moldova. William is also a Foreign Service officer, having served in wide range of Management Officer positions. He currently serves as the Department's Deputy Assistant Secretary for Logistics Management.

Finally, we have John Heffern, nominated to be Ambassador to Armenia. A career member of the Senior Foreign Service, John has a wide range of experiences, including extensive service in Asia and Europe. He additionally spent time on the Hill, first with Senator Danforth, and later as a State Department Pearson Fellow. He currently serves as Deputy Chief of Mission at the U.S. Mission to NATO.

As each of you give your opening statements, feel free to introduce any family or friends here to support you.

First on our second panel is Thomas Countryman, who has been nominated to be the Assistant Secretary of State for International Security and Nonproliferation. Tom is a career member of the Senior Foreign Service, serving most recently as the Deputy Assistant Secretary of State for European and Eurasian Affairs, specifically focusing on Balkans issues. Tom has a great deal of experience working on International Security issues, previously serving in the Bureau of Political-Military Affairs, as Foreign Policy Advisor to the Commandant of the Marine Corps, and on the National Security Council Staff.

Finally, we will consider the nomination of Jeffrey DeLaurentis to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, and Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations. As a Foreign Service Officer, Jeffrey has served in a number of positions in the State Department, especially focused on Western Hemisphere and United Nations issues. He currently serves as Deputy Assistant Secretary for South America

As each of you give your opening statements, feel free to introduce any family or friends here to support you.

## STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING

Senator BARRASSO. Well, thank you very much, Madam Chairman. I just want to join you in congratulating each of the nominees who are here today as the Senate Committee on Foreign Relations meets to consider these very important nominations. Each post is important to fostering vital relationships, addressing important problems, and securing United States national interests.

So I also want to extend a warm welcome to all the friends and the family who are with you and I look forward to them, as you had suggested, introducing the family and friends that are here. So with that, thank you very much, Madam Chairman, and it is indeed a warm welcome to each of these nominees. [Laughter.]

Senator SHAHEEN. You can't really appreciate how warm it is because it's usually freezing in this room. So it's either feast or famine.

Mr. Wohlers, would you like to begin?

## STATEMENT OF PAUL D. WOHLERS, OF WASHINGTON, NOMINATED TO BE AMBASSADOR TO THE REPUBLIC OF MACEDONIA

Mr. WOHLERS. Yes. Thank you, Madam Chairman. Madam Chairman, members of the committee, it's a privilege to appear before you today as President Obama's nominee to be the U.S. Ambassador to the Republic of Macedonia. It's a great honor to have this confidence placed in me by the President and by Secretary Clinton. If confirmed, I look forward to working with this committee and with the Congress in advancing U.S. interests in Macedonia, building on the excellent work of my predecessors.

I'm delighted today to be accompanied by my family and I'd like to introduce them briefly, if I may: first my wife, Mary Jo, who's a registered nurse and has held our family together through many, many moves over 27 years in the Foreign Service.

Senator SHAHEEN. We're going to ask her if she would stand up and be recognized.

Mr. WOHLERS. My three daughters, Rachel and Julia and Jessica. Also I'm pleased today to be accompanied by my niece, Marion, who's also the daughter of a Foreign Service family.

So as you can see, I have great pride in being part of a Foreign Service family. I think Foreign Service families are true unsung heroes and diplomats themselves. I know that my three daughters and my wife—and I know Marion—have served much of their lives living, working, and going to school overseas, serving as examples of American values to the people around them, and sometimes even bearing the sting of criticism from people at their schools who did not agree with American policies. So I've been delighted to have them by my side all my life, and my life would have been empty without them.

As you're aware, I have served previously in Macedonia, an experience which I believe will enhance my effectiveness as Chief of Mission should you decide to confirm me. If confirmed, I will return to Macedonia during an important period. On September 8, Macedonia will mark the 20th anniversary of its independence, and August 13 will be the 10th anniversary of the Ohrid Framework Agreement, which ended the country's civil conflict in 2001. The framework agreement, concluded with United States and European Union help, remains the foundation for Macedonia's peaceful and democratic development. The agreement ended the conflict by addressing the ethnic grievances of the people through principles of equal rights for all citizens regardless of ethnicity.

Today, 10 years from Ohrid and after 20 years of independence, Macedonia is working toward becoming a stable, multiethnic democracy. However, there is much more to be done in Macedonia. First, though, I think the citizens of Macedonia are to be congratulated for the June 5 election, in which people turned out in great numbers and behaved peacefully and with dignity.

Following this accomplishment, now this is the time for the people of Macedonia and the leaders of Macedonia to refocus on moving toward greater prosperity, stability, security, and Euro-Atlantic integration. While democratic structures are in place in Macedonia, full respect for the rule of law and independent institutions remains a problem. An independent judiciary, free and independent media, and strong civil society are vital cornerstones for all democracies, and we have concerns about Macedonia's development in these areas.

The United States is a partner with Macedonia in confronting these challenges. Macedonia's continued reform and integration into the Euro-Atlantic community remains a priority. Macedonia became a European Union candidate country in 2005. In December 2009, the European Commission recommended setting a start date for accession negotiations.

Macedonia also has made strides in defense reform in order to meet NATO's performance-based standards for membership. At the

November 2010 NATO summit in Lisbon, allies reaffirmed that Macedonia will receive an invitation to join the alliance as soon as the dispute with Greece is concluded. We will continue to support the U.N. process to help Macedonia and Greece find a mutually acceptable solution to this question.

Macedonia has proven itself as a net provider of security, as evidenced by its contributions both regionally and globally. Macedonian troops have served honorably in both Iraq and Afghanistan. Indeed, Macedonia has been one of the highest per capita contributors to the International Security Assistance Force in Afghanistan. These contributions to regional and global stability reflect our shared values and the depth of our partnership with Macedonia.

If I am confirmed, my foremost priority as Ambassador would be promoting United States interests in Macedonia, while working to advance Macedonia's own internal transformation on the path to full Euro-Atlantic integration. I will continue to pursue the U.S. goals of strengthening the rule of law, fighting corruption, promoting economic growth and prosperity, and reinforcing democratic institutions.

Madam Chairman and members of the committee, thank you again for this opportunity to appear before you. I stand ready to answer any questions you might have later on.

[The prepared statement of Mr. Wohlers follows:]

PREPARED STATEMENT OF PAUL WOHLERS

Madam Chairman and members of the committee, it is a privilege to appear before you today as President Obama's nominee to serve as the United States Ambassador to the Republic of Macedonia. I am honored by the confidence placed in me by the President and Secretary Clinton. If confirmed, I look forward to working with this committee and the Congress in advancing U.S. interests in Macedonia.

I am delighted and proud to be accompanied today by my family: my wife, Mary Jo, who has held our family together during multiple moves over almost 27 years in the Foreign Service; my three daughters and one son-in-law—first, Rachel and her husband Ryan; then Julia and Jessica. Foreign Service families are unsung heroes and true diplomats themselves—my wife and daughters have been living, working, and going to school overseas for much of their lives, serving as examples of American values to their friends and colleagues, and sometimes, even at school, feeling the sting of criticism from those who did not agree with U.S. policies. My life would have been empty without my family, and I am thankful that they have always been by my side as we pursued a Foreign Service life together.

As you are aware, I have served previously in Macedonia, an experience which I believe will enhance my effectiveness as Chief of Mission, should you decide to confirm me. If confirmed, I will return to Macedonia during an important period. On September 8, Macedonia will mark the 20th anniversary of its independence, and August 13 will be the 10th anniversary of the Ohrid Framework Agreement that ended the country's civil conflict in 2001. The Framework Agreement, concluded with U.S. and EU help, remains the foundation for Macedonia's peace and democratic development. The Agreement ended the conflict by addressing ethnic grievances through principles of equal rights for all citizens irrespective of ethnicity. Today, 10 years from Ohrid and after 20 years of independence, Macedonia is working toward becoming a stable, multiethnic democracy.

There is much more to be done in Macedonia. The citizens of Macedonia deserve congratulations for the June 5 election in which the people turned out in high numbers and behaved peacefully and with dignity. Now is time for the people of Macedonia, along with their leaders, to focus on moving toward greater prosperity, security, stability, and Euro-Atlantic integration. While democratic structures are in place, full respect for the rule of law and independent institutions remains a problem. An independent judiciary, free and independent media, and strong civil society are vital cornerstones for all democracies, and we have concerns about Macedonia's development in these areas.

The United States is a partner in confronting these challenges. Macedonia's continued reform and integration into the Euro-Atlantic community remains a priority. Macedonia became a European Union candidate country in 2005 and in December 2009 the European Commission recommended setting a start date for accession negotiations. Macedonia has also made strides in defense reform in order to meet NATO's performance-based standards for membership. At the November 2010 NATO summit in Lisbon, allies reaffirmed that Macedonia will receive an invitation to join the alliance as soon as the dispute with Greece over the name is resolved. We will continue to support the U.N. process to help Macedonia and Greece find a mutually acceptable solution.

Macedonia has proven itself as a net provider of security as evidenced by its contributions both in the region and globally. Macedonian troops have served honorably in Iraq and Afghanistan. Indeed, Macedonia has been one of the highest per capita contributors to the International Security Assistance Force in Afghanistan. These contributions to regional and global stability reflect our shared values and the depth of our partnership with Macedonia.

If I am confirmed, my foremost priority as Ambassador will be promoting U.S. interests in Macedonia while working to advance Macedonia's own internal transformation on the path to full Euro-Atlantic integration. I will continue to pursue the U.S. goals of strengthening the rule of law, fighting corruption, promoting economic growth and prosperity, and reinforcing democratic institutions.

Madam Chairman and members of the committee, thank you for this opportunity to appear before you. I would be pleased to answer any questions that you may have.

Senator SHAHEEN. Thank you very much.

Mr. Moser.

## STATEMENT OF WILLIAM H. MOSER, OF NORTH CAROLINA, NOMINATED TO BE AMBASSADOR TO THE REPUBLIC OF MOLDOVA

Mr. MOSER. Madam Chairwoman, Ranking Member Barrasso, it is an honor and a privilege to appear before you today as the President's nominee to the Republic of Moldova. I deeply appreciate the confidence and trust that President Obama and Secretary Clinton have placed in me and if confirmed I look forward to working closely with Congress to promote United States interests in Moldova.

First of all, though, I think it would only be right for me to introduce my wife and my three children, if I could get them to stand as you requested, Senator Shaheen. My wife, Marie, my son, Stephen, my daughter, Rebecca, and my son, Daniel. I'm very proud to have them here because they too, as Paul noted in his remarks, have grown up in the Foreign Service and I think that they are very happy to be here to witness this process today.

I was born and raised in North Carolina and, as you noted, Senator Shaheen, I still have that accent that doesn't go away. I visited my family there over the Fourth of July holiday. The State of North Carolina and Moldova have a very strong partnership. If confirmed, I hope to play a role in maintaining and expanding this partnership. If confirmed, I will work to strengthen our relations and to support Moldovan efforts to strengthen democratic and free market reforms and further integration with Europe.

Vice President Biden delivered this message in his recent trip to Moldova when he stated: "The American people have watched your struggle and celebrated your successes, and we are determined to help you build on your achievements. We strongly support your commitment to political and economic reforms and taking on hard issues."

As Moldova prepares to celebrate the 20th anniversary of its independence, the United States will continue to support the Moldovan people in their efforts to build a democratic, prosperous, and secure European state.

Moldova continues to make strides in its economic and political development and its integration into Europe. The United States wants to assist Moldova on this journey, not just because of our longstanding friendship between our peoples, but also because a democratic, peaceful, and prosperous Moldova would contribute to our longstanding objective of a Europe whole, free, and at peace. Moldova deserves our continued support and encouragement.

Madam Chairwoman, Ranking Member Barrasso, I thank you again for the opportunity to share my thoughts about the relationship with Moldova, and if confirmed I look forward to working closely with you and with the committee. I would also be happy to answer any questions you have.

[The prepared statement of Mr. Moser follows:]

PREPARED STATEMENT OF WILLIAM H. MOSER

Madam Chairman, Ranking Member Barrasso and members of the committee, it is an honor and a privilege to appear before you today as the President's nominee to be Ambassador to the Republic of Moldova. I deeply appreciate the confidence and trust that President Obama and Secretary Clinton have placed in me. If confirmed, I look forward to working closely with Congress to promote United States interests in Moldova.

I want to introduce my wife, Marie, and two of my three children, Daniel and Stephen. I was born and raised in North Carolina and visited my family there over the recent July 4th holiday. The State of North Carolina and Moldova have a strong partnership. If confirmed, I hope to play a role in maintaining and expanding this partnership.

If confirmed, I will work to strengthen our relations with Moldova and to support Moldovan efforts to strengthen democratic and free market reforms at home and further integration with Europe. Vice President Biden delivered this message in his recent trip to Moldova, when he stated, "the American people have watched [your] struggle and celebrated your successes, and we are determined to help you build on your achievements. We strongly support your commitment to political and economic reforms and taking on hard issues." As Moldova prepares to celebrate the 20th anniversary of its independence, the United States will continue to support the Moldovan people in their efforts to build a democratic, prosperous, and secure European state. I would like to take a moment today to touch upon the strategic focus areas in our relationship with Moldova: democratic development, free market development, and security.

FIRST: DEMOCRATIC DEVELOPMENT

Moldova's parliamentary elections in 2009 and 2010 met most international commitments and were generally well administered and offered voters genuine choice. However, the international election observer mission fielded by the Organization for Security and Cooperation in Europe noted that "further effort is needed to improve public confidence in Moldova's democratic process." If confirmed, I will look for new ways to support the efforts of the Moldovan people to further their nation's democratic development and to continue to expand our dialogue with all responsible elements of the political spectrum. Moldova's governing coalition has an ambitious reform agenda, based on a widespread recognition that much remains to be done to reach to its stated goal of good governance. Judicial reform, greater transparency and other efforts to reduce corruption are among the governing coalition's top priorities, priorities which we support through our assistance programs. Moldova has taken steps to combat trafficking in persons, which remains a significant problem, and we are cooperating closely with Moldovan authorities to address this issue. Moldova's chosen foreign policy of European integration is one that the United States strongly supports. Moldova's steps toward association with the European Union involve meeting European standards and norms for democracy, good governance, free trade and in many other areas. If confirmed, I will work closely with my European counterparts in Chisinau to advance our shared agenda in Moldova.

SECOND: FREE MARKET DEVELOPMENT

Moldova remains one of Europe's poorest countries with per capita GDP of less than $3,000 a year; many of its citizens, unable to find adequate work at home, work abroad. Thanks in part to a nearly $600 million IMF stand-by agreement, Moldova's economy is beginning to recover, but more reform is required to achieve sustained economic growth. Moldova seeks a diversified, export-oriented economy; improvements to the investment climate are key to attracting the investment that could increase exports. If confirmed, I plan to work with Moldova on these issues. The United States has been helping to bolster private sector competitiveness and improve the legal and regulatory environment. We have dramatically increased our investment in Moldova's future through the Compact with the Millennium Challenge Corporation signed last year. The $262 million package provides assistance for irrigation and road infrastructure improvements intended to support Moldovan farmers in their transition to high value-added agriculture and to help them get their produce to market.

THIRD: SECURITY

Molodova's number one security challenge remains the unresolved conflict with Transnistrian separatists. Moldova has been a divided land for the past 19 years after the brief armed conflict ended between government forces and the separatists. The United States is committed to a peaceful resolution of the Transnistria conflict that guarantees Moldova's independence, sovereignty and territorial integrity. I am convinced that this longstanding conflict can and should be resolved. The United States remains committed to the 5+2 process, involving the two parties to the conflict, the Organization for Security and Cooperation in Europe (OSCE), Russia and Ukraine, with the EU and the United States serving as active observers. The United States has repeatedly called for the immediate resumption of official negotiations, which have been stalled since 2006. Recent discussions among the 5+2 participants, which have facilitated confidence-building initiatives and explored conditions for the resumption of formal talks, have shown some progress. If confirmed, I intend to do what I can to move this process forward, including outreach throughout Moldova, as well as the Transnistria region. Beyond the Transnistria conflict, the United States provides assistance to Moldova through various programs to help create a modern, sustainable, military force, led by a Ministry of Defense and Joint Staff that are compatible with Euro-Atlantic structures and can integrate into multinational structures and missions. Moldova currently receives $750,000 in International Military Education and Training funds (IMET) and $750,000 in Foreign Military Financing (FMF). These funds are used to support Moldova's efforts to achieve its NATO Individual Partnership Action Plan (IPAP) objectives, enhance Moldova's capacity to conduct peace and stability operations in support of multinational coalition operations, and strengthen Moldova's cooperation with other partners to enhance regional security and stability.

Moldova continues to make strides in its economic and political development and its integration into Europe. The United States wants to assist Moldova on this journey, not just because of the longstanding friendship between our peoples, but also because a democratic, peaceful and prosperous Moldova would contribute to our longstanding objective of a Europe whole, free and at peace. Moldova deserves our continuing support and encouragement.

Madam Chairman, Ranking Member Barrasso, I thank you again for the opportunity to share my thoughts about the relationship with Moldova. If confirmed, I look forward to working closely with you and this committee.

I would be happy to answer any questions you may have.

Senator SHAHEEN. Thank you very much, Mr. Moser.

Mr. Heffern.

## STATEMENT OF JOHN A. HEFFERN, OF MISSOURI, NOMINATED TO BE AMBASSADOR TO THE REPUBLIC OF ARMENIA

Mr. HEFFERN. Thank you, Senator Shaheen. Madam Chair and distinguished members of the committee, for me as well, it's an honor to be before you as President Obama's nominee for next Ambassador to the Republic of Armenia. I'd also like to introduce my family. I'm delighted that they can be here today. My wife, my wife of 32 years, Libby. I would just add a note on Foreign Service

spouses, Senator. I know you know this already, but Foreign Service spouses do play a really important role overseas in projecting—helping U.S. image overseas, working with the community, the U.S. community at the Embassy, and the local community, and certainly Libby has done that for the 29 years that we've been doing this together.

Then I've got—we have five children. We have—where are we? We have Lisa—we have Lisa and her husband, Ryan Waters; we have Lucy—Lucy; and then Sarah, Sarah and her boyfriend, Jamie Pett is here with us today; and we have Woody and we have Alley. And thank you very much for making it possible for our families to be here, to join us for this special occasion today. Thank you.

My 88-year-old mother, though, Madam Chairman, is not able to be here with us today. She's a naturalized American from India, and I really owe it to her and to my deceased father. My interest in foreign affairs and the Foreign Service comes from them. My father was in World War II, a World War II veteran, and met her in India, and was briefly a Foreign Service officer himself. It's from that experience that I developed my interest in foreign affairs and in Asia. So I'm sorry she was not able to be here with us today.

Madam Chair, again I'm honored to have been nominated by President Obama and Secretary Clinton for this important post, and if confirmed I will build upon the fine work of my predecessors to deepen and strengthen our relationship with Armenia.

The Obama administration has greatly strengthened our relations with Armenia. In April 2010 the Presidents of our two countries held their first bilateral meeting in 10 years, and when Secretary Clinton visited Yerevan last year it was the first time that an American Secretary of State has visited Armenia in 19 years.

The administration has expanded development assistance to Armenia into key areas of governance, of economic growth and market competitiveness, and has been able to maintain overall funding levels for Armenia despite budget cuts elsewhere in Europe and Eurasia. If confirmed, I would also work to expand United States-Armenia trade and investment, building on the strong connections, existing connections, between the American and Armenian people.

On the political front, the United States has encouraged Armenia to improve its human rights and democracy record, and we've actually seen some positive results on that front this year, which we can talk about, Madam Chairman. Armenia will hold important national elections next year and in 2013, and we see these elections as opportunities for the government to demonstrate its commitment to democracy.

The administration supports Armenia's courageous steps to begin a process with Turkey to address their history and to find a way to move forward together toward a shared future of security and prosperity. Through the OSCE's Minsk Process, the United States also supports Armenia and Azerbaijan as they work toward a peaceful resolution of the Nagorno-Karabakh conflict.

There is still a lot to do in all these areas, Madam Chair, but I believe my 29 years as a Foreign Service officer has prepared me for this important assignment. During this time I have served faithfully both Democrat and Republican administrations. Following my instructions from Washington, I've done my best to ad-

vance U.S. interests and to uphold American ideals. In addition, I pledge to the committee that if confirmed I will report candidly and objectively to Washington on my views and my recommendations from the field.

Madam Chair and members of the committee, President Obama has recognized and deplored the horrific events that took place in the final days of the Ottoman Empire. He has publicly called the massacre of 1.5 million Armenians at that time one of the worst atrocities of the 20th century. The President has urged Turkey and Armenia to work through their painful history to achieve a full, frank, and just acknowledgment of the facts. If confirmed, I will do my best to fulfil the President's vision in this sensitive area.

Madam Chair, thank you for your time today. If confirmed, I look forward to working with you, other members of the committee and staff and with Congress as a whole as I represent the United States in Armenia. Thank you and I look forward to your questions and comments today. Thank you.

[The prepared statement of Mr. Heffern follows:]

PREPARED STATEMENT OF JOHN A. HEFFERN

Madam Chairman and distinguished members of the committee, it is an honor to appear before you as the President's nominee to be the United States Ambassador to the Republic of Armenia. I am pleased to be joined today by my wife, Libby, and our children, Lisa (and Ryan), Lucy, Sarah, Woody, and Alley. We welcome this opportunity to again serve our Nation overseas.

My mother, a naturalized American from India, could not be here today, but I would note that I owe my interest in the Foreign Service to her and to my deceased father, who was a WWII veteran and, briefly, an FSO as well.

Madam Chairman, I am honored that President Obama and Secretary Clinton have nominated me for this important post. If confirmed, I will build upon the fine work of my predecessors to advance our bilateral relationship with Armenia in all its facets: diplomatic, political, economic, trade, and in our deep people-to-people ties.

The Obama administration has strengthened U.S. relations with Armenia. In April 2010, the Presidents of our two countries held their first bilateral meeting in 10 years and, when Secretary Clinton visited Yerevan last year, it was the first visit by a Secretary of State to Armenia in 19 years.

We have expanded development assistance to Armenia in several areas, especially in governance, economic growth, and market competiveness, and maintained overall funding levels despite budget cuts in Europe and Eurasia. Specifically, including FY 2011, we have invested more than $38 million since 2009 in democracy and governance programming, including over $16 million for civil society development. During this period, we have also devoted over $17 million to promote better access to health care and launched a new 5-year, $22 million on enterprise development and market competitiveness. Over the past 5 years, the Millennium Challenge Corporation has invested almost $180 million in Armenia to improve irrigation infrastructure, provide technical and financial assistance to farmers and agribusinesses, and improve rural roads. If confirmed, I would like to work on expanding the United States-Armenia trade relationship, building on the already strong connections between Americans and Armenians, to foster more trade and investment between our countries.

On the political front, the U.S. has encouraged Armenia to improve its human rights and democracy record, and we have seen some positive developments this year, with the government releasing those still detained from the protests after the Armenian elections in 2008. Armenia will hold important national elections in 2012 and 2013, which are opportunities for the Government of Armenia to demonstrate its commitment to democracy. The administration supports Armenia's courageous steps to begin a process with Turkey to address their history, and to find a way to move forward together in a shared future of security and prosperity. Through the Minsk Process, the U.S. supports Armenia and Azerbaijan as they work toward a peaceful resolution of the Nagorno-Karabakh conflict.

There is still a lot to do. If confirmed, I would continue the efforts of my most able predecessor, Ambassador Masha Yovanovitch. I will seek, as she did, opportuni-

ties to enhance our relationship with Armenia, should the Senate confirm me for this position.

My 29 years as an FSO have prepared me for this assignment. During this time, I have served faithfully in both Democratic and Republican administrations. Following my instructions from Washington, I have done my best to advance U.S. interests and uphold American ideals. In addition, I pledge to the committee that, if confirmed, I will report candidly and accurately to Washington my views and recommendations from the field.

My work at NATO with Armenia and other Caucasus partners has introduced me to this complex and fascinating region. I look forward to enhancing my understanding of the country and the region by working with the Armenian Government, the Armenian people, and the Armenian-American community.

Madam Chair and members of the committee, President Obama has recognized and deplored the horrific events that took place in the waning days of the Ottoman Empire. He has publicly called the massacre of 1.5 million Armenians at this time one of the worst atrocities of the 20th century. The President has urged Turkey and Armenia to work through their painful history to achieve a full, frank, and just acknowledgement of the facts. If confirmed, I will do my best to fulfill the President's vision.

Madam Chairman, I would like to thank you for your time today. I want to assure you that, if confirmed, I look forward to working closely with you, with members of this committee, and with the Congress as a whole in representing my fellow Americans as the U.S. Ambassador to the Republic of Armenia.

Thank you and I welcome your questions.

Senator SHAHEEN. Thank you very much, and thank you to each of you for your testimony today.

I think they finally got the air conditioning working, so hopefully it will cool off, probably not in time for you to finish your questioning.

Mr. Heffern, I would like to begin with you. You mentioned in your testimony the history between Armenia and Turkey. The Armenia-Turkey Protocols of 2009 were I think a very positive step toward improving relations between the parties, but unfortunately the protocols have not been ratified. Can you talk about what the prospects are for reviving reconciliation talks between Turkey and Armenia and what other steps might be possible to encourage the two countries to address their mutual past?

Mr. HEFFERN. Senator, yes. The administration strongly supports and we welcomed and congratulated both governments, the Government of Turkey and the Government of Armenia, for their courageous decision to sign the protocols in Zurich in October 2009. Secretary Clinton had a major part in that. She was there for the signing ceremony. And we remain committed to doing whatever we can to encourage the two parties to get the protocols back on track.

The Secretary has talked to both parties regularly. The Secretary has made it clear; Secretary Clinton has said the ball is in Turkey's court and that we hope and expect that they will be able to work to find a way to work together to resume that.

For me, if I'm confirmed at the Embassy, I would work with our Embassy in Ankara to devise effective and hopefully constructive confidence-building measures for cross-border exchanges and other things to try to build trust from the bottom up, in addition to the Secretary and the President's work with the leaders to try to get the protocols back on track.

Senator SHAHEEN. Thank you.

You also mentioned Nagorno-Karabakh, which is another of the issues facing Armenia. You pointed out the Minsk Process, which unfortunately ended without any agreement on the basic prin-

ciples. So can you elaborate a little more on the status of these talks, what steps can be taken to help move them forward and to encourage the parties to reach some sort of a negotiated resolution to the Nagorno-Karabakh question?

Mr. HEFFERN. Senator, the President and Secretary have been also deeply involved in this. We remain committed to the Minsk Process as sort of the only game in town to try to resolve this dispute. The purpose, as you know, of the Minsk Process is to find a lasting, peaceful, and just solution to this conflict that will help the parties, help the people of Nagorno-Karabakh, and help bring some stability and prosperity and peace to the South Caucacus region. That's the purpose of it, as you well know.

The United States participates as one of the cochairs. Ambassador Bradtke is our representative and he was at the Kazan meetings that you referred to. Indeed, the parties were not able to agree on the basic principles there, but they did issue a statement with President Medvedev that they have made some progress on some of the issues and they remain committed to the process.

Foreign Minister Lavrov recently visited the capitals with some additional proposals from President Medvedev and I'm not briefed on what those proposals are. I don't know what the prospects are for the next steps. But we are working—we the United States are working as cochair with the other cochairs and with the two parties and with the authorities, the de facto authorities in Nagorno-Karabakh, to find a solution.

Senator SHAHEEN. I will point out, as you know, I just returned from Serbia and the OSCE's Parliamentary Assembly, where they appointed a special representative to help address Nagorno-Karabakh. So hopefully that may be helpful as well in moving the discussions forward.

Finally, you pointed out that there will be elections held again in 2012, a Presidential election in 2013. I had the interesting fortune to be in Armenia in 2003 for an international observation mission to their parliamentary elections and those were not free and fair elections, and unfortunately there have been—elections have been plagued by accusations of fraud and abuse for too long.

So what are the prospects for that to be turned around by 2012 and 2013? Are there measures in place? Is there an independent election commission that is moving forward in a way that holds some prospect that the upcoming elections will be freer and fairer than those in the past?

Mr. HEFFERN. Senator, I'm not well briefed on the 2003 elections. On the 2008 elections, they also were flawed elections and we've said so publicly, that they were not the kind of elections that meet international standards. Then in the aftermath of the elections there were some protests and some detentions and violence in response to those protests. It was not a great situation in 2008.

In the last 6 months, though, Senator, there have been some positive signs. Ambassador Yvonovich has made this one of her top priorities and worked very much, very closely with the parties and the government to find a way forward to work with them on democracy and human rights.

Some useful things have happened. They have reopened the square for freedom of assembly. They've allowed some of the oppo-

sition groups and parties to actually have rallies and assemblies in the Freedom Square, so that's a good thing. They have—the government has released finally, after much prodding, all of the detainees from the post-2008 unrest, and they have assured the Armenian people that they will launch a full investigation of the events post-election 2008.

So they have made some useful steps in the last 6 months that have been helpful in giving us some indication that the next elections in 2012 and 2013 will hopefully be better in meeting international standards.

Senator SHAHEEN. Thank you. That's very encouraging.

Senator Barrasso.

Senator BARRASSO. Thank you very much, Madam Chair.

Mr. Heffern, following up, if I could, on Senator Shaheen's questioning, the administration has requested funding in fiscal year 2012 in order to focus on economic growth as well as democratization in Armenia. The U.S. Millennium Challenge Corporation I think, as you know, has expressed concerns about freedom of the press, about democratization in Armenia.

Due to these concerns, a portion of the Millennium Challenge Corporation's compact with Armenia was ended. How would you characterize the current status of democratization in Armenia and what efforts an we take to kind of improve that?

Mr. HEFFERN. Senator, there's a couple of elements to your question. Not only the democracy side, but also the governance side I think is important. What we're trying to do through our bilateral assistance program, and since their independence the United States has been the largest bilateral donor to Armenia. So what we're trying to do through our bilateral assistance is to work on governance, increase, improve the business climate, investment climate, to encourage western investment and trade, to keep them focused on the West.

Part of that, of course, involves governance and rule of law and democracy and human rights. I mentioned to Senator Shaheen the three or four useful steps they've made in the last 6 months. If confirmed, I'll go and I will build—I will try to build on what Ambassador Yvonovich has done and work with the people and the parties and the government there to see what we can do to make the next round of elections meet international standards.

Senator BARRASSO. Thank you.

Mr. Moser, talking about Moldova, the poorest nation in Europe, continues to face serious problems, including corruption, crime, and human trafficking as well, as you know. In the 2011 Trafficking in Persons Report, actually, the Department of State highlighted concerns with Moldova. While some progress has been made, the report states that the Government in Moldova does not fully comply with even the minimum standards for elimination of trafficking.

Can you tell me what efforts are currently being taken to fight the problem of human trafficking and what's the United States currently doing to assist Moldova on this issue?

Mr. MOSER. Senator Barrasso, thank you very much for that question. One of the focuses of our democracy-building programs is of course to strengthen the rule of law, because in the Trafficking in Persons Report of this year, even though Moldova went up a

step from a tier 2 watchlist to a tier 2 country, we still said that there were real problems in the judiciary and in the independence of the judiciary and in arresting corrupt officials.

Now, we do a couple things. Through our International and Law Enforcement Bureau, we're working on training police officials and strengthening the judiciary, and also with our AID programs we're also doing further judicial training in technical assistance to build up prosecutorial capacity.

I realize that the Moldovans have a long way to go, particularly on the corruption issue, and one of the things that I think that has to be drawn together is that for the Moldovans to really make the steps toward European integration and toward economic development that they themselves profess that they want to make, that they are going to have to make a business climate that is free of corruption, so people will want to invest there.

So this is a whole complex of issues, that you don't get the economic development without having the correct and corruption-free democratic development that Moldova really needs. That's what I think that, if confirmed, that I would like to work on as Ambassador.

Senator BARRASSO. Thank you.

Mr. Wohlers, the United States has supported Macedonia's candidacy for NATO as well as for the European Union membership. But, as you know, Greece has blocked Macedonia's accession to NATO and the European Union due to a dispute actually, I think, over its name. While there have been many efforts to reach a solution to the dispute, really they haven't found a solution yet.

Can you tell us what progress, if any, has been made between Macedonia and Greece on solving this dispute, and what is your view of the prospects of finding a solution?

Mr. WOHLERS. Thank you, Senator. You're correct that this is a 20-year-old dispute which has not been resolved, and it goes to the heart of our desire to have Macedonia fully integrated into the Euro-Atlantic community, because that can't happen until we resolve this name dispute. We fully support the U.N. process under the auspices of Matthew Nimetz to resolve this issue and we also support direct engagement between Athens and Skopje. We have encouraged both sides to show maximum flexibility, compromise, sense of respect for each other's history and traditions, in moving forward on this issue. We have made it clear that whatever mutually acceptable solution they arrive at we will accept. We're not going to impose a solution on this.

This goes back to our major goal of stability in Southeastern Europe, of which we think the integration of Macedonia into the Euro-Atlantic community will be a key part. But integration can't move forward until the name issue is resolved. So this is an issue that needs strong leadership by both sides. It's not going to be easy. Obviously, if it were easy it would have been done long ago. It's going to require painful compromises on both sides, and that's why they need to have strong leadership to move this forward.

If confirmed, I will work very diligently with the Macedonian authorities to encourage them to show maximum flexibility, maximum cooperation and respect, and hopefully we can move forward on this.

Senator BARRASSO. Thank you very much.

Thank you, Madam Chairman.

Senator SHAHEEN. Thank you.

Senator Menendez.

Senator MENENDEZ. Thank you, Madam Chair.

Congratulations to all of you on your nominations.

Let me start with you, Mr. Heffern. In your opening statement you said that "President Obama has recognized and deplored the horrific events that took place in the waning days of the Ottoman Empire." And you went on to say, I noted, that "he"—I assume that was the President—"publicly called the massacre of 1.5 million Armenians at the time one of the worst atrocities of the 20th century."

I welcome that statement, but I'd like to explore it a little bit more with you. Do you agree that there were mass killings, ethnic cleansing, and forced deportations of over 1.5 million Armenians during the period that the Ottoman Empire existed?

Mr. HEFFERN. Senator, yes. As the President has said, the massacres and the forced deportations leading to the deaths of 1.5 million Armenians is acknowledged and recognized and deplored by President Obama. And yes, sir, I believe it as well.

Senator MENENDEZ. OK. And those were conducted at the time by the Ottoman Empire; is that true?

Mr. HEFFERN. Those were conducted at the time, in the final days of the Ottoman Empire, yes, sir.

Senator MENENDEZ. Now, we as a country and I assume this administration recognizes the Turkish Republic as a successor state to the Ottoman Empire, is that true?

Mr. HEFFERN. Senator, I assume that's true. I don't know that that's true. I assume that's true. I mean, it has to be true, so yes, sir. I'm going to just take that as true, but I have to say I don't know that specifically.

Senator MENENDEZ. Let me ask you this. Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, which the United States has both signed and ratified, states: "In the present convention, 'genocide' means any of the following acts committed with the intent to destroy, in whole or in part, a national, ethnic, racial, or religious group as such: [a] killing members of the group; [b] causing serious bodily or mental harm to members of the group; [c] deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part." And it goes on to other elements.

Those are from a convention which we the United States have signed. Now, if that is a convention the United States is willing to be a signatory to, would not the facts that you acknowledge in your opening statement during the period of 1915 to 1923 and that, in furtherance of the answers to my questions, meet the definition of article 2?

Mr. HEFFERN. Senator, you have accurately described article 2, the definition of genocide in the convention. So yes to that part of the question. And yes to the facts that were in my statement and that you've repeated. But the characterization of those events, Senator, is a policy decision that is made by the President of the

United States, and that policy is enunciated in his April 24 Remembrance Day statement.

Senator MENENDEZ. Are you aware of cables that exist from former Ambassador Henry Morgenthau, who was the U.S. Ambassador to Turkey, from 1913 to 1916; from the U.S. consul in Aleppo, from the U.S. consul in Harput; from Ambassador Morgenthau, who was succeeded by Abraham Elkus, who served as Ambassador from 1916 to 1917? Have you had an opportunity to read any of those?

Mr. HEFFERN. Senator, yes, I've seen the compilation that Mr. Sarafian has put together of documents from the time. So yes, sir, I have seen a large number of them.

Senator MENENDEZ. You have no reason to dispute what those dispatches were?

Mr. HEFFERN. Those Foreign Service officers at the time, sir, reported what they saw and how they perceived events at the time, yes, sir.

Senator MENENDEZ. I just want to say, Madam Chair, this is a difficult set of circumstances.

And I appreciate your answers.

This is an inartful dance that we do. We have a State Department whose history, full of dispatches, cites the atrocities committed during this period of time. We have a convention we sign that clearly defines these acts as genocide. We have a historical knowledge of the facts which we accept that would amount to genocide. But we are unwilling to reference it as genocide.

If we cannot accept the past, we cannot move forward. So I find it very difficult to be sending diplomats of the United States to a country in which they will go, and I hope you will go, as some of your predecessors have gone, to a genocide commemoration, and yet never be able to use the word "genocide." It is much more than a question of a word. It is everything that signifies our commitment to saying "never again." Yet we can't even acknowledge this fact, and we put diplomats in a position that I think is totally untenable.

Nevertheless, I appreciate your straightforward answers to my questions. I have one other set of questions for you, Mr. Wohlers, and only caught the tail end of my colleague's questions, so I hope they are not redundant. This whole issue of Macedonia; it's more than a name. There are historical realities here. There is concern of irredentism, as well as concerns with the fact that one of the first acts of the new Prime Minister was to erect a 72-foot high bronze statue of Alexander the Great in the central square of the city of Skopje, a monument challenging Alexander's Hellenic roots, costing $13 million in a country with 32 percent unemployment; and teaching children what is greater Macedonia and making claims of a greater Macedonia, when we know that 52 percent of that land mass is in Greece.

Some people say, why are they fighting over a name? This has real significant consequences. Do you go into this assignment fully appreciating that?

Mr. WOHLERS. Yes, Senator; I believe I do. You're correct, completely correct, in saying this is more than just a name. This is an issue of identity. We have worked in the past and, if confirmed, I

will continue to do so, with the Macedonian authorities, as we have also in Athens with our Embassy there, to impress upon both sides the need to move forward on this issue with a great sense of compromise, a great sense of respect for each other's histories and traditions, a willingness to make the painful compromises that are necessary to resolve this very delicate issue.

As you said, it's an issue which is very emotional for both sides. We want to make sure also, and I would do so if confirmed, that neither side is engaging in any kind of provocative or inflammatory rhetoric or actions, which can only make the process even more difficult. It's hard enough as it is. Otherwise, as I said earlier, we would have resolved this long ago. But it requires real leadership on both sides to move forward on this very difficult issue.

Senator MENENDEZ. Well, I know that the previous government had rejected U.N.-offered names that described solely FYROM's sovereign territory. Such names included "Northern Macedonia" and "Upper Macedonia," which Greece accepted.

I always worry when we refer to some issues in the world as emotional issues. Sometimes that characterizes it in a way that makes them seem irrational. Senator Rubio and I, who sit on this committee, have a very strong stance on U.S. Cuba policy. Some people like to describe that as emotional. We have a very significant view as to what U.S. foreign policy should be.

In this case, I hope when we ascribe the word "emotional" to it, it is not trivializing that. Because for both of these countries, and certainly Greece, this is far more than a name. This is questions of territory, identity, and a concern of those who have aspirations of getting territory that is clearly within the Hellenic Republic possibly being desired and sought after by its neighbor.

Mr. WOHLERS. Well, I agree completely, Senator. Emotionalism is not irrationalism. I didn't mean to equate those. If confirmed, I would work very closely with the Macedonian authorities, as I said, to make sure there are no movements of irredentism. I think we're trying to make sure that does not happen. The policy of the Macedonian Government has been that they do not have any irredentist claims on Greece. But should there be anything like that, I would request that you would let me know so we can work with the authorities to make sure it does not continue. There's no place for that. That will only make the issue more difficult.

Senator MENENDEZ. Thank you, Madam Chair, for your courtesy.

Senator SHAHEEN. Thank you.

Senator Risch.

Senator RISCH. Thank you, Madam Chairman.

Mr. Heffern, I have an issue I'd like to bring up with you about Armenia as it affects Idaho, believe it or not. Certainly it doesn't rise to the level of the issue concerning the Ottoman Empire or whether Alexander the Great was a Macedonian or a Greek. Those are things that have been around a long time.

But we have—every year in Rexburg, ID, which is in eastern Idaho, there is an international dance festival and I wind up sometimes, I guess, refereeing the issuance of the visas for the people there. I have to tell you, working with the State Department is a real pleasure. A lot of us are critical of various agencies of the Federal Government, but the State Department really tries hard to ac-

commodate people. I've personally been present on some of the visa interviews and watched, personally observed how they're done, and those people do a great job of that.

But let me tell you what's going on. One of the groups that they like to participate in this dance festival—and it's a dance and folk festival that memorializes and celebrates the various cultures around the world, and Armenia is important in that regard. They have—in the past they've applied for visas and have had difficulty with the State Department, being told they need one kind of visa and then it doesn't work out.

Because of the bureaucratic difficulties last year, they weren't able to attend last year. We're having issues again this year on it. It's in late August, so it probably won't be on your watch. But I want to put this on your radar screen so that when you get a call from me in 2012 you'll know what this is all about.

Having said all of that, again I really compliment the State Department on how they handle these. You know, I think Americans don't really realize, out of the 7 billion people on the face of this planet, how many of them want to come here for one reason or another, many of whom who want to come here and not leave here. They've got to sift through all these, and they really do a great job.

But in any event, we're having difficulties with it. We're still having difficulties with it. We're going to continue to work on it, and after you confirmed I hope that you remember this and if it comes across your desk I hope you remember this country boy from Idaho telling you that we need some help in that regard.

To your wife, I have to tell you that it isn't just the spouses of the Foreign Service people. Senate spouses make a lot of difference, too, as I'm sure Senator Shaheen will confirm. They're very important to us. And that's particularly true when we are traveling internationally with our spouses.

So thank all three of you for your service to America. Thank you for willing to take on these positions, particularly in the difficult times that the world is in right now.

Thank you very much, Madam Chair.

Senator SHAHEEN. Thank you, Senator Risch.

I want to go back, Mr. Wohlers, to Macedonia. I think we do appreciate how deeply felt the name issue is for people on both sides of the border, whether it's Macedonia or Greece. But as you point out, this is an issue that really cries out for resolution. In your statement you pointed out that Macedonia received candidacy status for the EU in 2005, ahead of most of its neighbors, several of whom now have surpassed it. Croatia has now been accepted. Serbia is well on the road to candidacy status. And both of those countries are undertaking the difficult challenges that they need to in order to be accepted into the EU.

As you pointed out, the future for Macedonia clearly is with the Euro-Atlantic institutions. It's with the EU, it's with NATO. And their lack of a resolution to this question is having a significant impact on their economic status and on their ability to move forward. So I do appreciate your commitment to doing everything that we can from the U.S. perspective to encourage them to go to the table and to help find a resolution to this difficult issue.

Can you talk about what the current state of interethnic relations is in Macedonia, and are all of the parties who have—many of whom have been in the news in the last year or so, committed to continued territorial integrity, or do you think that the country could eventually break down along ethnic lines?

Mr. WOHLERS. Well, Senator, I think that the basis for movement forward on the ethnic issues there is the framework agreement, the Ohrid Framework Agreement of 2001. As I said, August 13 will be the 10th anniversary of that event. They have made considerable progress in those 10 years in terms of interethnic relations. There is considerably more local government, where the areas and municipalities with minority populations have much more control of their daily lives. They have considerably improved the hiring of ethnic minorities, both in the government and in staffing in the military. There is greater use of the minority languages and symbols, and the largest ethnic Albanian party is the junior partner in the most recent government and will be in the new government as well and will have significant positions of power in that government.

So there has been considerable progress since 2001. That having been said, that progress has slowed recently and we're concerned about that. We have made that clear to the authorities, the Macedonian authorities, that there needs to be continued and further progress on this.

A number of laws have been passed but not implemented. Of course, it's easy sometimes to pass laws; it's something else to implement them and to move forward. So we will be encouraging them to move forward on many of these issues to continue the improvement in the ethnic relationship.

One of the problems, as you pointed out, is integration into the Euro-Atlantic community, of which the ethnic Albanians in particular are very supportive, and the longer that doesn't take place the more uncertainty they have.

But I don't see any indications at this point that there's any desire to break off or to split the country apart. I think they're committed to a unified Macedonia. They're working in the government. They're working in all the ministries. Certainly we will continue to work there, should I be confirmed, to continue that process.

Senator SHAHEEN. Thank you. That's encouraging.

So finally, what in your view can the United States and the EU, for that matter, do to encourage the Macedonians to solve their current political crisis over the opposition's boycott of Parliament and the prospects for new elections?

Mr. WOHLERS. Well, they had elections in June and they're moving forward toward a new government. So we're hopeful now with this newly developed parliament that we won't have that issue. Obviously, if you're not in Parliament you can't—if you don't play, you can't affect things.

We've never been, obviously, in favor of boycotts. They need to be involved in the governmental process. But they've got a new Parliament starting shortly. I believe that they will be playing constructive roles, all the parties. We'll certainly be encouraging them to do that, and I would do that should I be confirmed.

So I think we're moving forward. There are still, obviously, many issues to be resolved, and we will be working closely with the Macedonian authorities through our assistance programs, through our public outreach, to do just that.

Senator SHAHEEN. Great. Thank you.

Finally, Mr. Moser, on Moldova. There have been informal talks under way to resolve the Transnistria conflict. Do you have any assessment of where those informal talks are and whether there's more that we can or should be doing to try and encourage those talks and a resolution?

Mr. MOSER. Well, I will say the first thing that you have to be happy about is that we had a set of informal talks. The good news is on this that we're scheduled to have another set in the fall, that the parties did not agree to break off negotiations, but to agree to get together again in the fall, although the United States stands firmly committed that official talks will begin again, and that is the goal that we're pressing for.

Now, if confirmed, I will be the Ambassador to Moldova and I will try to work extensively with outreach both to the officials in Chisinau and also the officials in Tiraspol to try to press them toward bringing this conflict toward resolution, because I do believe that in my role of being in the country that people-to-people contact can help them to get to talk to each other.

Senator SHAHEEN. Are there other regional players who are playing a role in this, both positive and negative? Has Russia's support for the separatists exacerbated the issues there?

Mr. MOSER. Well, I would put it this way, is we have to first of all praise Ukraine for its efforts to try to work toward resolution. In fact, the Russians have made very clear in their statements that they want to work toward a resolution of this conflict. So I think at this point all the other actors in the equation are working toward a positive resolution. We just need to get the parties that are really involved—and that is the officials within the country—to really come to serious negotiations.

Senator SHAHEEN. Thank you.

Several times during this afternoon's discussions we've pointed out that Moldova is one of the most economically depressed countries in Europe. Has it been hit even harder by the global economic downturn and are there plans under way in the government to help reform their economy? I think you mentioned some of those. Have they made any positive progress?

Mr. MOSER. Well, at the time in 2010 the IMF gave a $600 million stabilization fund to the Moldovans, and they've been helping the Moldovans take the right measures economically. Now, one positive report I recently read in the Moldovan press, that in the first quarter of 2011 reports are that their economy grew by 8.4 percent. Now, that is probably a rebound from a previous period of depressed growth, but this is actually a very positive development.

But if confirmed, one of my goals is to really work with them to really work toward the real goal, which is to make a business climate that is conducive to international investment. This is something in our long-term stake. We really are—I am really seriously committed to our policy of a Europe whole, free, and at peace, and you can't get there unless you take a country that borders on the

European Union and make sure that it shares in the economic progress.

Senator SHAHEEN. Thank you.

Senator Risch, do you have any other questions?

Senator RISCH. No, thank you very much.

Senator SHAHEEN. Thank you.

Well, then I will again thank all of you. I look forward to a speedy confirmation. Hopefully that will happen. And I think we'll move to the next panel. Hopefully we will be able to get them out before too late this afternoon.

First on our second panel is Tom Countryman, who has been nominated to be the Assistant Secretary of State for International Security and Nonproliferation. Tom is a career member of the senior Foreign Service, serving most recently as the Deputy Assistant Secretary of State for European and Eurasian Affairs, specifically focusing on Balkan issues. I can tell you in that capacity I have had a chance to work with him and he is very knowledgeable and his expertise will be very much missed on that issue.

Tom has also a great deal of experience working on international security issues, previously serving in the Bureau of Political-Military Affairs as foreign policy adviser to the Commandant of the Marine Corps and on the National Security Council staff.

Finally, we will consider the nomination of Jeffrey DeLaurentis to be Alternate Representative of the United States of America for Special Political Affairs in the United Nations, with the rank of Ambassador, and Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations.

As a Foreign Service officer, Jeffrey has served in a number of positions in the State Department, especially focused on Western Hemisphere and United Nations issues. He currently serves as Deputy Assistant Secretary for South America.

Again, as each of you give your opening statements feel free to introduce any family or friends who are here to support you. So I'll ask you to begin, Mr. Countryman.

**STATEMENT OF THOMAS M. COUNTRYMAN, OF WASHINGTON, NOMINATED TO BE ASSISTANT SECRETARY OF STATE FOR INTERNATIONAL SECURITY AND NONPROLIFERATION**

Mr. COUNTRYMAN. Thank you, Chairman Shaheen, and good afternoon. I appreciate you making time to consider my nomination.

I thank you also for the kind words that you and other Senators and my colleagues have said about the Foreign Service family. It applies with the deepest gratitude also to my family. Let me introduce first my wife, Dubravka, and my son, Andrew. My elder son, Stefan, is away studying physics at Columbia University. They are my strength, they are my joy, they are what propels me to give the best possible effort to creating a more secure future for them.

I'm sincerely humbled by the honor of appearing before you and asking for your confidence and by the honor of being President Obama's choice to serve as Assistant Secretary of State for International Security and Nonproliferation. I'm grateful for the confidence the President and Secretary Clinton have shown in nomi-

nating me and I'm fully aware of the important responsibilities that I will undertake on behalf of our country should I be confirmed.

While managing the ISN Bureau will be a new responsibility for me, I'm not a new face at the State Department and I've worked with you, your staff, and many on the Hill in my previous positions. I believe my experience in Washington and in building international partnerships abroad will serve us well if you choose to confirm me. I'm also keenly aware of the importance of consulting with Congress early and often. My hope, if confirmed, is that we will have a close relationship that will allow us to communicate, not only when we face a national security crisis, but in the quieter times in between, so that we can better prepare for the future.

As you know, in his April 5, 2009, speech in Prague, the President committed the United States to seeking the peace and security of a world without nuclear weapons and committed us to take concrete steps toward that end. His remarks laid out an ambitious nonproliferation agenda that includes working to strengthen the global nonproliferation infrastructure regime, including by strengthening compliance with these obligations, working toward a new framework for civil-nuclear cooperation, ensuring that terrorists never acquire a nuclear device, and securing all vulnerable nuclear materials around the world within 4 years.

This agenda is ambitious, but I believe it is essential. I believe it is achievable, and if confirmed I will work vigorously to make it a reality.

ISN's agenda, of course, is not only nuclear-related. Nonproliferation in today's context also includes addressing biological, chemical, missile, and destabilizing conventional weapons capabilities. Here also we have much important work before us. The Biological Weapons Convention Review Conference will occur later this year. At this important multilateral gathering, we will have a chance to build global capacity to combat infectious diseases, prevent biological terrorism, and promote confidence in the biological nonproliferation regime.

The world looks to our leadership in areas involving export controls, bio, chemical, and nuclear safety and security, and dealing with the proliferation challenges of Iran, North Korea, and Syria. If confirmed, I will pursue these tasks vigorously. The government's work in this area is vital to keeping America and our partners secure.

I've barely scratched the surface of the critical work to which I will be committed if confirmed. The continued growth and success of programs and initiatives such as the Proliferation Security Initiative, the Global Initiative to Combat Nuclear Terrorism, the Export Control and Related Border Security Assistance Program, the United States Security Council Resolution 1540, and the Global Threat Reduction Program are all essential pieces of our effort.

These cooperative initiatives reflect positive and concrete steps that we've already taken on the road to increased international security and nonproliferation. They also highlight the singular work that the State Department does in cooperation with other agencies, building long-term capacity to stem proliferation and serving as the connective tissue among agencies tackling this threat overseas.

If confirmed, I will contribute my energy and dedication to the work of many professionals in the Department, across the government, and in Congress already engaged in these important endeavors. Together we will continue to ensure that the United States is up to the task of realizing the ambitious and bold vision laid out by the President in Prague.

Thank you, Madam Chairman, for your time and your attention, and of course I'm happy to answer all of your questions.

[The prepared statement of Mr. Countryman follows:]

PREPARED STATEMENT OF THOMAS M. COUNTRYMAN

Good afternoon, Chairman Shaheen, Ranking Member Barrasso, and members of the committee. Thank you for making time to meet with me today to consider my nomination.

Madame Chairman, before I begin my testimony, please allow me a moment to recognize members of my family who have joined me today for this important occasion: my wife, Dubravka, and my son, Andrew. My elder son, Stefan, is away studying physics at Columbia University.

Their support strengthens my resolve and furthers my commitment to work each day toward a safer and more secure world not only for all of us, but for generations to come.

I am sincerely humbled by the honor of appearing before the committee, and by the honor of being President Obama's choice to serve as Assistant Secretary of State for International Security and Nonproliferation. I am grateful for the confidence that the President and Secretary Clinton have shown in nominating me for this position, and I am fully aware of the important responsibilities that I will undertake on behalf of our country should I be confirmed.

While managing the ISN Bureau will be a new responsibility for me, I am not a new face at the State Department, and I have worked with many of you and your staff in my previous positions. I believe that my experience both in Washington and in building international partnerships abroad will serve me well if you chose to confirm me. I am also keenly aware of the importance of consulting with the Congress early and often. My hope, if confirmed, is that we will have a close relationship that will allow us to communicate not only when we are facing a national security crisis, but also in the quieter times in between, so that we can better prepare for the future.

As you know, in his April 5, 2009, Prague speech, the President committed the United States to seeking the peace and security of a world without nuclear weapons, and to taking concrete steps toward that end. His remarks that day also laid out an ambitious nonproliferation agenda that includes: working to strengthen the global nonproliferation regime, including by strengthening compliance with nonproliferation obligations; working toward a new framework for civil nuclear cooperation; ensuring that terrorists never acquire a nuclear device; and securing all vulnerable nuclear materials around the world within 4 years. This agenda is ambitious but I believe it to be both essential and attainable. If confirmed, I will work vigorously to make it a reality.

ISN's agenda is not only nuclear-related. Nonproliferation in today's context also includes addressing biological, chemical, missile, and destabilizing conventional weapons capabilities. Here too there is much important work before us.

As one example, the Biological Weapons Convention Review Conference will take place at the end of this year. At this important multilateral gathering we will have a chance to build global capacity to combat infectious diseases, prevent biological terrorism, and promote confidence in the biological nonproliferation regime.

Similarly, the world looks to our leadership in areas involving export controls; biological, chemical, and nuclear safety and security; and dealing with the proliferation challenges of Iran, Syria, and North Korea. If confirmed, I will vigorously pursue these tasks. Indeed, the government's work in this area is vital to keeping America and our partners secure.

I realize that I have barely scratched the surface of the critical work to which I will be committed, if confirmed. The continued growth and success of programs and initiatives such as the Proliferation Security Initiative, the Global Initiative to Combat Nuclear Terrorism, the Export Control and Related Border Security Assistance Program, United Nations Security Council Resolution 1540, and the Global Threat Reduction Program are all essential to our efforts. These cooperative initiatives reflect positive, concrete steps we have already taken on the road to increased inter-

national security and nonproliferation. They also highlight the singular work that the State Department does, building long-term capacity in partner countries to stem proliferation and serving as the connective tissue between other agencies tackling this existential threat overseas.

If confirmed, I look forward to contributing my energy and dedication to the work of the many professionals in the Department, across the government, and in Congress who are already engaged in important nonproliferation endeavors. Together, we will continue to ensure that the United States is up to the task of realizing the bold and ambitious vision laid out by the President in Prague.

Thank you, Madame Chairman, Ranking Member Barrasso, and members of the committee for your time and attention today and for your consideration of my nomination. At this time, I am happy to answer your questions.

Senator SHAHEEN. Thank you very much.

Mr. DeLaurentis.

**STATEMENT OF JEFFREY DELAURENTIS, OF NEW YORK, NOMINATED TO BE ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA FOR SPECIAL POLITICAL AFFAIRS IN THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR, AND ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS**

Mr. DELAURENTIS. Madam Chairman, Ranking Member Barrasso, and other distinguished members of the committee, I am honored to appear before you today as President Obama's nominee to be the Alternate Representative for Special Political Affairs at the United Nations. I am grateful to the President, Secretary Clinton, and Ambassador Rice for this opportunity and for their confidence in me.

I should say up front that unfortunately my wife, Jennifer, is traveling overseas for professional reasons, so is not here with me today.

In his March speech dedicating the Ronald H. Brown Building, the new home of the United States Mission to the United Nations, President Obama said, "The world is more secure and the interests of the United States are best advanced when we act collectively." That basic truth underlies the very purpose of the United Nations, as well as the broader commitment of the United States to provide energetic and sustained global leadership at the U.N. to deepen our security.

If confirmed, I will work to advance America's interests and values at the United Nations as we work with the international community to forge common responses to common problems. As Ambassador Rice has noted, "America can't police every conflict and every crisis and shelter every refugee." We live in an interwoven age of threats that pay no heed to borders. Now more than ever, American security and well-being are inextricably linked to those of people everywhere. So our security depends on our ability to work together with others to confront these threats.

Now more than ever, the U.N. provides a crucial venue for countries to come together, shoulder their responsibilities, and carry together the costs of upholding peace and security. Of course, the United Nations is far from perfect. We must continue to be clear about the U.N.'s shortcomings. But let us also remember the indispensable role the U.N. plays in tackling the threats and challenges of the 21st century: preventing conflict, helping halt the spread of

nuclear weapons, isolating terrorists and human rights abusers, and advancing American values.

I have had the privilege of spending nearly half of my Foreign Service career in multilateral diplomacy. Each assignment has reinforced my view that our efforts at the U.N., although challenging at times, unquestionably advance American interests and values. If confirmed, I will work to bolster U.N. peacekeeping and political missions in Afghanistan, Iraq, Sudan, Haiti, the Democratic Republic of the Congo, and elsewhere. I will seek to strengthen peacekeeping mandates, prevent abuses by peacekeepers, and give the U.N. what it needs to more effectively protect civilians. I will work to ensure full and rigorous implementation of Security Council sanctions on Iran and North Korea, as well as other council sanctions targeting individuals and companies associated with terrorism, atrocities, and transnational crime. I will strongly encourage the U.N.'s efforts to advance democracy and human rights in the Middle East and elsewhere and press for equality and women's rights, and I will support the administration's efforts to lead the charge for comprehensive reform of the U.N. and to help the U.N. fulfill its potential. If confirmed by the Senate, I'll be a strong advocate for American interests and values.

Madam Chairman, I am grateful to this committee for considering my nomination and, if confirmed, I will look forward to working closely with the members and staff on these critical issues. Thank you and I look forward to your questions.

[The prepared statement of Mr. DeLaurentis follows:]

PREPARED STATEMENT OF JEFFREY DELAURENTIS

Madam Chairman, Ranking Member Barrasso, and other distinguished members of the committee, I am honored to appear before you today as President Obama's nominee to be the Alternate Representative for Special Political Affairs at the United Nations.

I am grateful to the President, Secretary Clinton, and Ambassador Rice for this opportunity and for their confidence in me.

Before proceeding further, let me introduce my wife, Jennifer, who is with me today.

In his March speech dedicating the Ronald H. Brown Building—the new home of the United States Mission to the United Nations—President Obama said, "The world is more secure and the interests of the United States are best advanced when we act collectively." That basic truth underlies the very purpose of the United Nations—as well as the broader commitment of the United States to provide energetic and sustained global leadership at the U.N. to deepen our security. It is also the tenet that has shaped a good part of my own career at the State Department over the last 20 years. If confirmed, I will work to advance America's interests and values at the United Nations, as we work with the international community to forge common responses to common problems.

As Ambassador Rice has noted, "America can't police every conflict, end every crisis, and shelter every refugee." The U.N. brings 192 countries together to share the cost of providing stability, aid, and hope in the world's broken places.

We live in an interwoven age of threats that pay no heed to borders—from terrorism to pandemic disease, from criminal networks to environmental degradation. Now more than ever, Americans' security and well-being are inextricably linked to those of people everywhere. So our security depends on our ability to work together with others to confront these threats. Now more than ever, the U.N. provides a crucial venue for countries to come together, shoulder their responsibilities, and carry together the costs of upholding peace and security.

Of course, the United Nations is far from perfect. Progress sometimes comes too slowly. It is all too easy to find examples where the U.N. could be more efficient and effective, and where it has stumbled in the past. We must continue to be clear about the U.N.'s shortcomings. But let us also remember the indispensable role the U.N. plays in tackling the threats and challenges of the 21st century, preventing

conflict, helping halt the spread of nuclear weapons, isolating terrorists and human rights abusers, providing desperately needed medicine and shelter, combating global poverty, promoting democracy, and advancing American values.

I have had the privilege of spending nearly half of my Foreign Service career in multilateral diplomacy, including two assignments at the U.S. Mission to the U.N. in New York and one at the U.S. Mission to the U.N. in Geneva. Each assignment has reinforced my view that our efforts at the U.N., although challenging at times, unquestionably advance American interests and values. At the U.N., we react to today's crises while trying to avert those to come. At the U.N., we pursue actions that will make us more secure. And because of the U.N., the international community does not always look to America to solve every problem alone.

Madam Chairman, I would welcome the opportunity to return to multilateral work if confirmed. Under the leadership of President Obama, Secretary Clinton, and Ambassador Rice, our entire approach toward multilateral diplomacy is being reinvigorated—and it has produced results for the United States at the U.N. The State Department's Quadrennial Diplomacy and Development Review noted that the United States must partner with other countries to better address issues of shared concern and to reform and reshape international organizations so they can effectively confront 21st century challenges. It recommended that we update our approach to multilateral diplomacy, expand the ranks of diplomats skilled in multilateral diplomacy and improve links between our multilateral and bilateral diplomacy, especially with respect to our engagement with the United Nations. It would be my highest honor to pursue these goals in order to better advance our country's interests at the U.N.

U.S. national security depends on a more effective approach to fragile states, an approach that is comprehensive enough to prevent us from having to intervene multiple times in a country emerging from conflict. Fostering security and reconstruction in the aftermath of conflict is a central national security objective. The United Nations plays a leading role here by organizing, directing, and promoting peacekeeping and stability operations, and setting the stage for peace-building and development. In today's difficult fiscal environment, if confirmed, I will work to ensure that U.N. peacekeeping resources are deployed efficiently, effectively, and within the parameters of approved mandates.

If confirmed, I will work, in particular, to bolster lifesaving U.N. peacekeeping and political missions in Afghanistan, Iraq, Sudan, Haiti, the Democratic Republic of Congo, and elsewhere. I will seek to strengthen peacekeeping mandates, prevent abuses by peacekeepers and give the U.N. what it needs to more effectively protect civilians. I will work to ensure full and rigorous implementation of Security Council sanctions on Iran and North Korea as well as other Council sanctions targeting individuals and companies associated with terrorism, atrocities, and transnational crime. I will strongly encourage the U.N.'s efforts to advance democracy and human rights in the Middle East and elsewhere, and press for equality and women's rights. And I will support the administration's efforts to lead the charge for comprehensive reform of the U.N. and to help the U.N. fulfill its potential.

If confirmed by the Senate, I'll be a strong advocate for American interests and values.

Madam Chairman, I am grateful to this committee for considering my nomination, and if confirmed, I will look forward to working closely with the members and staff on these critical issues.

Thank you and I look forward to your questions.

Senator SHAHEEN. Thank you both very much for your statements.

Dr. DeLaurentis, as you as a representative of the United States look at America's role at the U.N. and concerns that we have with respect to the U.N., can you elucidate on what you think the biggest challenges that we face there are? Does it have to do with the organization of U.N. operations? Does it have to do with particular issues that are before the U.N. right now? Are there other things that we're especially concerned about?

Mr. DELAURENTIS. Madam Chairman, thank you for that question—it's a broad one.

Senator SHAHEEN. It is.

Mr. DELAURENTIS. First and foremost, in these difficult budget times, it's important to remember that the U.N. maintains inter-

national sanctions regimes, deploys peacekeepers in Sudan, the Democratic Republic of the Congo, and Haiti, and of course U.N. missions support our troops in Iraq and Afghanistan.

We're constantly working with the U.N. to improve its budgets, become more cost effective, make peacekeeping better, include benchmarks in the mandates of peacekeeping missions, and also improve the logistic and other kinds of support for peacekeeping missions.

We're always looking for ways to improve the operations of U.N. peacekeeping and, of course, throughout the U.N. system. Thank you.

Senator SHAHEEN. Since you mentioned peacekeeping, how would you characterize the U.N.'s record on peacekeeping for the last decade?

Mr. DELAURENTIS. Of course, peacekeeping has grown over the past decade, but I think it's been very good and it's getting better. The U.N. has 120,000 troops all around the world, as I mentioned, working on many missions that are important to the United States. The U.N. has actually managed to close a couple of missions in the last decade in Chad and Nepal. We are constantly reviewing every mission with each mandate renewal, looking again to improve operations as they continue.

Senator SHAHEEN. What's our position on reform of the Security Council?

Mr. DELAURENTIS. Madam Chairman, thank you for that question. It's a difficult issue, one that the U.N. has been at work on for a long time. But I think it's important that the Security Council be relevant and efficient to address the challenges of the 21st century. As a result, we are open in principle to a modest expansion of both permanent and nonpermanent members.

For the permanent members, in particular, they need to be strong advocates and players in the maintenance of international peace and security. They should be strong advocates for the promotion and protection of human rights. They should be democracies and again large players in the activities of the Security Council.

There are discussions under way at the U.N., which we participate in. There aren't any proposals so far that have garnered widespread support among the membership, so I suspect that we'll be at this for some time to come.

Senator SHAHEEN. As we're looking at a potential expansion of the Security Council, are we assuming that any potential permanent member should also have a veto?

Mr. DELAURENTIS. No, the administration would be opposed to any expansion of the veto beyond those members who already have it.

Senator SHAHEEN. Can you talk about what steps we're taking to discourage the effort at the U.N. to seek recognition of an outside peace deal with Israel between the Palestinian Authority and, for that matter, to recognize Palestine as an independent state?

Mr. DELAURENTIS. Senator, the administration's position on this is very clear. Symbolic actions to isolate Israel at the U.N. in September will not lead to the creation of a Palestinian state. All our efforts at this moment are focused on bringing about direct negotiations between the parties. That's where we believe all the attention

should be and any efforts at the U.N. will not be helpful in that regard.

Senator SHAHEEN. Thank you.

Let me just point out that a number of us on the committee had the opportunity to meet with former Chilean President Michele Bachelet, who is now heading the Office of Women at the U.N.

Mr. DELAURENTIS. Yes.

Senator SHAHEEN. I think we applaud the consolidation of programs affecting women under that office. I think her leadership has been very impressive and I think—I hope it's an indication that the U.N. will continue to recognize what has become a more important part of American foreign policy, and that is that if we can ensure and improve the role of women in communities and in countries around the world that that's a stabilizing factor, it's an important economic factor in terms of how the countries do, and that that will continue to be a very important priority for the U.N.

Mr. DELAURENTIS. Thank you, Senator. I couldn't agree with you more, and if confirmed, I will certainly work hard toward that effort. It's been very clear that increasing women's participation in conflict resolution and peace processes has been enormously helpful, and American leadership has contributed very much to the number of very strong U.N. Security Council resolutions that are a good framework and base to proceed with these issues and strengthen them further. So I actually look forward very much to working on these issues. Thank you.

Senator SHAHEEN. Thank you.

Mr. Countryman, you talked about Iran, North Korea, and Syria. Can you talk about how you will work in your new role, should you be confirmed, to strengthen the nonproliferation regime and how we prevent those countries or discourage those countries from moving forward with weapons of mass destruction? I suppose Syria is not yet on that path, but certainly Iran and North Korea are.

Mr. COUNTRYMAN. Thank you, Chairman Shaheen. The effort to prevent proliferation of weapons of mass destruction requires us to use a variety of different instruments, including diplomatic, political, economic, intelligence, and military strengths, all the different strengths that this government can bring to the table.

In order to strengthen those efforts, I would first focus on ensuring that the State Department, and particularly the ISN Bureau, if I'm confirmed, is doing the maximum to coordinate with the other agencies of the U.S. Government; and second, to ensure that we are being consistent with our friends around the world who share our goals, that we demonstrate a coherence and a consistency in our policy, that gives them every reason to join with us in continuing the pressure on Iran, on North Korea, and on others who are seeking to proliferate and create weapons of mass destruction.

Senator SHAHEEN. Some of us from this committee had the opportunity to meet with Russian Foreign Minister Lavrov yesterday and one of the things that he suggested was that Iran might be ready to come back to the table on negotiations around developing a nuclear weapon. Do we have any indications that that in fact might be the case?

Mr. COUNTRYMAN. Both Jeff DeLaurentis and I worked with Ambassador Lavrov in New York and if you have an indication from

Minister Lavrov that's an indication that it is so. We do, of course, seek——

Senator SHAHEEN. An indication it's an indication?

Mr. COUNTRYMAN. It's an indication that—he's well informed, a very capable diplomat, and we have really excellent cooperation in the P5+1, the five permanent members plus Germany, in devising a strategy that makes clear our determination to have Iran come back into compliance with its international obligations.

That effort proceeds well. Whether this is the moment to resume negotiations, at a time when Iran is increasing defiance of its obligations to the International Atomic Energy Agency and its obligations to the U.N. Security Council is a tough question. But we are, of course, prepared, as the President has been throughout this administration, both to engage with Iran to work out a new relationship, but at the same time to make clear that we expect Iran to come into full compliance with its obligations.

Senator SHAHEEN. So as you pointed out, the President in his Prague speech talked about the importance of moving the world in the direction of ending our nuclear weapons at some point in the future, and the administration has said that it "will lead a global effort to negotiate a verifiable treaty ending the production of fissile nuclear materials for weapons purposes."

Can you talk about how the administration will include unrecognized nuclear weapons states like Iran in a cutoff treaty?

Mr. COUNTRYMAN. Thank you, Senator. I can only talk in the most general terms because the obligation to lead the negotiation of such a treaty will fall to who I hope will be my future colleague, Assistant Secretary Gottemoeller in the Arms Control and Verification Bureau. It is a goal that we are determined to pursue. We believe that the P5, the five permanent members of the Security Council, must lead this effort.

But the question you put your finger on, how to bring in nonrecognized nuclear-capable states, is not one that's resolved and I'm afraid I won't be the one to resolve it.

Senator SHAHEEN. Can you talk about how we'll work to overcome Pakistan's objections to proceeding with negotiations in the Conference on Disarmament?

Mr. COUNTRYMAN. Again, only in general terms. I would be happy to come back with colleagues in order to get into more detail, but in general we have done everything we can to promote a productive agenda of cooperation with Pakistan in the many specific areas that nonproliferation encompasses, from border security to security of nuclear materials.

In our strategic dialogue with Pakistan and in the nonproliferation part of that dialogue with Pakistan, which I would support if confirmed, we are seeking to convince them of the advantages to Pakistan and world security of such an approach.

Senator SHAHEEN. Is there any indication of the extent to which the recent announcement that we're going to be discontinuing a portion of our aid to Pakistan is going to have any impact on the ability to negotiate with Pakistan on those other issues of nuclear proliferation?

Mr. COUNTRYMAN. Very good question, Senator. I think the only part of that that I'm really qualified to speak to is to reaffirm that

the assistance that we give to Pakistan for programs related to nonproliferation in the fields I mentioned, such as border control, we provide that money because it is in the United States interests, because it contributes directly to our security.

I think that Pakistan has recognized that it shares that interest with us and we certainly hope to continue that cooperation.

Senator SHAHEEN. The final document of the 2010 NPT treaty review conference also called for India and Pakistan to accede to the NPT and to abandon their weapons programs. What steps, if any, are we taking to persuade India and Pakistan to do that?

Mr. COUNTRYMAN. As I noted, Senator, we have a nonproliferation and a strategic dialogue with both India and Pakistan. In this dialogue and in our ongoing contact with each, we seek to have them take steps that improve the security of nuclear materials and that do not encourage additional proliferation in both countries. We hope that gradually we can create the conditions under which they will seriously consider joining the NPT. I think we must conclude that it's realistic that we won't reach that goal in the immediate future, but we continue to work toward it in our bilateral cooperation with both states.

Senator SHAHEEN. We announced, or the administration announced, its intention to support India's full membership in the Nuclear Suppliers Group in November 2010, as well as the Missile Technology Control Regime, the Australia Group, the Wassenaar Arrangement. Are we also expecting that India will bring its export control regimes in conformity with these groups' guidelines before it joins?

Mr. COUNTRYMAN. Thank you, Senator. We are working both with India and with the existing members of those four export control regimes toward the goal that we promised in November 2010. It is our expectation that India would meet the standards of those regimes prior to joining.

Senator SHAHEEN. Good.

I don't have any further questions for right now, but I would be remiss, Dr. DeLaurentis, if I didn't go back and ask you a final question about Libya, since that has been so much of the part of the national discussion here. Do you expect any further action on Libya at the U.N. and is there any reason to be optimistic about the U.N.'s further engagement in Libya that will help provide a resolution to the conflict there?

Mr. DELAURENTIS. Thank you, Senator. It's a very good question, unfortunately, I was not a part of the negotiations in New York. Of course, the two Security Council resolutions provided the framework for the current action with respect to the protection of civilians clearly in harm's way, the arms embargo, and so forth.

I think there is reason for optimism. We're beginning to see an international consensus that comes closer to our position that Qadafi has to go, has to step down, and we need to move toward a democratic transition. Of course, there's a U.N. envoy involved and things are changing on a daily basis. But I think in general we can be optimistic, and I think we can be proud that we averted a humanitarian catastrophe.

Thank you.

Senator SHAHEEN. Well, thank you both very much again for your testimony here today, for your willingness to serve. I hope that we can move forward with speedy confirmations of both of you so that you can start your new positions as soon as possible.

I will point out that the record will stand open for 48 hours until the close of business on Friday July 15 for any further comments or statements.

Thank you all. The hearing is adjourned.

[Whereupon, at 4:27 p.m., the hearing was adjourned.]

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## ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

### RESPONSES OF PAUL WOHLERS TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* In your view, should Macedonia's accession to NATO continue to depend on resolution of its name dispute with Greece? What other measures, besides resolution of the name dispute, must Macedonia undertake to accede to NATO?

Answer. The United States supports Macedonia's membership in NATO. Macedonia has fulfilled key criteria required of NATO members and will receive an invitation to join as soon as the dispute with Greece over its name is resolved. Heads of State and Government concluded at NATO's 2008 Bucharest summit—and reaffirmed at the Strasbourg-Kehl and Lisbon summits—that "an invitation to the former Yugoslav Republic of Macedonia will be extended as soon as a mutually acceptable solution to the name issue has been reached."

Macedonia participates in the Membership Action Plan (MAP) process and continues to be an active participant in the Partnership for Peace (PfP) and its Planning and Review Process (PARP). With 163 site protectors, army mentors, and medical personnel, it maintains one of the highest per capita contributions to NATO's International Security Assistance Force (ISAF). Macedonia has implemented key defense reforms in support of its NATO aspirations and should continue to enhance the deployability of its armed forces and improve its interoperability with NATO forces.

*Question.* What effect would Macedonia's accession to NATO have on regional stability?

Answer. Regional stability in Southeast Europe is a foreign policy priority of the United States, and we support the full integration of Macedonia into Euro-Atlantic institutions to further that priority. As a NATO aspirant country, Macedonia has become a valuable contributor to regional security. It provides small contingents in support of the EU peacekeeping mission in Bosnia and provides support to the KFOR mission through a Host Nation Support Coordination Center.

The Euro-Atlantic integration process results in domestic reform not only in the area of security but also in rule of law, democratization, and the development of civil society. By fulfilling NATO membership criteria, Macedonia is reinforcing its ability to withstand internal and external crises, thus aiding in the stabilization process throughout the region. Assuming the name issue is resolved, Macedonia's successful accession to NATO would serve as an example to other NATO aspirants in the region, demonstrating that the necessary reforms can be accomplished, membership is in fact achievable, and NATO's open door policy is true and unwavering.

*Question.* Please describe Macedonia's energy security situation. What steps would you advocate as Ambassador to promote its energy security?

Answer. Macedonia imports a significant amount of electrical power, which underscores both the importance of Macedonia's participation in the Energy Community and the need for increased energy efficiency and use of renewable sources. The key for Macedonia's energy security is diversification. Of domestic production, roughly 30 percent comes from hydroelectric sources and about 70 percent comes from coal. It is estimated that the capacity for hydroelectric power generation can be increased with several projects that are in the development stage.

Through USAID assistance programs, the United States has helped Macedonia realize its Energy Community commitments to ensure a rational energy market and has funded the development of the Energy Efficiency Strategy and Action Plan, as well as the Action Plan for the Renewable Energy Strategy and demonstration projects to encourage more energy efficiency. Likewise, we have assisted in the

development and passage of a new comprehensive energy sector law and are supporting the development of the key required secondary legislation to encourage investment in renewable sources such as wind and solar. If confirmed, I will continue to support programs that lead to energy diversity and help reduce Macedonia's import dependency.

*Question.* What sectors of the Macedonian economy are in most need of foreign investment? How would you seek to increase U.S. investment in Macedonia?

Answer. Macedonia lags behind other countries in the region in attracting foreign direct investment, yet there are real opportunities. For instance, two U.S. companies have invested in production facilities near Skopje for the production of auto parts and electronics. The companies investing in these facilities are using them to expand into markets in Europe and elsewhere. In addition to small manufacturers, investment opportunities exist in agriculture and technology.

Lack of progress on NATO and EU integration and the inability of the judiciary to provide reliable, impartial, and timely settlement of disputes are obstacles to attracting more investment. If confirmed, I would continue to support our mission's efforts to address these obstacles through our assistance, public engagement, and in meetings with the Government, so that we can help Macedonia realize its full potential as an economic partner.

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RESPONSES OF WILLIAM MOSER TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* Several seizures of uranium have occurred in Moldova over the past year. Could you please provide a list of U.S. programs in Moldova for the past two fiscal years that advance U.S. nonproliferation objectives?

Answer. Members of the interagency Nuclear Trafficking Response Group (NTRG), which is chaired by the Department of State, have been working closely with the Government of Moldova in recent months to break up nuclear trafficking networks. The NTRG coordinated the USG response to the recent law enforcement operations in Moldova, including the seizure of uranium-238 in August 2010 and the June 2011 seizure of highly enriched uranium (HEU). The NTRG continues to facilitate followup actions with Moldova and other countries as we work together to investigate the smuggling networks involved.

U.S. programs in Moldova focused on nonproliferation include:

- The State Department's Export Control and Related Border Security (EXBS) Program, which restarted in Moldova in November 2010, has coordinated with other federal agencies to organize seminars and tabletop exercises to enhance Moldovan capabilities in detecting and interdicting smuggling of weapons of mass destruction.
- The Department of State's Nuclear Smuggling Outreach Initiative (NSOI) initiated a dialogue with Moldova in 2010 on combating the smuggling of illicit nuclear material. On July 19, the U.S. Ambassador to Moldova signed the "Joint Action Plan between the Government of the United States of America and the Government of the Republic of Moldova on Combating Smuggling of Nuclear and Radioactive Materials." This Joint Action Plan expresses the intention of the two governments to take steps to enhance the capabilities of the Republic of Moldova to prevent, detect, and respond effectively to any attempts to smuggle materials that could be used to make an improvised nuclear device.
- The Department of State's Preventing Nuclear Smuggling Program (PNSP) plans to fund projects that are part of the NSOI Joint Action Plan, starting in the autumn of 2011. PNSP plans to help Moldova build specialized Counter Nuclear Smuggling Teams, host a workshop to review Moldova's laws on nuclear smuggling, and help Moldova further strengthen its national response plan to ensure effective coordination in responding to incidents of trafficking in nuclear or radioactive materials.
- On July 19, the U.S. Ambassador to Moldova signed the "Memorandum of Understanding Between the Department of Energy of the United States of America and the Customs Service under the Ministry of Finance of the Republic of Moldova Concerning Cooperation to Prevent Illicit Trafficking in Nuclear and Other Radioactive Material." The memorandum of understanding will allow the Department of Energy's National Nuclear Security Administration (NNSA) to provide radiation detection systems at strategic locations at Moldova's borders, to thwart nuclear smuggling and prevent illicit movement of nuclear and radioactive materials.

- The Department of Defense's Cooperative Threat Reduction's Proliferation Prevention Program (CTR PPP) is discussing with Moldovan officials possible projects to enhance WMD detection and interdiction capabilities on the borders with Ukraine and around the region of Transnistria. Moldovan officials have welcomed possible assistance. CTR officials anticipate further discussions in the coming months.
- On nonnuclear proliferation risks, the United States has cooperated with the Organization for Security and Cooperation in Europe (OSCE) in the destruction of Soviet-era rockets and cluster munitions left in the territory of Moldova under control of the central authorities.

*Question.* Please describe how the programs mentioned above are coordinated with U.S. programs in Ukraine. Do you believe that these programs could be better coordinated? If so, please describe.

Answer. The Department of State's Nuclear Smuggling Outreach Initiative Joint Action Plan on nuclear smuggling to be signed with Moldova is modeled after a similar plan established with Ukraine in 2006. The Joint Action Plan specifically calls for Moldova to bolster its cooperation on countersmuggling efforts with international partners, including Ukraine.

The legal review and national response plan workshops that the Department of State's Preventing Nuclear Smuggling Program plans to host in Moldova are modeled after similar workshops it hosted in Ukraine. The Preventing Nuclear Smuggling Program is planning a visit to Moldova, Ukraine, and Slovakia this fall to help develop Counter Nuclear Smuggling Teams in all three countries. One of the goals of these teams is to foster cooperation among law enforcement counterparts in the region.

The Department of Energy's work in Moldova to provide radiation detection systems on the border and to upgrade physical security at Moldovan facilities parallels such work in Ukraine. Assistance for border security in both countries will be mutually reinforcing, as both countries share a border known to be a popular route among smugglers.

Those responsible for the State Department's Export Control and Related Border Security (EXBS) programs in Chisinau and Kyiv communicate regularly regarding their work, and the programs share the same regional EXBS Advisor, who is posted at the U.S. Embassy in Kyiv. The two EXBS programs plan closer cooperation in coming years to assist in training Moldovan and Ukrainian border guards and other law-enforcement authorities via joint exercises in both countries.

*Question.* Is the U.S. Government aware of the origins of the seized uranium? If so, please describe.

Answer. Detailed analysis of the uranium seized by Moldovan police on June 28, 2011, has not been completed. Since this case is still open, all of the information on this matter is highly sensitive as Moldova continues its investigation in cooperation with the United States.

*Question.* A bill to repeal Jackson-Vanik for Moldova has been pending for the last several years. Please describe administration efforts to push for passage of this bill (S. 334 and its House companion) in 2011, including meetings held with House and Senate committee staff and House and Senate leadership staff on this issue.

Answer. Since 1997, the United States Government has found Moldova to be in compliance with Jackson-Vanik emigration requirements, and the Obama administration has extended to Moldova conditional normal trade relations status. The Obama administration supports terminating the application of Jackson-Vanik and extending Permanent Normal Trade Relations (PNTR) to Moldova, because the country has satisfied all the freedom of emigration requirements of Jackson-Vanik, and because U.S. exporters to Moldova will not enjoy WTO benefits and protections until the application of Jackson-Vanik is lifted. During his March visit to Chisinau, Vice President Biden delivered a message of support for granting PNTR to Moldova, both publicly and privately. Administration officials have also discussed the termination of the application of Jackson-Vanik with House and Senate staff .

The administration's top trade priorities with Congress include trade agreements with Korea, Colombia, and Panama, Trade Adjustment Assistance (TAA), and renewal of trade preference programs (e.g., Generalized System of Preferences and the Andean Trade Preference Act). We look forward to working with Congress on lifting Jackson-Vanik's application to Moldova as our trade agenda advances.

*Question.* What tangible steps will you take as Ambassador to increase U.S. investment in Moldova?

Answer. If I am confirmed as U.S. Ambassador to Moldova, I will enhance our trade and investment promotion efforts and build upon them. The key to making Moldova more attractive to U.S. investors and exporters is improving Moldova's overall business and investment climate, and the USG has been actively working on this priority with the Moldovan Government. For example, the U.S. Agency for International Development has two programs dedicated to this effort:

- The Business Regulatory and Tax Administration Reform Project works with the Moldovan Government to reduce the administrative burdens on the private sector, streamline tax administration, reduce opportunities for corruption, improve access to government information, and strengthen public-private sector dialogue.
- The Moldova Rapid Governance Support Program, provides rapidly implemented, short-term expert assistance to Moldovan Government ministries and offices to support implementation of key reforms in the areas of judicial administration, agricultural subsidies, customs, fiscal decentralization, internal government communications, and implementation of an e-government strategy.

As a result of these efforts, over 17,000 businesses now save an average of 4 hours/month using the rapid tax declaration system developed under the Business Regulatory and Tax Administration Reform Project. Moldova's State Licensing Chamber recently launched its one-stop shop, which allows businesses to combine what used to require four or more separate applications, presented by hand to different agencies, into a single filing. Meanwhile, changes in construction laws have shaved 70 days and over $1,000 in fees from the process of acquiring permits.

If confirmed, I will continue to focus on improving Moldova's investment climate, because foreign direct investment and two-way trade can play an important role in boosting exports and employment and reducing poverty.

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RESPONSES OF JOHN HEFFERN TO QUESTIONS SUBMITTED BY SENATOR BARBARA BOXER

*Question.* As you know, countless experts have documented the horrific atrocities of the Armenian Genocide of 1915 to 1923, when more than 1.5 million Armenians were marched to their deaths in the deserts of the Middle East, murdered in concentration camps, drowned at sea, and forced to endure unimaginable acts of brutality at the hands of the Ottoman Empire—now modern-day Turkey.

That is why it is so hard to understand how Turkey continues its state-sponsored denial of this terrible crime.

- How is the administration working to urge Turkey to finally acknowledge the Armenian Genocide? What efforts have been undertaken to date?

Answer. The President has said that a full, frank, and just acknowledgement of the facts is in all our interest. In his April 23, 2011, statement, he noted that history teaches us that our nations are stronger and our cause is more just when we appropriately recognize painful pasts and work to rebuild bridges of understanding toward a better tomorrow. With this in mind, he strongly supports efforts by the Turkish and Armenian peoples to work through their painful history in a way that is honest, open, and constructive. The U.S. Government supports the efforts of individuals in Armenia and Turkey to foster a dialogue that acknowledges their history, sponsoring programs that foster contacts between the Armenian and Turkish peoples.

Over the last decade, the United States has provided approximately $3.5 million to support activities aimed at strengthening relations between the people of Armenia and Turkey. These include initiatives to increase people-to-people connections such as research projects, conferences, documentary production, and exchange and partnership programs with the goal of increasing cross-border dialogue and cooperation. These programs are focused on bringing together Armenian and Turkish NGOs, think-tank researchers, academics and business leaders at the grassroots level by creating opportunities for them to work together on common projects that will benefit both countries. If I am confirmed, I will continue to promote not only government-to-government discussions, but also people-to-people cultural and economic contacts and partnerships, and other cross-border and regional initiatives.

*Question.* Recently, the Government of Azerbaijan threatened to shoot down civilian airplanes if Nagorno Karabakh goes ahead with plans to reopen its civilian airport that has been closed since 1991.

According to news reports, the head of Azerbaijan's Civil Aviation Administration said that "the law on aviation envisages the physical destruction of airplanes landing in" Nagorno Karabakh.

- How has the United States Government responded to these threats? Is there an effort underway with the Government of Azerbaijan to encourage it to back down? How will the United States respond once the airport is open?

Answer. U.S. officials have made clear repeatedly that the threat or use of force, including against civilian aircraft that pose no threat themselves, is unacceptable, and runs counter to commitments made by the Presidents of Azerbaijan and Armenia to seek a peaceful, negotiated settlement.

The United States Government has urged both sides to work together to resolve all issues of commercial aviation safety prior to the planned opening of the proposed airport. On April 1, the Azerbaijani Foreign Ministry declared that "Azerbaijan will not use force against civil facilities." Also, the Presidents of Armenia and Azerbaijan have both confirmed to the Minsk Group cochairs in early April that they will not use force against civil aircraft.

*Question.* Can you please provide your views on the following statements made by President Obama? Do you disagree with them? If so, why?

"Nearly 2 million Armenians were deported during the Armenian Genocide, which was carried out by the Ottoman Empire from 1915 to 1923, and approximately 1.5 million of those deported were killed."—*Senator Obama, Question for the Record to Ambassador Yovanovitch, June 19, 2008.*

"The occurrence of the Armenian genocide is a widely documented fact supported by an overwhelming collection of historical evidence."—*Senator Obama, Statement Commemorating the Armenian Genocide, April 28, 2008.*

"The Armenian Genocide is not an allegation, a personal opinion, or a point of view, but rather a widely documented fact supported by an overwhelming body of historical evidence."—*Senator Obama on the importance of U.S.-Armenia Relations, January 19, 2008.*

Answer. In his April 23 Armenian Remembrance Day statement, the President solemnly remembered as historical fact that 1.5 million Armenians were massacred or marched to their deaths from 1915–1923. The President's views on this subject are well known; they have not changed.

Like all executive branch officials, I have a responsibility to represent the policy of the President on this and all other issues. If I am confirmed as the personal representative of the President to Armenia, I will continue to do so.

*Question.* Does the United States Government support the inclusion of the Nagorno-Karabakh Republic in the Minsk Group process? If not, please provide a detailed explanation.

Answer. The United States supports the current format of negotiations for the Minsk Group process, which has been agreed to by both the Armenian and Azerbaijani sides. At this stage in the negotiation, the USG believes it is best to continue on this basis. Any final settlement of the Nagorno-Karabakh (NK) conflict must be acceptable to the Karabakhi communities. The Minsk Group cochairs travel regularly to NK to meet with the de facto NK authorities.

*Question.* In 2010, trade between the United States and Armenia totaled approximately $189 billion (both imports and exports). What steps are being taken by the administration to increase trade between our two countries?

Answer. The U.S. and Armenian governments have a robust dialogue focused on trade and investment issues between our two countries as part of the U.S.-Armenia Joint Economic Task Force (USATF)—which has been meeting regularly since 1999. We are committed to using this forum to enhance bilateral trade opportunities and improve the business climate in Armenia. As part of that effort we are using the USATF to encourage business-to-business contacts, identify sectors for reform, and to advocate for U.S. companies who want to expand their business with Armenia. The next USATF meeting is scheduled for September of this year.

Over the past several years, our countries have concluded agreements that advance greater cooperation. In November 2008, the U.S. Government and the Government of Armenia concluded a comprehensive Open Skies agreement to expand and liberalize bilateral civil aviation relations between the two countries. In 2009, Armenia and the United States signed an agreement that will facilitate science and technology cooperation in numerous areas of mutual interest including information technology, intellectual property, earth sciences, and others. This year we signed an MOU to jointly analyze Armenia's potential conventional and unconventional energy resources.

In order to increase bilateral trade and investment, we intend to organize a trade mission in the coming year that will bring Armenian business people on a sector-

specific trip to the United States. They will have the chance to attend trade shows and connect with U.S. businesses interested in export, as well as having the opportunity to develop markets for Armenian exports. While this idea is still in the development phase—we are considering how we might fund it—if I am confirmed this would be one of my first orders of business upon arriving in Yerevan.

Our diplomatic engagement and assistance programs continue to address the underlying impediments to doing business in Armenia. The USG is actively working with the Armenian authorities to create a more favorable trade and investment environment, including through reform of its tax administration and customs procedures, improving its legal system, and addressing corruption that stifles investment in Armenia. USAID's Mobilizing Action Against Corruption (MAAC) project is now providing input to the Armenian Government's efforts to develop a revised anticorruption strategy. Armenian Intellectual Property Rights (IPR) specialists attend U.S. Patent Office training to improve Armenian patent and copyright law, improving IPR protection in Armenia and making the country more attractive to U.S. businesses.

Other U.S. Government programs work directly with Armenian entrepreneurs and companies: USAID's Competitive Armenian Private Sector (CAPS) and Enterprise Development and Market Competitiveness (EDMC) projects aim to enhance business and management skills, increase access to financial services for Armenian businesses, and encourage enterprise collaboration and joint ventures. Our Business Advisory Services program provides technical and consulting services to Armenian companies, helping them to improve their operations and enter new markets. U.S. Government assistance moneys have supported the Civilian Research and Development Fund in Armenia since the 1990s. This project identifies and funds technological innovations that have promising commercial applications, and pairs Armenian scientists and businesspeople to develop these innovations.

Should I be confirmed, I intend to work to provide U.S. businesses with information about opportunities in Armenia, and to provide Armenian businesses insight about how American businesses operate. Promotion of trade and business cooperation between the United States and Armenia will require greater awareness of Armenia and the Caucasus as a whole by U.S. businesses. Some sectors, such as information technology, already have significant U.S. investment. But others, financial services and insurance for example, hold largely untapped potential.

Finally, I believe that the key to unlocking Armenia's economic potential—and opening up more opportunities for U.S.-Armenian business cooperation—lies in the resolution of regional conflicts. If confirmed, I will support the USG's continued efforts to open the land border with Turkey and to achieve a peaceful solution to the Nagorno-Karabakh conflict. Armenia's economic integration into the wider region remains an important U.S. policy objective.

*Question.* If confirmed, will you commit to comprehensive engagement with the Armenian Community in California and throughout the United States on a regular basis? For example, will you commit to holding public community forums with Armenian Americans throughout the United States?

Answer. Yes. If confirmed, I would look forward to visiting and meeting with members of the Armenian American community in California, throughout the United States, and in Armenia, as my predecessors have done. It would be a valuable opportunity to understand their concerns, update them on the status of the U.S.-Armenia relationship, and to discuss a host of relevant issues.

*Question.* In a July 29, 2008 letter to then-chairman of the Senate Foreign Relations Committee Joseph Biden, Acting Assistant Secretary for Legislative Affairs Matthew Reynolds wrote of "the mass killings and deportations of Armenians committed by Ottoman soldiers and other Ottoman officials in 1915" and noted that "the administration recognizes that the mass killings, ethnic cleansing, and forced deportations of over 1½ million Armenians were conducted by the Ottoman Empire. We indeed hold Ottoman officials responsible for those crimes." Does the administration ascribe to this policy statement?

- Do you agree that U.S. diplomats serving in the Ottoman Empire during the Armenian Genocide documented a systematic, government-sponsored campaign "with intent to destroy, in whole or in part" the Armenian population?

Answer. In his April 23 Armenian Remembrance Day statement, the President solemnly remembered as historical fact that 1.5 million Armenians were massacred or marched to their deaths from 1915–1923. The President's views on this issue are well known; those views have not changed. The administration mourns this terrible chapter of history and recognizes that it remains a source of great pain for the peo-

ple of Armenia, and for all those who believe in the dignity and value of every human life.

I have read the statements of Ambassadors Morgenthau and Elkus, the statements of other U.S. officials in Turkey at the time, as well as a number of books on this subject. I am acquainted with the history of the tragic massacres and deportations that occurred at the end of the Ottoman Empire, and with U.S. policy in that regard. The individual stories are heartrending; the magnitude of these terrible acts—over 1.5 million killed or forcibly deported—defies comprehension.

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RESPONSES OF JOHN HEFFERN TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* In your opening statement you state that "President Obama has recognized and deplored the horrific events that took place in the waning days of the Ottoman empire" and note that he has "publicly called the massacre of 1.5 million Armenians at the time one of the worst atrocities of the 20th century." I welcome that statement, but note that it refrains from laying blame for these events.

- Do you or does the administration agree that the mass killings, ethnic cleansing, and forced deportations of over 1.5 million Armenians were conducted by the Ottoman Empire?
- Does the administration recognize the Turkish Republic as the successor state to the Ottoman Empire? Who then was responsible for the murder of over 1.5 million Armenians from 1915–1923?

Answer. In his Armenian Remembrance Day statement on April 23, the President solemnly remembered the horrific events of 1915, when 1.5 million Armenians were massacred or marched to their deaths in the final days of the Ottoman Empire. With his statement, the President honors the victims of these events and expresses American solidarity with the Armenian people; his views on this subject have not changed.

This was an atrocity that we and the world must never forget, so that it is never repeated. We mourn this terrible chapter of history and recognize that it remains a source of great pain for all those who believe in the dignity and value of every human life.

The President has said that the achievement of a full, frank, and just acknowledgement of the facts of what occurred in 1915 is in all our interests.

*Question.* Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide, of which the United States has both signed and ratified, states:

In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnic, racial or religious group, as such:

"(a) Killing members of the group;

"(b) Causing serious bodily or mental harm to members of the group;

"(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

"(d) Imposing measures intended to prevent births within the group;

"(e) Forcibly transferring children of the group to another group."

Therefore, would not the facts that you acknowledge in your opening statement, during the period of 1915–1923, meet the definition under Article 2 of the Convention on the Prevention and Punishment of the Crime of Genocide?

Answer. In his April 23 Armenian Remembrance Day statement, the President solemnly remembered as historical fact that 1.5 million Armenians were massacred or marched to their deaths from 1915–1923. The administration mourns this terrible chapter of history and recognizes that it remains a source of great pain for all those who believe in the dignity and value of every human life.

The President has said that the achievement of a full, frank, and just acknowledgement of the facts of what occurred in 1915 is in all our interests. He strongly supports the efforts of Turkey and Armenia to normalize their bilateral relations. The President believes that together, Armenia and Turkey can forge a relationship that is peaceful, productive, and prosperous.

I have a responsibility to represent the policy of the President. The President's views on this issue are well known; those views have not changed. If I am confirmed as the personal representative of the President to Armenia, I will carry out this responsibility.

*Question.* Please describe the facts or circumstances, including historical instances, that constitute the act of genocide as described in Article II of the Convention on the Prevention and Punishment of the Crime of Genocide.

Answer. The United States became a State Party to the Convention on Prevention and Punishment of the Crime of Genocide in 1989. When ratifying the Convention, the United States set forth an understanding with respect to the definition of genocide provided in Article II. Article II provides:

"In the present Convention, genocide means any of the following acts committed with intent to destroy, in whole or in part, a national ethnical, racial or religious group, as such:

"(a) Killing members of the group;

"(b) Causing serious bodily or mental harm to members of the group;

"(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

"(d) Imposing measures intended to prevent births in the group;

"(e) Forcibly transferring children of the group to another group."

The U.S. ratification instrument set forth several reservations and understandings to the Convention, including:

Reservations:

"(1) That with reference to article IX of the Convention, before any dispute to which the United States is a party may be submitted to the jurisdiction of the International Court of Justice under this article, the specific consent of the United States is required in each case.

"(2) That nothing in the Convention requires or authorizes legislation or other action by the United States of America prohibited by the Constitution of the United States as interpreted by the United States."

Understandings:

"(1) That the term 'intent to destroy, in whole or in part, a national, ethnical, racial, or religious group as such' appearing in article II means the specific intent to destroy, in whole or in substantial part, a national, ethnical, racial or religious group as such by the acts specified in article II.

"(2) That the term 'mental harm' in article II (b) means permanent impairment of mental faculties through drugs, torture or similar techniques.

"(3) That the pledge to grant extradition in accordance with a state's laws and treaties in force found in article VII extends only to acts which are criminal under the laws of both the requesting and the requested state and nothing in article VI affects the right of any state to bring to trial before its own tribunals any of its nationals for acts committed outside a state.

"(4) That acts in the course of armed conflicts committed without the specific intent required by article II are not sufficient to constitute genocide as defined by this Convention.

"(5) That with regard to the reference to an international penal tribunal in article VI of the Convention, the United States declares that it reserves the right to effect its participation in any such tribunal only by a treaty entered into specifically for that purpose with the advice and consent of the Senate."

In his April 23 statement, the President solemnly remembered as historical fact that 1.5 million Armenians were massacred or marched to their deaths from 1915–1923. The President has said that the achievement of a full, frank, and just acknowledgement of the facts of what occurred in 1915 is in all our interests.

*Question.* The U.S. State Department chronicled the effort to exterminate Armenians in the early 1900s—The Honorable Henry Morgenthau, U.S. Ambassador to Turkey from 1913–16 wrote in July 16, 1915, telegram to the Secretary of State, "Deportation of and excesses against peaceful Armenians is increasing and from harrowing reports of eye witnesses it appears that a campaign of race extermination is in progress under a pretext of reprisal against rebellion."

The U.S. Consul in Aleppo, Jesse Jackson, reported to Ambassador Morgenthau on June 5, 1915, "It is without doubt a carefully planned scheme to thoroughly extinguish the Armenian race."

The U.S. Consul in Harput, Leslie Davis, reported to Ambassador Morgenthau on July 24, 1915, "It has been no secret that the plan was to destroy the Armenian race as a race, but the methods used have been more cold-blooded and barbarous, if not more effective, than I had at first supposed."

Ambassador Morgenthau was succeeded by the Honorable Abram I. Elkus, who served as Ambassador from 1916–17. On October 17, 1916, Elkus telegrammed the Secretary of State about the extreme measures sanctioned by the Turks, stating "In

order to avoid opprobrium of the civilized world, which the continuation of massacres [of the Armenians] would arouse, Turkish officials have now adopted and are executing the unchecked policy of extermination through starvation, exhaustion, and brutality of treatment hardly surpassed even in Turkish history."

- Are you aware of these cables and the well-documented history of the events that took place during this time? Do you believe that the atrocities that took place and the deaths of 1.5 million Armenians fit the Genocide Convention's definition of acts that constitute genocide?

Answer. I have read these cables, the statements of Ambassadors Morgenthau and Elkus, the statements of other U.S. officials in the Ottoman Empire at the time, as well as a number of books on this subject. I am acquainted with the history of the tragic massacres and forced exile that occurred at the end of the Ottoman Empire, and with U.S. policy in that regard. The individual stories are heartrending; the magnitude of these terrible acts—over 1.5 million killed or forcibly deported—defies comprehension.

In his April 23 Remembrance Day statement, President Obama has solemnly remembered the horrific events of 1915–1923. His views on the issue are well known; they have not changed. I have a responsibility to represent the policy of the President. If I am confirmed as the personal representative of the President to Armenia, I will carry out this responsibility.

*Question.* The history of the Armenian genocide is well documented by our own diplomats. Is today's State Department and are our diplomats constrained from acknowledging the historical record that was developed by their predecessors?

Answer. No, Senator; neither the State Department nor its diplomats are constrained from acknowledging that these diplomatic accounts from that period exist, or that they make the references you have detailed. As I noted previously, I have read these historical accounts and other sources. Like all executive branch officials, I have a duty to represent the policy of the President on this and all other issues. If I am confirmed as the personal representative of the President to Armenia, I will do so.

The President's position on this issue is stated in his April 23 Armenian Remembrance Day statement, wherein he has solemnly remembered the events of 1915, and noted that 1.5 million Armenians were massacred or marched to their deaths.

*Question.* Do you dispute any of the documented records I've described [in questions 2–4] above?

Answer. I am familiar with, and do not dispute, the authenticity of the records you have described from that era.

*Question.* Are you aware that in 1981, President Ronald Reagan issued a proclamation acknowledging the "genocide of the Armenians"?

Answer. I am aware of and have read President Reagan's 1981 proclamation.

*Question.* In addition to Ronald Reagan's proclamation, I would also direct your attention to the U.S. Government's filing before the International Court of Justice in 1951, wherein the United States stated that: "the Turkish massacres of Armenians, the extermination of millions of Jews and Poles by the Nazis are outstanding examples of the crime of genocide."

- Are you familiar with this filing and the references therein? Do you dispute its accuracy?

Answer. I am familiar with the U.S. Government's filing before the ICJ in 1951. The U.S. Government acknowledges and mourns the mass killings and forced deportations that devastated over 1.5 million Armenians at the end of the Ottoman Empire. The administration also understands that many Americans and many Armenians believe that these horrible acts should be called "genocide." President Obama's views on this subject are well known; they have not changed.

In his April 23 statement on Armenian Remembrance Day, the President solemnly remembered the events of 1915–1923, and stated that a full, frank, and just acknowledgement of the facts is in all our interests. He strongly supports the efforts of Turkey and Armenia to normalize their bilateral relations. The President believes that together, Armenia and Turkey can forge a relationship that is peaceful, productive, and prosperous.

*Question.* The United States has never denied the fact of the Armenian Genocide—wouldn't you agree? And former Senators Barack Obama, Joseph Biden, and Hillary Clinton each acknowledged the fact of the Armenian Genocide during their tenure as Senators—wouldn't you agree?

Answer. The administration has never denied the horrific events of 1915. These were atrocities that we and the world must never forget, so that they are never repeated.

In his April 23 Armenian Remembrance Day statement, the President solemnly remembered as historical fact that 1.5 million Armenians were massacred or marched to their deaths from 1915–1923. The President's views on this subject are well known; they have not changed. The views of Vice President Biden and Secretary Clinton during their tenures in the Senate are also well known.

*Question.* You are aware, are you not, that the International Association of Genocide Scholars, the preeminent body that specializes in genocide and holocaust studies has repeatedly and unequivocally affirmed the fact of the Armenian Genocide? Do you disagree with the International Association of Genocide Scholars?

Answer. I am aware of the conclusions of the International Association of Genocide Scholars.

Like all executive branch officials, I have a duty to represent the policy of the President on this and all other issues. The President's position on this issue is stated in his April 23 Armenian Remembrance Day statement, wherein he has solemnly remembered the events of 1915, and noted that 1.5 million Armenians were massacred or marched to their deaths. If I am confirmed as the personal representative of the President to Armenia, I will carry out this duty.

• Do you then agree that genocide took place against the Armenian people?

Answer. Yes, Senator; I am familiar with the work of the International Association of Genocide Scholars and, as I noted previously, with the historical reporting by State Department officials at the time. Like all executive branch officials, I have a duty to represent the policy of the President on this and all other issues. The President's position on this issue is stated in his April 23rd Armenian Remembrance Day statement, wherein he has solemnly remembered the events of 1915, and noted that 1.5 million Armenians were massacred or marched to their deaths. If I am confirmed as the personal representative of the President to Armenia, I will carry out this duty.

*Question.* Were you instructed not to use the term genocide when referring to the Armenian Genocide of 1915?

Answer. No; I received no such instructions.

I have a responsibility to represent the policy of the President. The President's position on this issue is stated in his April 23 Armenian Remembrance Day statement, wherein he solemnly remembered the events of 1915, and noted that 1.5 million Armenians were massacred or marched to their deaths. If I am confirmed as the personal representative of the President to Armenia, I will carry out this responsibility.

*Question.* How can we expect Turkey to come to terms with its past when we, as Americans, are unwilling to speak honestly about the Armenian Genocide?

Answer. The President has said that a full, frank, and just acknowledgement of the facts is in all our interest. In his April 23, 2011, statement, he noted that history teaches us that our nations are stronger and our cause is more just when we appropriately recognize painful pasts and work to rebuild bridges of understanding toward a better tomorrow. With this in mind, he strongly supports efforts by the Turkish and Armenian peoples to work through their painful history in a way that is honest, open, and constructive. The U.S. Government supports the efforts of individuals in Armenia and Turkey to foster a dialogue that acknowledges their history, sponsoring programs that foster contacts between the Armenian and Turkish peoples.

*Question.* Does the United States have military or economic interests in Turkey that influence its decision on whether to use the word "genocide," when discussing the massacre of 1.5 million Armenians from 1915–1923?

Answer. Turkey is a longstanding NATO ally of the United States, an important partner in promoting peace and stability in the broader Middle East, and one with which we share democratic values. We seek to maintain strong United States-Turkey relations, just as we seek to maintain strong United States-Armenia relations. We believe our partnership will deepen with Turkey as it reconciles with its past and with Armenia. We continue to encourage Turkey to engage productively with Armenia on the normalization protocols, and clear the way to open its shared border, reinstitute transportation, communication, and utility links between the two countries, and establish diplomatic relations.

*Question.* In the June 23, 2011, readout of President Obama's calls with the Armenian and Azerbaijani Presidents, the President told both leaders that "now is the time to resolve the Nagorno Karabakh conflict" and to "offer the people of Armenia, Azerbaijan, and Nagorno-Karabakh a better future for themselves and for their children." Does the administration support the reinstatement of the elected representatives of the people of Nagorno Karabakh to the Minsk Group process? Both the Armenian and Nagorno Karabakh Republic Governments have called for Karabakh's reinstatement into the process, considering the Karabakh Government was a signatory to the cease-fire agreement and was a party to the Minsk Group negotiations until 1998.

Answer. The United States supports the current format of negotiations for the Minsk Group process, which has been agreed to by both the Armenian and Azerbaijani sides. At this stage in the negotiation, the U.S. Government believes it is best to continue on this basis. Any final settlement of the Nagorno-Karabakh (NK) conflict must be acceptable to the Karabakhi communities. The Minsk Group co-chairs travel regularly to NK to meet with the de facto NK authorities.

*Question.* Azerbaijani officials, including President Aliyev, have indicated they are looking to return to war with Armenia. President Aliyev has repeatedly stated that "only the first stage of war is over," and the Defense Minister stated in February 2011 that Azerbaijan is "seriously preparing" for war. In the meantime, the State Department is considering granting an export license for Azerbaijan to buy its first ever satellite. In a recent Eurasianet article, U.S. Air Force officials state that even if the satellite is only for communications purposes, it will give Azerbaijan a military advantage. In light of Azerbaijan's repeated threats to renew its aggression in the region, which Turkey, a NATO member could join, is the administration concerned about the signal the sale of such technology would send to Azerbaijan? Wouldn't it make more sense to wait on this sale until we are certain that the Azeris are committed to real action on the Basic Principles for peace?

Answer. The proposed sale has been notified to Congress. DOD and State have analyzed the proposed sale and are prepared to license the export of the satellite, associated ground support equipment and simulators to Azerbaijan, having taken into account political, military, economic, human rights, and arms control considerations.

The Department of State understands that Ex-Im Bank performed a thorough examination of all aspects of the transaction. This examination, which included a review of the satellite supply contract as well as the operating characteristics of the satellite, determined that, based on the information provided, the representations made by the Government of Azerbaijan and in accordance with Ex-Im Bank's policies and procedures, the satellite was designed and is intended for commercial operations. In addition, the Government of Azerbaijan signed a covenant stating that they would only lease the use of the satellite to civilian, nonmilitary entities, both within and outside of Azerbaijan.

The administration has determined that the operating characteristics of the satellite are designed and produced for commercial communications only. With these understandings, and the additional covenant given to Ex-Im bank during financing negotiations, the U.S. Government does not object to the sale.

*Question.* Previous Ambassadors to Armenia have held public community forums with Armenian Americans around the country throughout their tenure. Will you commit to regularly hold such forums throughout your term, which will be on the record and open to the community in large in cities, such as Los Angeles, San Francisco, New York, Boston, Chicago, and Washington, DC, where there are large Armenian American communities?

Answer. Yes. If confirmed, I would look forward to visiting and meeting with members of the Armenian American community both in the United States and in Armenia, as my predecessors have done before. It would be a valuable opportunity to understand their concerns, update them on the status of the United States-Armenia relationship, and to discuss a host of relevant issues.

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RESPONSES OF THOMAS COUNTRYMAN TO QUESTIONS SUBMITTED BY SENATOR JAMES E. RISCH

*Question.* Article IV of the Treaty on the Nonproliferation of Nuclear Weapons of 1968 ("NPT") affirms "the inalienable right of all the Parties to the Treaty to develop research, production, and use of nuclear energy for peaceful purposes without discrimination and in conformity with Articles I and II of this Treaty." However,

given the NPT's overriding provisions to promote nonproliferation—that is, Articles I, II, and II—the operative meaning of this provision remains a subject of deep debate.

- (a) With regard to the research, production and use of sensitive nuclear fuel-making technologies, what do you understand to be the limits in a state's exercise of this right? Does a state have a right to any nuclear technological activity short of inserting fissile material into a nuclear explosive device?

Answer. Article IV affirms this "inalienable right," but with that right come important Treaty-prescribed responsibilities to demonstrate to the international community that nuclear activities are exclusively for peaceful purposes. To that end, the NPT provides that non-nuclear-weapon States (NNWS) Parties to the NPT must conduct any nuclear activities in compliance with Articles II and III. Article II prohibits manufacturing or acquiring nuclear weapons, or other nuclear explosive devices, and seeking or receiving assistance in their manufacture, a clear treaty limit on the use of nuclear technology. Article III requires that NNWS Parties accept IAEA safeguards on all source or special fissionable material in all peaceful nuclear activities within their territories or under their jurisdiction or control. Bilateral IAEA safeguards agreements underpin NNWS Article II obligations, with a view to preventing diversion of nuclear energy from peaceful uses to nuclear weapons or other nuclear explosive devices.

The 2010 NPT Review Conference agreed by consensus to a number of actions that will strengthen the IAEA's ability to verify compliance with safeguards agreements, and thereby deter noncompliance, and the United States and other Parties are working vigorously to carry these actions out. These actions include the following: all cases of noncompliance should be resolved; all NPT Parties should have safeguards agreements required by Article III; all Parties should ensure that the IAEA has all political, technical, and financial support to enable it to apply safeguards as required by that article; and all states should bring into force the IAEA's Additional Protocol.

- (b) To what extent should the exercise of this right be conditioned by a state's full compliance with its Article III-required safeguards obligations with the International Atomic Energy Agency (IAEA)? Please relate your answer to the case of Iran, which is in noncompliance with its international obligations to the IAEA and U.N. Security Council.

Answer. Non-nuclear-weapon states that are Party to the NPT have a clear legal obligation to accept IAEA safeguards, as required by Article III. That they may suffer consequences for not doing so is demonstrated by the fact that Iran's noncompliance with its international nuclear obligations has led the UN Security Council to prohibit Iran from such nuclear fuel-cycle-related activities as enrichment and reprocessing and to prohibit the international community from assisting or cooperating with Iran on such activities.

*Question.* Under the U.S.-U.A.E. "123" civil nuclear cooperation agreement, the United Arab Emirates obliged itself not to develop or possess in its territory uranium enrichment, spent fuel reprocessing, or other nuclear fuel-making technologies.

- Should the United States make the U.S.-U.A.E. "123" civil nuclear cooperation agreement's prohibition against nuclear fuel-making technologies the standard for all future U.S. civil nuclear cooperation agreements in the Middle East? If so, then what would you do to promote that standard throughout the region?

Answer. As we proceed to contemplate nuclear cooperation with other potential partners, the United States will continue to seek to limit the spread of enrichment and reprocessing technologies through whatever mechanisms are most appropriate and have the greatest chance of success, including consideration of UAE-type commitments.

# NOMINATIONS

**TUESDAY, JULY 19, 2011**

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

David S. Adams, of the District of Columbia, to be Assistant Secretary of State for Legislative Affairs
Joyce A. Barr, of Washington, to be Assistant Secretary of State for Administration

The committee met, pursuant to notice, at 10 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Tom Udall presiding.

Present: Senators Udall and Webb.

Also present: Representative Gary L. Ackerman

## OPENING STATEMENT OF HON. TOM UDALL, U.S. SENATOR FROM NEW MEXICO

Senator UDALL. Thank you for coming this morning. Great to have you all here. We will bring the committee to order.

We meet this morning to consider two important nominations to the State Department: Ambassador Joyce Barr to be Assistant Secretary of State for Administration, and David S. Adams to be Assistant Secretary of State for Legislative Affairs.

I think it's safe to say that without the important work of the Bureau of Administration, the Department of State would not be able to accomplish the multitude of missions our country requires it to accomplish. I'm sure that like our individual Senate offices, the administrative work is often little noticed when things go well and heavily scrutinized when there are any issues, no matter how small, that don't go so well.

So I try to tell my administrative staff that I appreciate the hard work they do in my office. I believe that the same appreciation should be given to the State Department Bureau of Administration, which, if confirmed, you will lead.

Your hard work is appreciated by the millions of Americans and foreign nationals it serves both in country and overseas.

The Bureau of Administration's multitude of tasks include support for the Department of State programs, embassies, and consulates. Some of these programs include logistical management, utilizing small and disadvantaged businesses for contracting, supporting FOIA requests, managing commercial services, and making sure the Department of State meets goals for strengthening Fed-

eral environmental, energy, and transportation management, and increasing the use of alternative fuel vehicles in the Department of State's vehicle fleet.

One of the most important items that the Bureau of Administration is responsible for is procurement. It is also one of the areas in which the Department of State receives the most scrutiny. In recent years, there have been reports from the Office of Inspector General (OIG) which have called into question some of the Bureau of Administration's Office of Procurement Executive practices, as well as highlighting areas for improvement.

For example, a 2006 Office of Inspector General report found that "oversight is the most important function for which OPE"—the Office of Procurement Executive—"is responsible and also its most problematic."

In addition to procurement, the Bureau of Administration's Office of Acquisitions Management is another vitally important office for the Department of State. The same 2006 OIG report described the Office of Acquisitions Management as follows, "While OPE is the office and oversight arm of the department's procurement and Federal assistance functions, AQM is the operational workhorse responsible for 80 percent of the Department's worldwide acquisitions. The Office provides a full range of professional contract management services, including acquisition planning, contract negotiations, cost and price analysis, and contract administration to all the Department's domestic bureaus and overseas posts."

I believe that Ambassador Barr is well-qualified to take on this important assignment. Ambassador Barr currently serves as the international affairs adviser and deputy commandant for the Industrial College of the Armed Forces at the National Defense University. Prior to this assignment, Ms. Barr served as executive director for the East Asian and Pacific Affairs Bureau at the Department of State from 2007 to 2009, and as U.S. Ambassador to Namibia from 2004 to 2007.

Since joining the Foreign Service in 1979, Ms. Barr has held numerous assignments both in Washington and abroad.

In addition to the nominee to be Assistant Secretary of State for Administration, we will be considering the nominee to be Assistant Secretary for Legislative Affairs. The Assistant Secretary of Legislative Affairs is the principal liaison between the Department of State and the Congress.

Communicating with Congress is the most important mission of the Assistant Secretary of Legislative Affairs. In addition, the Assistant Secretary of Legislative Affairs staff on the Hill is almost always the first point of contact for Senate staffers working on behalf of their respective Senators and Representatives.

For example, as the Arab Spring gained momentum, it was the Bureau of Legislative Affairs who worked to keep our staff up to date regarding events on the ground and who helped us provide vital assistance to constituents who were in the region.

I hope to hear more from both nominees.

Ambassador Barr, I hope to hear more about what you will do as Assistant Secretary of State for Administration to continue the good work that is already being done at the A Bureau. You will be

leading dedicated and talented individuals who carry out the important work of the Department of State.

And, Mr. Adams, I also look forward to hearing from you about how much you will work to continue and improve the important line of communication between Congress and the Department of State.

But before we get started with your testimony, I would like to recognize a former colleague of mine from the House of Representatives, Representative Gary Ackerman, from the Fifth District of New York.

Representative Ackerman would like to introduce Mr. David Adams.

Representative Ackerman, please proceed.

**STATEMENT OF HON. GARY L. ACKERMAN, HOUSE OF REPRESENTATIVES, U.S. CONGRESS**

Representative ACKERMAN. Thank you very much, Chairman Udall.

I'm delighted today to be able to introduce Deputy Assistant Secretary of State for House Affairs, David S. Adams, who the President has nominated to serve as Assistant Secretary of State for Legislative Affairs.

David is up to this job, and I know that he will do it extremely well. I know this because over the course of 24 years of working for me that that's the only way that David ever did anything.

I met David in 1985, when along with the gavel for the House Post Office and Civil Service Subcommittee on Human Resources, I inherited a young man from Connecticut. Even though David was only a couple years out of college, he immediately showed a remarkable capacity for effective legislative work, attention to detail, and professionalism far in excess of his actual age and experience. I hired him on the spot.

Over the years, David moved with me to the House Committee on Foreign Affairs, as I moved from subcommittee to subcommittee, and region to region, one gavel after another, he moved from professional staff to staff director, while also serving for a time as the legislative director in my personal office.

Though I've watched him get older, his maturity, judgment, and discretion have been consistent from day one. In every role in which I've placed him, David was superb. Quietly, efficiently, and without fail, David got things done with T's crossed, i's dotted, and with perfect pitch.

Even while working his way at night toward a master's degree in political science from American University and later a master's in business administration from Loyola College, David's work, whether in the preparation of statements, constructing legislative deals, negotiating conference reports, arranging hearings, it was always thorough and reliable, always timely, always true to my guidance and intentions.

He knows what you do, and he knows how important that is.

I can tell you from long experience that David understands the Congress. He understands the legislative process inside and out. And most of all, he understands the duties and needs and the pressures that face those of us honored to be elected to serve here.

He knows the legislative branch was put first in the Constitution, and that Congress is a separate and equal branch of government, not an afterthought or a box to be checked off.

David's honesty, integrity, and patriotism, in my mind, is simply beyond question or doubt. He is completely trustworthy and truthful, incapable of misleading or betraying any trust or confidence. He simply couldn't do that. He always delivers.

He is exactly the kind of person we want in a position of trust and responsibility in the United States Government. And I'm not surprised, first, that Secretary Clinton stole him and, second, that she now wants to promote him.

She is a very smart person.

If you want to do something good for our country, increase David's responsibilities at the State Department. The more you ask of him, the more pleased you will be with the results.

I would urge the committee to forward his nomination to the Senate, and that you urge your colleagues to confirm him as Assistant Secretary of State for Legislative Affairs.

Thank you, Mr. Chairman.

Senator UDALL. Congressman Ackerman, thank you very much for that very strong statement in support of Mr. Adams.

We very much understand you are on a very busy schedule and that you have taken time to be here to weigh in on his behalf. And you're welcome to stay here as long as you like, but please feel free to leave if you have other commitments. We very much appreciate that.

And, Mr. Adams, why don't we start with you?

I know that you may have friends and family members that you would like to introduce that are here to support your effort.

And let me say, as far as family, I know these positions are a tremendous commitment on your part, and it's usually the family that backs all of us up I think in public service. So we very much appreciate the sacrifices that they make.

And why don't you introduce your family members or friends, and then proceed with your testimony?

And then we'll proceed to Ambassador Barr.

**STATEMENT OF DAVID S. ADAMS, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF STATE FOR LEGISLATIVE AFFAIRS**

Mr. ADAMS. Well, thank you, Mr. Chairman.

I'm here today with my wife, Andrea, and my mother and father, John and Cindi Adams.

Mr. Chairman, members of the committee, it's an honor to appear before you today as President Obama's nominee to serve as the next Assistant Secretary for Legislative Affairs at the Department of State.

I'm grateful for and humbled by the confidence the President and Secretary Clinton have demonstrated in me by this nomination. I must admit that after my 24-year career as a congressional staffer, I am far more accustomed to sitting in the seats behind members rather than testifying before them, but I want to assure you that my experience as a staffer will inform my work, if confirmed.

I consider myself a creature of the institution and am proud to have spent most of my career working in the Congress. It is this deep appreciation and respect for the role of Congress that I will take with me to this new job, if confirmed.

With the committee's indulgence, I'd like to take this opportunity to thank my mother and father, John and Cindi, whom I just introduced, for all of the support they provided to me over the years. The foundation they established during my childhood gave me the tools to get here.

I'd also like to thank my wife, Andrea, whose love, support, and encouragement is with me at all times.

Last, I'd like to thank Congressman Ackerman for his very generous introduction and, frankly, for giving me a chance back in 1985.

As you're well-aware, this year has been an especially challenging one for the State Department, the administration, and the Nation. The challenges and opportunities presented to us by the Arab Spring, in addition to our ongoing work in the frontline states of Iran, Afghanistan, and Pakistan, require the department to be in ever-closer communication with the Congress.

The magnitude of such change means that if we are to be successful, there must be a true partnership with the Congress. It is a responsibility I take very seriously, and I commit to you that I will do everything that I can to continue the close working relationship between the Department and the Congress, if confirmed.

The Department of State's Bureau of Legislative Affairs is not a policy bureau, but rather is a place where the executive and legislative branches interact.

If confirmed, I see my role as more than just a messenger between the State Department and the Congress. I see my role as a facilitator, an interpreter, if you will, to help Department officials understand the views and the needs of the Congress, while providing the Congress with clear and concise information about the Department and its policies.

The Bureau is also a constituent service operation, a role with which you are all familiar. The State Department has two offices on Capitol Hill, including one in the Senate Russell Building, ready to assist you and your staff.

You can count on the bureau to help constituents with lost or stolen passports, sort out visa issues, provide travelers with up-to-date information about countries around the world. You can also rely on the bureau to assist when constituents need help overseas in emergency situations.

If confirmed, I will continue to ensure this bureau provides a ready resource whenever your constituents require assistance.

As a former Member of this Chamber, the Secretary understands and appreciates the shared constitutional responsibilities in the oversight and execution of U.S. foreign policy. She places a high priority on the Department's relationship with the Congress, and I pledge to you, if confirmed, I will work to ensure that the Congress has the timely and accurate information it needs to carry out its role effectively.

Thank you again for the opportunity to appear before you today, and I look forward to answering any of your questions.

[The prepared statement of Mr. Adams follows:]

PREPARED STATEMENT OF DAVID S. ADAMS

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I must admit that after a 24-year career as a congressional staffer, I am far more accustomed to sitting in the seats behind members rather than testifying before them. But I want to assure you that my experience as a staffer will inform my work, if confirmed. I consider myself a creature of the institution and am proud to have spent most of my career working in the Congress. It is this deep appreciation and respect for the role of Congress that I will take with me to this new job, if confirmed.

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Thank you again for opportunity to appear before you today, and I look forward to answering your questions.

Senator UDALL. Thank you very much for your testimony, Mr. Adams.

And we will first proceed with Ambassador Barr's testimony, and then questions to both of you.

Ambassador Barr, welcome. Great to have you here.

And please, as Mr. Adams did, introduce your family or friends that are here before you begin your testimony.

## STATEMENT OF JOYCE A. BARR, OF WASHINGTON, TO BE ASSISTANT SECRETARY OF STATE FOR ADMINISTRATION

Ambassador BARR. I'm joined today by a close personal friend, Alexey, who is sitting here to my right.

Senator UDALL. Great. Thank you.

Welcome.

Ambassador BARR. Mr. Chairman and members of the committee, it is an honor to appear before you today as the President's nominee to serve as the Assistant Secretary for Administration.

I want to thank President Obama and Secretary Clinton for their trust and confidence in nominating me for this position.

The rest of my family could not be here today, but I want to express deep appreciation for their love and guidance throughout my career.

This is the second time that I've had the privilege to appear before this committee for confirmation. I thank the Members and the Senate for their support for my previous nomination as U.S. Ambassador to the Republic of Namibia.

For the past 32 years, I have served the American people as a Foreign Service officer at the State Department. If confirmed, it would be an honor and a privilege to continue that service as Assistant Secretary for Administration.

The mission of the Bureau of Administration is to provide effective and efficient global support for U.S. diplomacy. The Bureau's wide variety of programs and services provide the platform to advance America's interests and values.

The Department meets urgent national security challenges by developing and focusing the country's civilian power. The Bureau is on the frontline of this effort, supporting this growing and changing mission.

One of the Department's strategic goals is to effectively manage transitions in the frontline states. The Bureau of Administration is heavily involved in this transition through its coleadership of our effort to transition Department of Defense support in Iraq to the Department of State. Providing the tools America's diplomats need to get the job done in difficult environments, while making sound and prudent decisions over the use of taxpayers' funds is a highly visible part of this mission.

As a service organization, the Department of Administration responds not only to its internal customers, but to Congress and the American people as well. If confirmed, I would take this responsibility seriously.

As a former Ambassador and a regional executive director, I learned the value of maintaining consistent and transparent processes so that others trust you and maintain their support for the system. I will keep this lesson in mind, if confirmed.

Accountability and efficiency are critical to leading the Bureau of Administration. The Department is developing and implementing training to improve the performance of contracting officer representatives throughout the Department. Ensuring that the department gets good value for dollars spent is vital to maintaining confidence in the State Department's stewardship of taxpayer funds.

I look forward, if confirmed, to working with Congress and oversight agencies to maintain appropriate management controls. Technology allows the Bureau to measure what it does and provides the data to generate good decisionmaking. It has successfully implemented solutions that help personnel to work smarter and more cost-effectively.

If confirmed, I will drive that process forward and continue efforts to become more efficient.

Finally, collaboration is important to ensuring accountability and reducing costs in an interagency environment. The relationships I've built throughout the U.S. Government in the course of my career should help me focus on these outcomes.

If confirmed, I look forward to working with you, your distinguished colleagues, and your staffs.

Thank you again for the opportunity to appear before you today. I welcome any questions you may have.

[The prepared statement of Ambassador Barr follows:]

PREPARED STATEMENT OF JOYCE A. BARR

Mr. Chairman and members of the committee, it is an honor to appear before you today as the President's nominee to serve as the Assistant Secretary for Administration. I want to thank President Obama and Secretary Clinton for their trust and confidence in nominating me for this position. My family could not be here with me today but I want to express deep appreciation for their love and guidance throughout my career.

This is the second time that I have the privilege to appear before this committee for confirmation. I thank the Members and the Senate for their support of my previous nomination as U.S. Ambassador to the Republic of Namibia.

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The mission of the Bureau of Administration is to provide effective and efficient global support for U.S. diplomacy. The Bureau's wide variety of programs and services provide the platform to advance America's interests and values. The Department meets urgent national security challenges by developing and focusing the country's civilian power. The Bureau is on the frontline of this effort, supporting this growing and changing mission.

One of the Department's strategic goals is to "Effectively manage transitions in the frontline states." The Bureau of Administration is heavily involved in this transition through its coleadership of our effort to transition Department of Defense support in Iraq to the Department of State. Providing the tools America's diplomats need to get the job done in difficult environments, while making sound and prudent decisions over the use of taxpayer funds is a highly visible part of the mission. Ongoing efforts to strengthen and sustain all of the Department's domestic and overseas activities are a fundamental part of Bureau operations. By employing successful management practices, and encouraging innovation, the Bureau built a reputation for effectiveness and transparency.

As a service organization, the Bureau of Administration responds not only to its internal customers but to Congress and the American people. If confirmed, I would take this responsibility seriously. I served overseas in challenging environments, was responsible for the management operations of 45 overseas posts as Executive Director for the Bureau of East Asian and Pacific Affairs and was U.S. Ambassador to Namibia. From these experiences I learned the value of maintaining consistent and transparent processes so that others trust you and maintain confidence in the system. I will keep this lesson in mind if confirmed.

Accountability and efficiency are critical to leading the Bureau of Administration. The Department of State is developing and implementing training to improve the performance of Contracting Officer Representatives throughout the Department. The Department's ability to ensure that it gets exactly what it pays for is vital to maintaining confidence in our stewardship of taxpayer funds. I look forward, if confirmed, to working with Congress and oversight agencies to maintain appropriate management controls while further refining our processes to meet increasingly complex needs. To overcome the many challenges the Department faces while operating worldwide, we must continue our focus on oversight and accountability.

Technology allows the Bureau to measure what it does and provides the data to generate good decisionmaking. It has successfully implemented solutions that help personnel to work smarter and more cost effectively. If confirmed, I will drive that process forward and continue efforts to become more efficient. The Bureau is deeply committed to advancing the Department's efforts to "go green." Technology investments enabled the Department to save money, cut energy use, and reduce its carbon

footprint. If confirmed, I intend to actively support that work. The Bureau developed a consolidated information system that significantly streamlined the Department's global logistics operations and tightened management controls. These investments pay significant future dividends for the USG. If confirmed, I intend to actively pursue similar projects.

A collaborative approach is important to ensuring accountability and reducing costs in an interagency environment. The relationships I built throughout the U.S. Government in the course of my career should help me focus on these outcomes. If confirmed, I look forward to working with you, your distinguished colleagues, and your staffs.

Thank you again for the opportunity to appear before you today. I welcome any questions you may have.

Senator UDALL. Thank you, Ambassador Barr, for your testimony, and I'll start my questions with you.

Previous OIG reports have stated that there has been an intense amount of pressure due to the increased procurement and contracting workload at A Bureau.

How will proposed budget cuts impact your ability to perform contract oversight? And do you currently have sufficient personnel to perform proper oversight?

Ambassador BARR. Well, one thing that we've done within the past 2 years, while working with the Department of Defense to provide security for our frontline states, is to adopt a working capital fund by actually charging other bureaus a procurement fee, so that we have the flexibility to surge toward priorities. This way we've been able to hire more contracting professionals to increase our oversight, and it also gives us the flexibility to move our effort toward contingency operations.

Another thing that we've done is basically increased training not only of our contracting officers, but of our contracting officer representatives as well. Contracting officer representatives are the people that have the eyes on the ground overseas, that can monitor the contract and make sure that taxpayers do get good value for their money that we spend.

Senator UDALL. So in your opinion, you believe you do have sufficient personnel to do this oversight?

Ambassador BARR. Yes, I do believe that. But of course, if we do face significant cuts, we are going to have to reprioritize in order to make sure that we do our high-priority missions, and this could affect other operations.

Senator UDALL. The Office of Inspector General's January 2011 report cited a number of issues pertaining to contract management and risks of trafficking in persons in the Middle East. I'm hopeful that you will work to help remedy many of these problems and move the Bureau forward after these OIG findings.

What was especially disconcerting for me was the finding in the OIG report that "more than 70 percent of workers interviewed"—these are contract workers—from the host country doing work for the Department of State reported "they live in overcrowded, unsafe, and unsanitary conditions . . . Workers' housing facilities range from shared apartment buildings with common areas to labor camps and converted commercial lots. Two-thirds of the housing OIG observed fell within the space parameters of a U.S. minimum-security prison cell. However, 20 contract workers occupying the quarters OIG visited had less personal space then a U.S. minimum-security prison cell." And that I just quoted from the report.

As you can tell by these descriptions, they are not descriptions of how the United States aspires to treat those workers who work on behalf of the American people, doing contract work for the embassies overseas. I'm confident that you will address these issues, but I would like to hear specifically from you about how you plan to make progress in contracting to help alleviate and improve the conditions of these contract workers.

Ambassador BARR. Thank you for the question.

First of all, I used to be a human rights officer earlier in my career, so I'm very sensitive to issues like trafficking in persons. And these are things that are very near and dear to the American public, and not activities that we want to foster in any way.

In that inspection report, the inspector general did not find any incidents of trafficking in persons, but we of course have taken this to heart. We include training about trafficking in persons for our contracting officers and contracting officer representatives. We have also instituted a number of changes in how we oversee these contracts, making sure that we have someone from Diplomatic Security that is housed either on the compound or very close to the compound. We have taught people what to look for. There've been changes in the camps themselves—no alcohol. We have provided training in cultural sensitivity for people that have oversight of those contracts.

And I can guarantee you that the State Department does take this very seriously. It is a public perception issue for us, and we are working very hard to make sure that these conditions are improved.

Senator UDALL. Thank you, Ambassador.

The International Law Enforcement Academies help train foreign law enforcement to combat international drug trafficking, criminality, and terrorism. The ILEA Web site states that a major goal of the academy is to enable foreign law enforcement to "efficiently combat crime in their respective countries, and at the same time, prevent the movement of transnational criminal elements to the United States and throughout the world."

Most of these law enforcement academies are located overseas, as you know. However, one is located in Roswell, NM. I believe this academy has served the goals of the Department of State well. However, I have become concerned about the program because of delays with issuing a request for proposals and contract issues which resulted in the cancellation of class at the academy.

What can your office do to make sure this issue does not repeat itself, and that ILEA in Roswell, NM, can continue to offer the courses needed to train foreign law enforcement?

Ambassador BARR. I'm very familiar with that program. When I was U.S. Ambassador in Namibia, I did have the opportunity to visit ILEA in Botswana. So I recognize and personally appreciate the very good work that they do.

Right now, we actually have two different contracts that are active and that we're working on for the institution in New Mexico.

One part, which I think deals with operations and maintenance, is controlled by the Bureau of Administration. That contract is out for request for proposals, and we hope to have those responses in by the end of this week.

I think there's another contract that has been released by the International Narcotics and Law Enforcement Bureau. And I don't have all the details on that, but I think that they were trying to see if there were some parts of that contract that might be workable for the Small Business Administration.

But I will be glad to take your concerns back, and see if we can get more information for you.

[The written information provided by Ambassador Barr follows:]

The 2010 training schedule, which ended in mid-December 2010, included delivery of 10 sessions, the typical number of training sessions each year for International Law Enforcement Academy (ILEA) in Roswell. All 10 sessions planned for 2010 were completed as planned and funds were made available to New Mexico Tech for this purpose.

The Office of Acquisition Management (AQM) and the Bureau of International Narcotics and Law Enforcement Affairs (INL) are diligently working on two procurement actions for the ILEA Roswell program—one for maintenance of the facility and one for law enforcement training. INL and AQM conducted a preproposal conference for the facility maintenance contract at the ILEA on June 28, 2011, and proposals for this contract, which is handled by AQM, are due on July 21, 2011. Proposals for the law enforcement training contract, handled by INL, are due on August 8, 2011. INL intends to have the program running as soon as practicable after both contracts have been awarded.

Senator UDALL. Thank you very much.

And I see Senator Webb is here, and I would like to recognize him for questioning or any opening statement he might have.

Senator WEBB. Thank you, Mr. Chairman.

I wanted to come down, first, to express my best wishes and congratulations to the two nominees. I'm clearly going to support them, and I wish them the best in carrying out their responsibilities.

But I would like to take this opportunity to hopefully get some clarification on a policy that has been taking place from the Office of Legislative Affairs as it relates to its relations with individual Members of the Senate.

Let me begin, Mr. Adams, by saying that I have worked in different capacities up here for a long time. I was committee counsel in the House at one point. I spent years in the Pentagon, and then of course, my work over here.

I have never seen a situation where substantive letters that go to a policymaker in the Department have been answered by the Assistant Secretary for Legislative Affairs or the Acting Assistant Secretary of Legislative Affairs, rather than an individual who is clearly in a line position to be responsible for policy.

I'm not the only Member of the Senate who has had some concerns about this. Senator Corker, when we were discussing an issue of substance with respect to Libya, made a comment in the Congressional Record. I'm going to quote from his comment, because I agree with it. He said, "Today, 1 day shy of 8 weeks later, I finally received a response" to a longer letter he had sent to Secretary Clinton. "This response did not come from Secretary Clinton. It did not come from Secretary Gates. This response came from the Acting Assistant Secretary of State for Legislative Affairs and only paid lip service" to the original letter.

That's not an isolated situation, and it's, quite frankly, very frustrating.

I watched your opening statement from my office before I came over here. You made the comment to the effect that the principal responsibilities of your position are to serve as an interpreter of policymakers, and I would strongly agree with you that is among your principal responsibilities. In this position you do not develop the policies that you communicate. Would you agree with that?

Mr. ADAMS. Thank you, Senator.

Yes, this is not a policymaking bureau.

Senator WEBB. Right. So, it's a little disconcerting when Members of the Senate write very specific policy-oriented letters asking for the positions of the Secretary of State or the key person in a line function, and receive a response from your office. It's not personal; it's just a question of structure here.

Would you agree that that is a rather unusual situation? It doesn't happen at the Pentagon.

Mr. ADAMS. Well, Senator, thank you very much for the question.

First, let me assure you that the Department takes all of our correspondence that we receive from members of the committee and Members of the Congress generally very seriously.

You should be assured that letters that we get are tasked to the relevant bureaus, so that the policy experts who know the substantive answers to the questions are the ones who actually draft the responses.

The second point that I would make is that the Bureau of Legislative Affairs, as you noted, and under the direction of the Secretary, is responsible for maintaining the Department's relationships with the Congress. And part of that responsibility includes ensuring that we provide timely and thorough answers to the Congress.

I'd also point out that it is our role in addition to make sure that the senior policymakers in the Department know what Members are thinking about, what they're talking about, so when correspondence comes in to the Bureau from the Congress, we make sure that senior policymakers see it, including the Secretary and others.

The last thing that I would say, in terms of who actually signs the letters, is that we have conceived of this in a similar way to requests that the Secretary gets for hearings and for briefings. She often can't accommodate all of those, and so she relies on members of the various bureaus who have responsibility for the subject matter to come and brief the Congress, or to testify, as the case may be. And in a similar way, she has delegated the responsibility for ensuring that correspondence comes back to the Hill, to the Bureau of Legislative Affairs.

Senator WEBB. Well, having been on the other end drafting those letters as a staffer many, many years ago, and I know the coordination involved. But, I also recognize that it doesn't always get up to the person at the top.

But I think you would agree that there are differences between responses generated directly from your office, even though they're coordinated, on something like when a committee hearing is scheduled, and the responses that relate to the development of policy. Whether it's just in some of the letters that I have forwarded to

you, or signed and moved to the Secretary—on Burma, on a TIP report, on Libya—there's a list of them. I'm not alone here.

And the question becomes one of accountability. Since you are not a policymaker, and you are signing a letter, there's no real indication that the official in charge is accountable for what is in the letter. It doesn't have to be the Secretary of State.

So I'm raising this, and I'm hopeful, perhaps, with Secretary Burns moving into the Deputy Secretary position, that we can resolve it.

But it's a matter of real concern when we're trying to figure out what the exact policies are in our executive branch, and where the changes might appropriately be made.

Mr. ADAMS. Well, Senator, I certainly appreciate the sentiment. And I would just like to assure you again that the responses that come for the Bureau of Legislative Affairs reflect the Department's policies.

Senator WEBB. I understand what you're saying, but let me reemphasize that there's no accountability, true accountability, in that process, as there is when an individual who is responsible for the policy will sign the letter and take accountability.

Mr. ADAMS. Well, Senator, I'm happy to take this back to the Department and review the policy in terms of who signs the letters.

Senator WEBB. Thank you.

Thank you, Mr. Chairman.

Senator UDALL. Thank you.

And I would agree with Senator Webb. I think it's very important when the Congress is overseeing policy, and trying to inquire into the areas of development of policy, that we have policymakers speak out and answer those questions, whether it's in a hearing format or a letter format. So I think Senator Webb makes a very, very good point.

Ambassador Barr, one of the recommendations from a 2006 OIG report was that, "The Bureau of Administration in coordination with the Bureau of Diplomatic Security should establish a plan to progressively consolidate local guard contracting in the Office of Acquisitions Management."

The 2006 OIG report also stated that, "few of the areas of procurement call so obviously for reform as local guard contracting estimated to cost the Department approximately $218 million in fiscal year 2006. Budgetary pressures appear to be forcing change, and the cost of savings could total millions if professional contracting officers are used rather than less experienced Embassy personnel. The result should be essential protective services at the most cost-effective price."

I could not agree with this finding more. I believe that our Embassy and consulate personnel must have the best protection possible, but that the protection must be cost-effective. I believe that A Bureau has already made great strides toward improving contracting in this area.

What more will you do to continue this progress? And what else needs to be done to improve contracting in this area?

Ambassador BARR. Thank you.

We've made significant progress in this area. We have approximately 105 contracts that protect about 160 different consulates

and embassies. And most of them have been consolidated here in Washington and are handled back here, where we have the expertise.

I think right now we have less than 20 contracts that are being administered overseas. As you pointed out, this does help us to provide more effective oversight. It helps us to reduce costs. And when we have to make changes in contractors at the last minute, it's easier to put somebody else in to make sure that the Embassy has the security it needs.

We will continue to press toward consolidation. It is a bureau priority. I'm very aware of this one in particular. I've had a briefing on it already, so it's something that is on my plate, if I'm confirmed.

Senator UDALL. Great. Thank you.

Ambassador Barr, the State Department intends to hire nearly 5,500 private security contractors for Iraq security after the U.S. military leaves at the end of the year. In addition, it is estimated that nearly 84 percent of the State Department's personnel in Iraq will be contractors. How many of these contractors will be doing inherently government work? And what is State doing to reduce the number of contractors and increase the State Department personnel?

Ambassador BARR. First of all, we do not use contractors to do inherently government work. This is our starting point. We try to use contractors where it makes sense, where the jobs do not require discretion or judgment on behalf of the U.S. Government, and where it helps us to reduce costs.

One of the things that we've done in general with regard to contracting security services for Iraq and Afghanistan is we've let a very large contract and selected eight different contractors and they bid on individual task orders. For example, they can bid on a task order to provide static guard services in Afghanistan.

This way we get a very good price because they compete against one another, but we've already taken a good look at who they are and what their business practices are.

We've worked very closely with the Department of Defense, who has a lot of expertise in contracting, to upgrade our services. We've also hired about 200 more Diplomatic Security agents, many of whom who have oversight of our contracting in the frontline states, so that we have people on the ground who understand what we're trying to do, and make sure that the quality remains high.

Senator UDALL. Ambassador, it's good to hear that you don't have contractors doing inherently governmental work, and I hope that you will continue that practice within the State Department.

Shifting to another area here, the Department of State has been recognized as a leader on utilizing small businesses for contracting.

What will you do to continue these efforts? And do you agree that the continued utilization of small businesses, including minority and women-owned business, will help the United States develop and maintain the entrepreneurial spirit needed to compete in the 21st century?

Ambassador BARR. Well, we find that this is one way for the State Department, who is normally focused overseas, to have an impact here in the United States. It's a very high priority with us.

The person that has primary responsibility for that function is located in my front office. I've already started to become familiar with the program.

When we look at contracts, it's one of our first considerations, is to see if this is the type of work that small businesses might be able to do.

Also it helps us to build expertise, so that we have a wider pool of potential partners to get things done. We feel this is our part in developing professionalism, getting people used to working with the Federal marketplace, and just widening knowledge of some of the things that the U.S. Government does. This is how we interact in a different way with the American people.

Senator UDALL. Thank you, Ambassador Barr. Thank you for that answer, and thank you very much for your testimony.

Mr. Adams, you already have extensive experience working with the legislative branch, and what I'm wondering, and this is along the lines that Senator Webb also questioned, what should be done to improve communication with the House and the Senate, to make sure that Congress receives the information needed to effectively make legislative decisions?

Mr. ADAMS. Thank you, Mr. Chairman. I appreciate that question.

I think all of the courtesy calls I did with Senators and staff in the runup to the hearing, I heard a consistent message from people about the nature of communication and the frequency of communication. So I think that one of the things that I will try to do, if confirmed, is to have the Department be much more visible up here on the Hill in a variety of different ways, and to try to think creatively about forums that are different than simply the usual hearing forum or briefing forum. And maybe there are other ways where we can get senior officials and mid-level officials up here more frequently to talk to members and to talk to staff, and do so on the broad range of topics that the Department covers.

So I think, in that way, I would try to broaden what the Department does up here, so that senior officials are seen more frequently, and mid-level officials are seen more frequently, with staff, and the communication is better.

Senator UDALL. I think that would be a very welcome change, and we look forward to that.

Should reporting to Congress be reduced, increased, or kept at current levels? I know the QDDR stated that the State Department has an onerous reporting requirement, and that the work to issue reports to Congress is having an impact on other essential functions of the Department of State.

In what areas can reporting to Congress be reduced or streamlined, in your opinion?

Mr. ADAMS. Thank you, Senator.

I do think it's a consistent position of the Department that reporting requirements can be become burdensome and over time.

I think where we would want to look at this is reports that have been required for a very long period of time, so reports that are 5 years old, 10 years old. So the question I think should be, are those reports still necessary? Is that information still required by the

Congress? Has the issue matured or moved on, so that the report itself is not as relevant?

So I think those are the areas that we would look to, in terms of trying to reduce the reporting burden.

Senator UDALL. One of your other responsibilities, I think, is working with other agencies, the USAID and others that have responsibility for international issues. What will you do to work with USAID staff to ensure that State and USAID effectively work together to carry out the policies of the United States?

Mr. ADAMS. Thank you for that question.

Sort of in the role of Assistant Secretary for Legislative Affairs, if confirmed, I think I would want to try to bring both State and USAID and other sort of national security agency Legislative Affairs offices together, so that we have, as the Secretary has said, whole-of-government approach, so that the Congress can see that the agencies are coordinated, that we're interlocked, that we talk to each other, and that the policies and programs that we present to the Congress are coordinated in an effective fashion. So I would work hard at that, if confirmed.

Senator UDALL. That concludes my questions to all of you. Not having other Senators, except Senator Webb come, we will keep the record open for 24 hours for any questions or statements for the record. We would ask both of you, if you get those questions, to promptly get them back, so that we can move forward with your nomination.

We very much appreciate your public service. Appreciate you being here today.

And with that, the hearing is adjourned.

[Whereupon, at 10:46 a.m., the hearing was adjourned.]

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## Additional Questions and Answers Submitted for the Record

### RESPONSES OF JOYCE BARR TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* The State Department's Inspector General in 2010 found that several problems identified in earlier years remained unresolved. In particular, the OIG found that some contract files were incomplete, lacked key documentation, and sometimes could not be located in the absence of a contract specialist. How are these problems being addressed?

Answer. In October 2010, the Office of Acquisitions Management (AQM) issued a Memorandum to AQM personnel that all contract files shall be in accordance with Federal Acquisition Regulation Subpart 4.8, Government Contract Files. The Florida Regional Procurement Support Office of AQM has implemented e-filing for all contract files. AQM is evaluating that system and is in the early planning stages of implementing a similar e-filing system for all other AQM offices and divisions. If confirmed, I will work to ensure that the processes put in place to address problems identified in the inspection are completed and effective.

*Question.* The OIG in 2010 called for another comprehensive review of the Office of Acquisitions Management in accordance with the Government Accountability Office's framework for assessing federal agencies' acquisition functions. Has such a review been conducted? If so, what were the results? Do you concur with the OIG's assessment? If so, what would you do to ensure that recommendations are fully implemented?

Answer. The Office of the Procurement Executive conducted a review of the Acquisitions Management Office in 2010. Among the findings were:

- The percentage of dollars competed increased from 58 percent in FY 2006 to 82 percent in FY 2009;
- Bid protests and Board of Contract Appeals activity was not significant;

- Online reverse auctions resulted in cost savings and excellent small-business participation;
- The Department achieved excellent results in meeting socioeconomic contracting goals for contract awards to small business, small disadvantaged businesses and woman-owned businesses;
- Contracting Officers should document review of the Excluded Parties List to avoid debarred and suspended contractors;
- The Department should improve accuracy of contract data reporting;
- Action should be taken to track contract expiration dates to improve follow-on acquisition planning;
- Internal controls to ensure approval of service contracts extending beyond 5 years needed to be strengthened;
- Market research should be improved;
- To ensure compliance with Federal Acquisition Regulation requirements, all contractors with delivery order contracts should be provided a fair opportunity to compete.

I concur with the assessment of the OIG that file documentation needs to be improved and the OPE review recommendations discussed above. If confirmed, I will make the completion of these recommendations a priority.

*Question.* In February 2010, the OIG recommended that the Bureau of Administration review its Web site content and revise it to ensure the organization charts are explicit and fully detail the authorities and responsibilities for the offices within its purview. Also, they recommended that the Bureau should update its Web site, at least quarterly, to ensure OpenNet customers and outside visitors know who to contact and how to do business with its offices and divisions. Have these two items been implemented?

Answer. Based on the February 2010 OIG inspection, the Bureau of Administration reviewed its Web site content and ensured an organization chart existed for each major directorate. The Bureau's main Web portal allows for OpenNet customers and outside visitors to access an "Organizations" tab. The "Organizations" tab lists every directorate in the Bureau, with a direct link to their respective organization chart. Each organization chart then lists each director by office and name. To ensure accuracy, each directorate maintains and updates its own organizational charts.

To ensure we meet the quarterly update requirement, the Executive Director will chair a meeting of all the Bureau Web site content managers quarterly. Furthermore, the Executive Office has assigned a permanent Bureau Webmaster who will disseminate requirements to all Bureau content managers and will conduct quality control reviews at least quarterly as well.

*Question.* Does the Bureau have sufficient resources and personnel to provide effective oversight of contracts? Do contract specialists receive adequate training for their jobs?

Answer. The Department of State Acquisition Human Capital Plan outlines the staffing strategy for the Acquisitions Management Office (AQM). With implementation of a working capital fund, AQM now has appropriate resources to adequately staff contract specialists. AQM is on track to achieve the staffing goals of the Human Capital Plan.

Bureaus such as International Narcotics and Law Enforcement (INL) and Diplomatic Security (DS) have also significantly increased resources devoted to contract administration.

Contract Specialists receive all training required by the Office of Federal Procurement Policy (OFPP). Training requests are centrally managed in AQM to ensure training is obtained in a timely manner.

The Department devoted significant effort this past year on improving the Contracting Officer Representative (COR) function. Training has been revised to focus on skill building and providing practical examples. Functional experts and experienced CORs were used as Subject Matter Experts to build the training. Detailed guidance on complex issues such as trafficking in persons was issued. Guidance was issued requiring appraisal factors on contract administration to be included in COR performance appraisals. A COR award was created to recognize the significant contributions of CORs to the goals of the Department. A standing COR working group was formed to continue the focus on improving the COR function.

I recognize the critical role the COR plays in contract oversight. If confirmed, I intend to continue to build on these foundations to strengthen that function.

*Question.* In recent years, the Administration and Diplomatic Security Bureaus have worked to consolidate local guard contracting in the Acquisitions Management

Office's Worldwide Operations Division. Is that office—or is Diplomatic Security—going to be responsible for contract administration for guards in Iraq? If so, will it include all the contracted personnel providing security? The State Department intends to hire approximately 5,500 private security contractors for Iraq after the U.S. military leaves.

Answer. The Office of Acquisition Management (AQM) is the Department's authority for contracting security services supporting our mission in Iraq, as well as our other posts worldwide. The Bureau of Diplomatic Security's Office of Overseas Protective Operations (DS/IP/OPO) is the program office responsible for managing and overseeing the fulfillment of contract security services in Iraq. AQM and DS/IP/OPO work closely together to award, oversee, and ensure contract compliance of all Department security contracts in Iraq in accordance with the standards set forth in the Department's Worldwide Protective Services (WPS) base contract and the overarching Federal Acquisition Regulation (FAR). The Department views contract administration as a joint responsibility between DS and the A Bureau.

The WPS base contract is the mechanism through which the Department awards task orders for both static and movement security services in Iraq and Afghanistan. Four security task orders have been released for Iraq. The task orders will be completely stood up by spring 2012, and the Department will have approximately 5,100 security contractors providing guard and movement security services.

*Question.* With 84 percent of the State Department's projected 17,000 personnel in Iraq slated to be contractors (of all kinds)—according to Secretary Clinton's March 10 testimony before the House Appropriations Subcommittee on State, Foreign Operations and Related Programs—how is the Department going to ensure adequate administration and oversight of such large contracts?

Answer. With approximately 14,000 contractors projected to be in place in January 2012 in Iraq, the Department recognizes the need for robust oversight of the vital life support, security, and medical services they will provide. The Department's contracting oversight plan for Iraq is attached.

IRAQ—CONTRACT MANAGEMENT/OVERSIGHT PLAN

Much of the U.S. Government's success in Iraq will depend on an effective contracting effort as the mission transitions from military-led to civilian-led. Unlike other U.S. embassies, the Department is not operating in a permissive environment in Iraq. Such a nonpermissive environment means that we cannot depend on local services such as a static guard force or a cleaning crew made up of host-country nationals, nor can we patronize markets, gas stations, or local shops. This is why the U.S. Government is so heavily dependent on contractors—at least until the security environment improves. To ensure we meet this critical goal, the Department has developed a contracting strategy that takes into account life support, security, transportation, communications, and facilities.

Our primary Contracting Team is located in Washington, DC, where it can draw on headquarters expertise. In Iraq, there are multiple levels of technical oversight, depending upon the complexity of each contract. In February 2008, the Office of Acquisition Management converted to a fee-for-service organization, charging a 1-percent fee on all procurements. Since that time, we have hired 102 additional staff for contract administration.

In conflict zones such as Iraq, the Department's Contracting Officer Representatives (CORs) are required to maintain special vigilance against trafficking in persons, and awareness of the practices of labor brokers and recruiters. CORs must brief contractor program management to ensure there is no trafficking of persons or other unethical conduct. Programs with a significant in-country contractor presence require COR review and documentation of the adequacy of contractor employees living conditions.

Additional information about the Department's significant contracts follows.

*Police Development Program*

Since 2006, the Bureau of International Narcotics and Law Enforcement (INL) has continued to enhance its contract oversight, which for Iraq includes a Washington-based COR, COR support staff, contract administration personnel in the field, and an entire program office to assist with contract accountability.

Currently, INL has 10 contract administration personnel deployed in Iraq, and two more personnel in the pipeline.

During the next year, INL will adjust the contract administration staffing level at post and at headquarters commensurate with the reduction in INL administered contractual services.

INL has made several improvements for contract oversight, including (1) using the Quality Assurance Surveillance Plans (QASP) for contractor accountability; and, (2) implementing standard operating procedures for further specificity in oversight roles and responsibilities.

In addition, INL has planned a monitoring and evaluation (M&E) program to be staffed by four M&E subject matter experts in Baghdad, Basrah, and Erbil. The more senior of the four M&E advisors will report to the Deputy Director of the INL Office at Embassy Baghdad. The M&E program will provide ongoing monitoring and regular evaluations of INL programs in Iraq.

To prepare for the M&E program, INL is conducting an institutional assessment of Iraq's criminal justice system. Assessments will be completed of the police, corrections, and courts sectors over the course of the next several months. These assessments will permit INL to gauge the performance of its Iraq programs and to better direct resources to areas of greatest need and potential improvement.

*Private Security Contractor Management Plan*

The State Department uses private security contractors (PSCs) to help meet the extraordinary security requirements in critical threat and nonpermissive environments. Through operational changes already implemented and an examination conducted during the Department's Quadrennial Diplomacy and Development Review (QDDR) process, State is ensuring proper management, oversight, and operational control of the private security contractors we deploy overseas. The Department institutionalized many of these changes through the new Worldwide Protective Services (WPS) contract awarded in September 2010, which incorporates lessons learned to ensure that private security contractors perform their requirements in a professional, responsible, culturally sensitive, and cost effective manner.

The Department currently employs approximately 2,700 PSC personnel in Iraq, including 900 supporting protective security details in Baghdad, Erbil, and Tallil and 1,800 providing static guard services to facilities under Chief of Mission (COM) authority in Baghdad. Following the transition in Iraq, there will be 100 direct-hire special agents and 106 security specialists to manage approximately 7,000 contractors to protect U.S. Government employees and facilities under COM authority in Baghdad, Erbil, Mosul, Kirkuk, and Basrah.

DS's plan for management, oversight, and operational control of PSC personnel includes:

- Ensuring professionalism and responsibility through improved direct oversight of security contractor personnel:
  - DS agents at each post will serve as managers for the Static Guard and Personal Protective Security programs;
  - DS agents at each post will also serve as Contracting Officer's Representatives (CORs) and Assistant CORs (A/COR) for the direct management and oversight of the WPS contract;
  - DS personnel at each post will be assigned as Government Technical Monitors (GTMs) to assist the COR and A/COR in the oversight of the WPS contract.
  - Direct-hire Diplomatic Security personnel (DS agents or SPS officers) provide direct operational oversight of all protective motorcades.
  - Diplomatic Security personnel will continue to conduct frequent, unannounced health and welfare after-hours visits to WPS housing compounds. Collocation of contractor life support areas on Embassy, consulate, or EBO compounds will enhance after-hours oversight of contractor personnel;
  - Revised mission firearms policies strengthen rules on the use of force and new less-than-lethal equipment fielded as a means to minimize the need for deadly force;
  - Video recording systems and tracking systems installed in vehicles to enhance oversight and contractor accountability; and
  - All incidents involving a weapons discharge and other serious incidents are thoroughly investigated by the Regional Security Office.
- Improving the image of the security footprint through enhanced cultural sensitivity:
  - Mandatory country-specific cultural awareness training for all security contractors prior to deployment to Iraq;
  - Revised standards of conduct, including a ban on alcohol; and
  - Interpreters included in protective security details.
- Achieving greater efficiencies through new contract terms:
  - One set of terms and conditions, enhancing the ability to provide appropriate and consistent oversight;

- Reduced acquisition timelines;
- Larger number of qualified base contract holders, thereby increasing competition and controlling costs;
- Timely options in the event a company fails to perform;
- More efficient program management compared to multiple, stand-alone contracts; and
- Computerized tracking of contractor personnel to aid in reviewing personnel rosters used to support labor invoices.

As the security environment improves, the Department will transition to a more traditional mode of operation. This transition has begun in Erbil, where our static guard force includes a significant number of local nationals. As the Department transitions in Iraq, roughly two-thirds of the guard force in Erbil will be comprised of local nationals.

*Contract oversight for PA&E, LOGCAP IV, and the Linguist/Subject Matter Expert Contracts*

A&E works exclusively on the Embassy compound where they perform Operations and Maintenance services. Their Contracting Officer's Representative (COR) is the Deputy Facilities Manager. Between the Facilities Manager and the Deputy, all work performed by PA&E is visible and verifiable on a daily basis and a detailed review is conducted on at least a weekly basis with critical work being checked more frequently. Billing and staffing levels are reviewed monthly with the Financial Management Officer where reconciliation of differences in billing can be researched. All problems, if any, are immediately reported to the Contracting Office in Washington for immediate appropriate action.

All residents of the Embassy compound are customers. They are quick to observe and report any work that has not been performed in accordance with the contract requirement.

Linguist/Subject Matter Expert (L/SME) contracts are reviewed by a COR in Washington, DC, for the offices served in Iraq. The contractor's timesheets are verified, by an individual designated by the contracting officer as Government Task Managers (GTM) and, who has firsthand knowledge of the contract requirements, contractor employee's attendance and deliverables. This is the person to whom the L/SME reports to on a daily basis. An erroneous entry on a timecard would be readily noticed and a timely correction made. Government managers at this level are experienced and very detailed in their review.

The COR is a recognized expert in technical areas of the contract requirements and it would be difficult to imagine a scenario where a contractor could exploit lack of oversight. Further, while comprehensive in nature, the L/SME contract is not physically large. From experience, one COR with a responsive base of Government managers is more than adequate to verify contractor performance as well as secure adequate internal controls.

While it is most effective for the State Department to use its own competitive process to award most contract actions, the Department is also leveraging DOD resources where DOD has superior capabilities in theater. LOGCAP has been a success story since State inherited the Task Order from the Coalition Provisional Authority in 2004. The DOD Program Manager for LOGCAP publicly stated in 2006 that State was the only organization that "gets" LOGCAP. He meant that State was the only LOGCAP customer that was holding the line against abuse of LOGCAP services while maintaining a perfect life/health/safety record while carefully expanding the capability of the Task Order to facilitate other nongovernment organizations as deemed necessary by the Chief of Mission (COM) and ensuring that reimbursement were paid to LOGCAP promptly.

The "charter" for LOGCAP was direct and strictly dictated by DOD and State—one COR from the Department of State and one Administrative Contracting Officer (ACO) from the Department of Defense. There was, as well, close coordination between LOGCAP Rock Island Contracting Command (RICC) and State.

Issues that were prevalent at other DOD Task Order sites did not occur under the COM Task Order. Electrical grounding safety, always problematical, was constantly reviewed and tested. Food production remained at the highest standard. No abuse of vehicle dispatch or fuel operations was ever observed and the LOGCAP Contractor took steps to reduce numbers of vehicles on several occasions to further COM policy.

State has been served by two LOGCAP Task Orders. One is the COM Task Order in the International Zone (IZ). The other task order is the DOD task order that supported State when a State organization was resident on the other task order's site.

This arrangement was approved by the RICC as a Quid Pro Quo arrangement after analysis indicated that DOD entities were also being serviced by the COM task order and in roughly even amounts.

Standard arrangement for LOGCAP Task Orders is to have oversight and administration performed by the Defense Contract Management Agency (DCMA). DCMA remains critical to the performance of LOGCAP Task Orders and the LOGCAP Program Manager has assured State that DCMA will remain on the State/DOD team for both LOGCAP IV and any follow-on replacement for LOGCAP. The caveat is that DCMA wants to see the size and level of effort before stating their specific requirements for an administration team and cost for providing the team.

The policy remains in place that there is a single COR and ACO. While it is unavoidable that the contractor and State managers talk, nothing official can take place until the COR provides review and concurrence and the ACO approves and directs. DCMA requests the Quality Assurance Representatives (QAR) to perform periodic checks to test and report deficiencies and concerns to the ACO and COR. Weekly cost and program review meetings chaired by the ACO provide near real-time information in a manner that the ACO can identify problems and provide course correction if the contractor performance varies from a standard.

State fully expects to continue its successful relationship with DCMA and LOGCAP. The technical success is proven. Costs are contained because oversight shows that work is being accomplished on time and within budget.

The Office of Acquisitions Management has a dedicated, qualified team of Contracting Officers and Contract Specialists assigned to manage the Department of State contracts as well as to provide any assistance to the LOGCAP program supporting the U.S. Mission in Iraq. There are currently two Department of State employees located at the Embassy who provide the COR responsibilities for the LOGCAP program. We believe these two positions are adequate to provide the necessary oversight enforcing contractor performance and internal controls. If, on occasion, it becomes necessary to temporarily increase this number, the Office of Acquisitions Management is prepared to deploy TDY employees to Post to provide the necessary support.

*Facility Construction*

For the Bureau of Overseas Buildings Operations' (OBO) construction projects, there is a Washington-based Contracting Officer, and the onsite project manager is the COR. There is significant scrutiny of both contractors and subcontractors, as well as their employees. Contractors for the construction of new office and other buildings must name all subcontractors at the time of proposals, and they are part of the proposal evaluation. When we construct buildings, foreign firms receive local checks for adverse information. Contractor and subcontractor employees going on to a construction site must have name and other records checks performed by the Regional Security Officer (RSO) in advance and in consultation with local officials.

For OBO construction projects, onsite "man camps" (living and dining quarters) are expected to meet strict health and safety standards. When OBO Project Managers become aware of quality of life issues, on or offsite, they first notify the Site Security Manager (a trained DS specialist), then the RSO, who will then notify appropriate authorities. OBO ensures that emergency medical services are provided (by the embassy medical team if necessary) and that evacuations are handled appropriately.

*Question.* In September 2007, Blackwater personnel accompanying a State Department convoy shot and killed several Iraqi civilians. What changes, if any, were made to the acquisition process as a result of this incident?

Answer. Contract administration processes were strengthened as a result of the Blackwater incident. Direct-hire government personnel now accompany protective details. Tracking devices and video equipment in each motorcade provide a record of incidents to allow for a better analysis of what occurred. Contractor reporting of incidents has been improved. Also, DS has increased the number of contracting officer's representatives and government technical monitors to work in theater where Worldwide Protective Services (WPS) task orders are being performed so that overall contract oversight is enhanced, including the contractor staffs' adherence to contract required standards of conduct. I have attached a list of further actions undertaken to strengthen management and oversight of the WPS contract.

For the DS Worldwide Protective Services (WPS) contract, DS has increased staffing to more than 200 direct-hire personnel to administer the contract and its task orders to ensure contract compliance of approximately 5,100 contractor employees.

Other key elements include:

- Ensuring appropriate levels of professionalism and responsive operational responsibility through direct operational control and oversight of security contractor personnel:
  - DS Special Agents at each post serve as managers for the Static Guard and Personal Protective Security programs;
  - DS Special Agents at each post serve as Contracting Officer's Representatives (CORs) and Assistant CORs (ACORs) for the direct management and oversight of the WPS contract to assist the Contracting Officer;
  - DS personnel at each post are assigned as Government Technical Monitors (GTMs) to assist the COR and ACOR in the oversight of the WPS contract.
  - Direct-hire DS personnel (DS Special Agents or Security Protective Specialists) provide operational control of protective motorcades.
  - Collocation of contractor life-support areas on Embassy, Consulate, or Embassy Branch Office compounds will enhance after-hours oversight of contractor personnel;
  - Revised mission firearms policies further strengthen post's rules on the use of force, and less-than-lethal equipment has been fielded as a means to minimize the need to employ deadly force;
  - Video recording and tracking systems are installed in each motorcade;
  - All incidents involving a weapons discharge or other serious incidents are thoroughly investigated by the Regional Security Officer (RSO); and
  - The Office of Acquisitions Management has a dedicated, qualified team of contracting officers and contract specialists assigned to administer PSC contracts. They will make regular field visits to each post to conduct reviews of PSC contracts.
- Improving the image of the security footprint through enhanced cultural sensitivity:
  - Mandatory country-specific cultural awareness training for all security contractors prior to deployment to Iraq;
  - Revised standards of conduct, including a ban on alcohol; and
  - Interpreter support provided for protective security details.
- Achieving greater efficiencies through new contract terms:
  - One set of terms and conditions enhances the ability to provide uniform, appropriate, and consistent oversight;
  - Reduced acquisition timelines;
  - Larger number of qualified base-contract holders, thereby increasing competition for each task order while controlling costs;
  - Timely options in the event a company fails to perform;
  - More efficient program management compared to multiple, stand-alone contracts;
  - Computerized tracking of contractor personnel to aid in reviewing personnel rosters used to support labor invoices; and
  - Regional auditors from the Defense Contract Audit Agency (DCAA) will be assigned to each company receiving a WPS task order.

*Question.* What sort of agreement have the State Department and Defense Department worked out so that the diplomatic missions in Iraq continue to receive life support services under the LOGCAP IV contract? Please describe the key provisions of the agreement. How have the payments for the services been worked out, and who will be responsible for quality control and contract administration?

Answer. The State Department and Defense Department have concluded an interagency agreement utilizing authority provided under the Economy Act (21 U.S.C. 1535) to ensure that State will continue to receive life support services under the LOGCAP IV contract. Key provisions include basic life support and core logistics services with a reimbursable method under specific task orders. LOGCAP IV is a DOD contract administered by the Army Contracting Command-Rock Island (ACC–RI) with ACC–RI delegating oversight to Defense Contract Management Agency (DCMA), and the Department of State provided Contracting Officer Representatives.

*Question.* How is the Office of Procurement Executive balancing its oversight of overseas procurement and its oversight of the Acquisitions Management Office?

Answer. The Office of the Procurement Executive has two Divisions focused on procurement oversight. The Evaluation and Assistance Division focuses on oversight of overseas procurement operations through staff assistance visits to overseas posts, desk officer oversight by geographic region, and model contracts and documentation to assist contracting personnel with transaction support. Overseas post procurement reviews are scheduled to cover every geographic region annually. Three to four posts

are visited per region. Desk Officers are in daily contact with procurement officials at overseas posts to offer assistance.

The Policy Division conducts regular reviews of domestic procurement operations such as the Acquisition Management Office, Library Services, Language Services and the Foreign Service Institute. Special Topic Reviews, such as an examination of Award Fee Contracts, are scheduled when the Procurement Executive determines the need to look more closely at a specific topic.

*Question.* How will you ensure that current practices and procedures for managing, operating and maintaining the Department's real estate holdings are cost-effective?

Answer. The Department has a long history of comprehensive management and oversight of its real estate portfolio, both overseas and domestic. It has aggressively engaged the General Services Administration (GSA) and other service providers to ensure competitive prices on rents, operating costs, utilities, and other real estate and construction requirements. As the portfolio stands today, space utilization meets or exceeds GSA standards, operating costs reflect our best efforts to manage costs while providing appropriate levels of service, and strategic planning encompasses the real property goals of this administration and the Congress.

If confirmed, I will ensure the continued use of aggressive performance standards for office space utilization, workstation-to-office ratios, and the many modern mobile workforce initiatives beginning to be utilized by Federal agencies. I will continue to evaluate the Department's real estate portfolio, looking for opportunities to relocate "back office" operations to lower cost locations, as we have done successfully with our finance and visa processing operations. I will continue efforts to consolidate warehouse and other logistics operations, Automated Data Processing, similar Information Resource Management functions, and bureaus that currently are spread out in multiple locations throughout the Washington metropolitan area.

Finally, if confirmed, I will insist that future GSA leases on the Department's behalf include purchase options to the extent practical, and continue the Department's practice of working with GSA to seek opportunities to purchase leased buildings where we have made substantial investments, and to look for other existing federal properties where initial investments could yield long terms savings of rental payments.

*Question.* The State Department's Inspector General in 2009 was critical of inadequate management controls over the work performed by operations and maintenance contractors.

- What sort of management controls exist, and what steps will you take to strengthen these controls? Do you have sufficient personnel—both in terms of numbers and expertise—to perform contract oversight?
- Does the Bureau still rely on labor-hour contract staffing? If so, is this necessary, and what are you going to do to address the costly nature of such contract work?

Answer. The Office of the Inspector General (OIG) focused on three issues in its 2009 review: (1) project file documentation; (2) staff training; and (3) questions regarding District of Columbia taxes on some construction/ renovation work orders. The A Bureau's Office of Operations' (A/OPR) action plans on all three issues have been reviewed, approved, and validated by the OIG subsequent to that review.

All project files are now maintained by Contracting Officer's Representatives (CORs) and Project Managers, including an appropriately detailed scope of work, an independently derived government cost estimate (IGE) using appropriate estimating tools for the work, documentation of at least three competitive bid solicitations, a reconciliation of any IGE-to-bid cost discrepancies, and a best-value selection. Project Managers are required to document any changes in scope as the work proceeds, all inspections and commissioning as the work is completed and final closeout of costs and invoices. Quality assurance staff, which is independent of the project staff, are responsible for periodic reviews of project files to ensure compliance with this requirement.

All CORs receive required training and must maintain their COR certifications. In addition, all building/project managers overseeing work performed under contract are required to receive similar training. After initial COR training is completed, all staff involved with any work using contractors must complete 40 hours of additional training every 2 years. This training is consistent with governmentwide guidance issued by the Office of Management and Budget (OMB) and Federal Acquisition Regulations (FAR).

Regarding D.C.-user tax issues, A/OPR, on the advice of the Office of Acquisition Management and the Office of the Legal Adviser, has clarified conditions under

which D.C. tax rules apply to services rendered by operations and maintenance contractors. Language has been written into the new contracts spelling out how taxes are to be/or not to be invoiced. Payments are scrutinized to ensure precedence is not established that would be detrimental to the Department.

The Office of Facilities Management Services (FMS) continues to utilize labor-hour contract staffing. This will continue to be necessary at some level to meet mission requirements until additional Full-Time Equivalent (FTE) staff is authorized. However, since the OIG report, OPR/FMS has been gradually reducing its reliance on labor-hour contracting staffing by using part-time government employees where possible and by reallocating existing staff based on an organizational analysis conducted by the Department of State's Office of Resource Management Analysis (RMA).

*Question.* What will you do to ensure that the Office of Authentications responds to requests by the public, businesses, and other government agencies in a timely manner? Does the office have sufficient personnel and resources to handle its workload?

Answer. Due to the increased workload in the Office of Authentications, turnaround time on document processing has increased over the last 2 years. To address this issue, the office has allocated two additional staff positions from the Bureau of Administration's allotment. The new employees are expected to be on board this summer. In the meantime, the Bureau has detailed other Bureau staff on a part-time basis to help address the Office's increased work-load. An e-mail address for Members to inquire about the status of authentication requests on behalf of constituents was also recently established. The Department gives the highest priority to customer service and is working hard to deal with the increased demand.

*Question.* What is the status of Fly America provisions?

Answer. The Department's policies and regulations (14 FAM 583) are consistent with the guidelines of the General Accounting Office and mirror the Federal Travel Regulations (FTR) used by other agencies government wide. Information and reminders are provided to employees on a regular basis regarding the provisions of the Fly America Act. Two levels of management controls are in place to ensure the provisions are complied with: (1) To fly on a foreign carrier, employees must provide approved written certification that no American air carriers are available to provide the requested service or a reasonable alternative, and (2) bookings on foreign carriers by the Department's Travel Management Centers are reported to the Contracting Officer's Representative for the travel contract.

# NOMINATIONS

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**WEDNESDAY, JULY 20, 2011**

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

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Hon. Earl Anthony Wayne, of Maryland, to be Ambassador to Mexico

Arnold Chacon, of Virginia, to be Ambassador to the Republic of Guatemala

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The committee met, pursuant to notice, at 10:05 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Robert Menendez, presiding.

Present: Senators Menendez, Udall, Lugar, and Rubio.

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

Senator MENENDEZ. Good morning. This hearing will come to order.

Today the Senate Foreign Relations Committee considers two nominations, Ambassador Earl Anthony Wayne to be the Ambassador to Mexico and Mr. Arnold Chacon to be Ambassador to Guatemala.

First, let me welcome the nominees and their families and friends. I will have some brief introductory remarks, and then I will turn to Senator Lugar. I believe Senator Rubio is on his way. And then we will turn to our nominees.

Let me congratulate you on your nominations. If you are confirmed, you will serve as the President's representative and be called upon to implement the policies of the United States Government, and protect and advance the interests of the American people.

The countries you are being called to represent are countries that share a strong historical relationship with us and with one another. Both countries face challenges in the areas of governance, citizen security, human rights, and impunity issues, civilian/military relations, and judicial and security sector reform.

Organized crime, including trafficking of drugs, weapons and people, threatens the stability of both nations, and has resulted in a serious threat to the security of the citizenry. And in the case of Guatemala, the survival of its nascent democracy.

In Mexico, nearly 40,000 people have died as a result of drug-related violence in the last 4 years, and in Guatemala, 36 years of civil war and fragile democratic institutions have provided a haven for traffickers and gangs seeking new territory from which to expand their trade. However, I also recognize that this is a joint battle, a two-way street, in which the United States is part of sharing the responsibility to meet the challenge, and, therefore, also part of sharing the burden. We must reduce domestic demand, find the political will to curtail the flow of weapons and money going southward, and focus our political attention and resources on impeding this growing threat to regional stability.

I was encouraged by Secretary Clinton's attendance at a Central American Security Conference in Guatemala last month. I am also encouraged by the Justice Department's decisions last week to enhance reporting requirements for gun dealers in four southwest border states; California, Arizona, New Mexico, and Texas, that make sales of two or more semiautomatic rifles in a 5-day period of guns greater than .22 calibers, with the ability to accept a detachable magazine. Those are all steps in the right direction.

However, this is a relationship that is far more than about narcotics trafficking. Our economic relationship with the region and Mexico particularly is very important. The United States-Mexico goods trade totaled $393 billion in 2010, with United States exports exceeding $160 billion a year.

Mexico is a major export market for United States machinery, cars, mineral fuel, oil, plastics, grains, meat, and soybeans. We are fortunate to enjoy a strong political and economic relationship with Mexico from which we derive mutual benefits. It is a relationship that goes back to the very essence of the founding of our country. And the number of United States citizens of Mexican descent is one of the largest of any given country in the world. Therefore, we have a very deep and important relationship. To me, as the chair of the Western Hemisphere Subcommittee, this is one of the most important relationships we have.

Our Ambassador to Mexico is the custodian of this important multifaceted relationship, and it is a position which demands knowledge of the region, the ability to simultaneously manage multiple portfolios, and a respect for the independent political and cultural traditions of our nations.

The challenges each of you face vis-a-vis your host governments will be unique. Rest assured that we are vested in your success. If confirmed, you will both play a vital role in the work that will build upon our common successes and combat some of the most pressing challenges. We look forward to your testimony.

With that, let me turn to Senator Lugar, the distinguished ranking member of the full committee, for his comments.

Senator LUGAR. Thank you very much, Mr. Chairman. I would like to defer to Chairman Rubio in the event he has any comments before my opening.

## OPENING STATEMENT OF HON. RICHARD LUGAR, U.S. SENATOR FROM INDIANA

Senator LUGAR. I join the chairman in welcoming our distinguished nominees this morning. I appreciate this opportunity to ex-

amine not only their credentials, but also current United States policy toward Mexico and Guatemala.

Over many decades, we have taken for granted the benefits of peaceful relationships with bordering countries.

Our neighbors have been among our most important trading partners, with Canada currently ranking first in overall trade with the United States, and Mexico ranking third.

Historically, few great powers have enjoyed the type of sustained regional stability that we have experienced. But in recent years, that regional stability has been shaken as Mexico has struggled with criminal violence, debilitating corruption, and drug financed cartels.

In January, the Mexican Government pegged the number of people killed during its 4-year military-led crackdown on organized crime at more than 34,000. Those murdered, included government officials, police officials, military personnel, and others who were deemed a threat to the cartel's business interests or leaders. Mexico's insecurity and cartel violence, spilling into Central American countries, was exacerbating security challenges.

Concern is particularly acute in Guatemala, and it appears that the burgeoning presence of Mexican drug traffickers is adding another layer of violence to a country already burdened by crime and corruption. Senior Guatemalan officials have warned that the Guatemalan security forces need a major overhaul to keep the Mexican drug gangs in check.

Guatemala is seen as an ideal transit point for the cocaine traveling from Colombia through Mexico to the United States. Guatemala has a large unguarded border with Mexico.

It has ports on the Pacific Ocean and the Gulf of Mexico. It has hundreds of grass airstrips near large plantations that are suitable for light aircraft, and the security forces are under resourced relative to the drug gangs.

Events in Mexico and Guatemala have clear security implications for the United States, Americans traveling in the region and the United States/Mexican border. But this instability has also commercial consequences. Hopes for much stronger trade relationships that can help the United States and the entire Western Hemisphere compete with China, Japan, and the EU are suffering as a result.

And given U.S. interest in the stability and prosperity of our southern neighbors, the United States has been working with these countries to confront lawlessness. The Merida Initiative, a multiyear Federal partnership, provides equipment and training and support of law enforcement efforts to curb the flow of illegal narcotics to the United States, Mexico, and Central America. It is the framework for this relationship.

Though much remains to be done, the Merida Initiative has opened a new era of United States/Mexican law enforcement cooperation. It is far more extensive than previously attempted.

The stakes are high for both countries. Sustained lawlessness in large areas of Mexico complicate the United States efforts to combat drug smuggling and illegal immigration, and to generate increasing drug-related violence on our side of the border. For Mex-

ico, degrading the capacity and influence of the cartels in Mexico is a near existential national security objective.

Today I look forward to the nominees' perspectives on the Merida Initiative and on efforts by Mexico and Guatemala to fight corruption within their own ranks. How can we enhance our cooperation with these governments in ways that benefit the United States security? These are basic questions for our session today, and I thank the chair for recognizing me.

Senator MENENDEZ. Thank you, Senator Lugar.

Senator Rubio.

**STATEMENT OF HON. MARCO RUBIO, U.S. SENATOR FROM FLORIDA**

Senator RUBIO. Thank you, Mr. Chairman, and the ranking member. And I'll be brief because I think everything that I wanted to say has been covered by your statements, which I think both have touched upon all the key issues.

The only things I would add are, first, that it is important to remind ourselves of the importance of our relationship with Mexico. There are a lot of important things happening all over the world, but there are few, if any, relationships around the world more important than the one we have with our neighbors in Mexico.

Prosperity and security in Mexico is a positive for the United States and vice versa. And this relationship that we have is critical on a number of fronts.

On the economic front, it is about having a trading partner with an expanding economy, both, as a manufacturer for things that we use for our companies, but also as a consumer hopefully as our economy begins to grow.

On the security side, I think just to state the obvious that the issues that are going on in Mexico are inextricably linked with issues that are happening across the border here in the United States. And so, the relationship between Mexico and the United States is a critically important one, perhaps as important as virtually any other relationship we have anywhere else in the world. And I hope we will continue to give it the importance that it deserves in this committee. I know certainly the subcommittee has.

Guatemala is important as well. First of all, the promise in Guatemala now for over two and half decades, moved away from autocratic rule and toward an electoral democratic process. And that is a net positive that we should continue to encourage.

The democratic institutions in Guatemala have survived for two and a half decades, but they are still fragile and will require us to continue to invest in them and be a partner with them in that regard. This is particularly important in light of the challenges that Guatemala faces, as does all of Central America. As we have increased the pressure on drug trafficking in the Caribbean, more and more of the trafficking has moved toward the Central American corridor, and we see the results of that all throughout Central America. It is critically important the United States continue to have a strong partnership.

I personally am deeply engaged in the future of both of these countries because we have close family friends, relatives, and plenty of constituents in the State of Florida that have deep personal,

family, and business links to both of these countries. And so, the assignment that both of you are going to have are critically important. As I said to you when we met, I intend to be in touch with you both personally on a number of issues, hopefully mostly good news, and every now and then some challenges.

So, thank you for your service to our country and your willingness to serve in these very important posts. And we look forward to working with you in the years to come, and are interested in your testimony here today.

Thank you, Mr. Chairman.

Senator MENENDEZ. Thank you, Senator Rubio.

Before we hear your testimony, let me briefly introduce each of our nominees.

Ambassador Earl Anthony Wayne, nominee as the Ambassador to Mexico, is a career ambassador. Since 2009 he has served as the Deputy Ambassador to Afghanistan and coordinating director for Development and Economic Affairs.

In 2006 through 2009, he served as U.S. Ambassador to Argentina.

Ambassador Wayne has also served in the Department of State's Economic and Business Affairs Bureau and the Bureau of European Affairs, as well as the National Security Council.

He holds degrees from Harvard University, a more distinguished university, Princeton in New Jersey, from Stanford University, and the University of California at Berkeley. Ambassador, we look forward to hearing from you today.

Arnold A. Chacon is the nominee to be the Ambassador to Guatemala. He is a career member of the Senior Foreign Service and currently serving as the Deputy Chief of Mission at the Embassy in Madrid where I recently had the opportunity to meet and work with him in my role as the chairman of the U.S.-Spain Business Council. And you did an excellent job. We appreciate your engagement with us.

Mr. Chacon has a long history with the Bureau of the Western Hemisphere Affairs, having held, amongst others, the positions of Director of Andean Affairs, Deputy Director of Central American Affairs, Deputy Chief of Mission in Ecuador, political counselor in Peru, political officer in Chile, and staff assistant to the Chief of Mission in Mexico.

Mr. Chacon received a B.A. in international affairs from the University of Colorado at Boulder.

So, let me welcome both of you. If you have family or friends you want to introduce, please do so to the committee. We understand they're an important part of your commitment to public service.

And with that, I'll start with Ambassador Wayne. We ask you to summarize your testimony to about 5 minutes or so. We will include your full testimony in the record.

## STATEMENT OF HON. EARL ANTHONY WAYNE, OF MARYLAND, TO BE AMBASSADOR TO MEXICO

Ambassador WAYNE. Thank you very much, Mr. Chairman, Senator Lugar, Ranking Member Rubio. Thank you for your statements with which I found probably total agreement, I would say, in all your points. And we welcome your interests.

Senator MENENDEZ. That is a good start in your confirmation. [Laughter.]

Ambassador WAYNE. Very much welcome your interest in Mexico and Guatemala and the region.

It is an honor to be here before you as President Obama's nominee to serve as United States Ambassador to Mexico. I am grateful to both the President and to Secretary Clinton for their trust and confidence.

I am very humbled to be sitting here and thinking about helping to guide bilateral relations with Mexico as Ambassador. The United States relationship with Mexico is unique, and its enormous and depth and in its direct impact on American security and prosperity, as each of you said.

Our complex bilateral relations affect many Americans throughout the country in their daily lives. Our two economies and societies are indispensably interconnected, giving us a shared responsibility for challenges both nations face.

More than $1 billion in trade crosses the United States-Mexico border each day, and almost 1 million people cross that border legally each day.

If confirmed, I will need the advice and the wisdom and the partnership of many, including the United States Congress, to help me carry out my responsibilities and to manage creatively our vital relationship with Mexico.

I believe my 36 years in America's diplomatic service provide experiences that will help me perform this mission well. Let me give a couple of examples.

My 6 years as Assistant Secretary of State for Economic and Business Affairs gave me the opportunity to deal with the full range of U.S. economic interests issues and agencies. My work underscored the special role which Mexico plays as our partner, and I worked closely with the United States agencies which are essential to managing relations with Mexico.

My many years working with the European Union and its members were a practical lesson in building and deepening cooperation with a major U.S. partner on many difficult and complex issues. I learned the benefits of investing and building the mechanisms and the structures of cooperation. They helped us tackle difficult bilateral issues, and they provided the basis to take on cooperatively the broader challenges in the world.

Helping to oversee United States-Canada relations let me experience directly our relations with our close neighbors, touch American lives, and how problem-solving requires that we consult closely and coordinate closely with many actors on both sides of the border.

Serving as Ambassador to Argentina provided excellent experience in using our public diplomacy tools to address misperceptions about the United States. And I also learned firsthand how supporting and expanding people-to-people relationships and exchanges, whether they involve education, or music, or business, or even the fight against trafficking in persons, really helped improve perceptions of the United States.

In both Argentina and Afghanistan, I worked closely with United States law enforcement agencies and host government officials in

fighting drug trafficking, and in supporting host government efforts to strengthen rule of law institutions.

In my 2 years in Afghanistan, helping to oversee our massive assistance programs, underscored the key role which effective interagency teams and close engagement with host government teams play in providing assistance to a partner nation. Building frank and trusting dialogue was essential both within the U.S. teams and with our partners.

In addition, my experience managing a huge Embassy in Kabul and the hundreds of civilians that we have in the provinces seasoned my ability to guide a large and complex set of operations, such as we have in Mexico.

At present, issues related to security, crime, and law enforcement dominate the headlines about Mexico, but the interests we share and the common challenges we face with Mexico are much broader. If confirmed, I pledge to work closely with you, Mr. Chairman, and your colleagues in Congress to further strengthen this multifaceted relationship.

Central to U.S. efforts over the last 3 years, as several of you noted, has been the Merida Initiative. Although our cooperation under Merida began by addressing the need to combat and weaken transnational criminal organizations, it has expanded to include longer term objectives to strengthen justice sector institutions, to reinvigorate border management, and to reinforce Mexico's efforts to create strong, resilient communities in areas impacted by the heightened violence. The strong support of Congress for the Merida Initiative has been and remains essential.

As of late June, the U.S. Merida team has delivered a cumulative total of $465 million in equipment, technical assistance, and training since the Initiative began in 2008.

The United States plans to achieve a cumulative total of almost $900 million delivered by the end of this year.

One of my principle objectives if confirmed will be to work with Mexican and United States colleagues to assure that we successfully accelerate Merida implementation, and that we are achieving our Merida objectives.

While United States assistance is vital, the Government of Mexico and the Mexican people bear most of the burden financially, politically, and in terms of human lives in this fight against transnational organized crime. Of the estimated 40,000 or so deaths attributed to narco-violence since December 2006, nearly 2,000 were members of the Mexican Security Services. And the 2011 Mexican budget allocates over $10 billion for security.

United States Government personnel in Mexico have been victims of criminal violence also, and the safety of our personnel serving in Mexico must be a top priority.

Over the last two decades, the economic relationship between the United States and Mexico has been transformed. Our economic ties are now among the deepest in the world. Trade, for example, has quadrupled to reach nearly $400 billion in 2010, making Mexico our second-largest export market and our third-largest trading partner.

The U.S. Chamber of Commerce estimates that trade with Mexico supports more than 6 million United States jobs, and for 26

States, Mexico is the largest or second-largest export destination. In fact, we do not merely trade with Mexico and Canada; we make things together. This kind of mutual integration helps the United States be more competitive in the world. If confirmed, I will work to support the mutual benefit and strength of our economic ties.

But it is the ties between our people that help make the relations with Mexico so unique. One in ten Americans are estimated to be of Mexican descent, while more than 1 million Americans call Mexico home. Tourism brings 10 million more to Mexico each year, and there are countless people-to-people exchanges and links between our two societies. If confirmed, I will work to support the many benefits that come from these people-to-people ties and exchanges.

The future security and well-being of the United States is rooted in a vibrant partnership with a stable, prosperous, and competitive Mexico, that shares the values of democracy, rule of law, and open markets at home and abroad. Such a partnership requires a whole of government approach by both partners and a spirit of good faith and trust between us. If confirmed, I will do my very best to help this partnership prosper and achieve the mutual benefits possible for the peoples of the United States and Mexico.

Thank you very much.

[The prepared statement of Ambassador Wayne follows:]

PREPARED STATEMENT OF AMBASSADOR EARL ANTHONY WAYNE

Mr. Chairman, Ranking Member Rubio, and members of the committee, it is an honor to be here today before you as President Obama's nominee to serve as the next United States Ambassador to Mexico. I am grateful to both the President and Secretary Clinton for their trust and confidence.

I am humbled by the thought of helping to guide our bilateral relationship with Mexico as Ambassador. The United States relationship with Mexico is unique in its enormous breadth and depth and in its immediate, direct impact on American security and prosperity. This complex, multifaceted bilateral relationship affects Americans in their day-to-day lives and involves virtually every department of the Federal Government and a host of State and local authorities whose interests are closely linked to what happens in Mexico. Our two economies and societies are indispensably interconnected, giving us a shared responsibility for the challenges both nations face. More than a billion dollars of trade crosses the United States-Mexico border each day, providing jobs and resources to people across both countries, and almost one million people cross the border legally each day in the course of their daily routines.

If confirmed, I will need the wisdom, advice and partnership of many, including the U.S. Congress, to help me carry out my responsibilities and to manage creatively our vital relationship with Mexico. I believe my 36 years in America's diplomatic service offer experience and tools which will help me perform this mission well. Let me share a few examples.

- Serving 6 years as Assistant Secretary of State for Economic and Business Affairs has provided me intensive experience dealing with the full range of U.S. economic interests and issues, including many involving Mexico and Latin America. Those years underscored for me that very special role which Mexico plays as our economic partner bilaterally and in our ability to compete globally. I also learned well the importance of a "whole of government" approach to managing international policy and the vital role played by the private sector and civil society in achieving America's economic well-being.
- My many years working on U.S. relations with Europe, and especially the European Union, taught me the importance of patiently building and strengthening international partnerships despite the time and investment needed to establish trust and prove the value of cooperation. In the case of the EU, our cooperation covers a tremendously wide range of issues, including some which are very technical but have enormous impact. My work with Europe also made clear that our partnerships are vital not only for bilateral issues but also for the work we can undertake together on broader international challenges.

- Helping to oversee United States-Canada relations taught me how relationships with our close neighbors touch American's lives and demand very close consultations with a wide range of U.S. institutions (Federal, State and local) to find solutions.
- My years as Ambassador to Argentina taught me the importance of addressing how others view the United States, for good or otherwise. Our public diplomacy and efforts to strengthen people-to-people relationships via education, the media, culture, tourism, and partnerships among civil society organizations can make a big difference for good in relations between nations.
- My service in Argentina and Afghanistan also helped me to live the importance of building strong cooperation against crime and drug trafficking and the dedication needed to bolster rule of law institutions.
- And my 2 years in Afghanistan underscored the key role which effective interagency teams and regular, close engagement with host government teams play if we are to successfully provide effective assistance to meet urgent needs of our partner nation. Frank and open dialogue in designing and implementing programs, in monitoring and evaluating the results, and in solving problems is essential.

If confirmed, I hope my experience will help guide our multidimensional relationship with Mexico. At the present, issues related to security, crime and law enforcement tend to dominate the headlines, but I want to emphasize that the interests we share and the common challenges we face are much broader and our interaction with Mexico must reflect this. I would hope to try to make this point often with my words and actions, if confirmed.

Our bilateral ties have never been stronger, despite the challenges of relations as complex as we have with Mexico. If confirmed, I pledge to work closely with you, Mr. Chairman, and your colleagues in Congress to maintain and deepen these ties. In particular, with your continued support, we have the opportunity to strengthen the institutions and mechanisms to manage creatively the full range of issues the United States and Mexico share as we move forward.

MERIDA AND THE SECURITY DIMENSION

Central to our efforts over the last 3 years has been the Merida Initiative. Although our cooperation under the Merida Initiative began by addressing the immediate need to combat and weaken Transnational Criminal Organizations (TCOs), we have expanded these efforts to include longer term Rule of Law institutional objectives (augmenting the capacities of civilian law enforcement and security entities, strengthening judicial and other state institutions to resist corruption and improve the administration of justice); reinvigorating border management; and reinforcing Mexico's efforts to create strong, resilient communities in areas impacted by narco-violence.

This overall strategy remains sound. The strong support of the Congress for the Merida Initiative has been, and remains, essential to its success. As of late June, the Merida Initiative team has delivered a cumulative total of $465 million in equipment, technical assistance, and training since the Merida Initiative began in December 2008. One of my principal objectives, if confirmed, will be to work with my Mexican and United States colleagues to accelerate the implementation of the activities and to assure that we are achieving our Merida objectives.

The Merida Initiative has sparked remarkable progress in our law enforcement cooperation. The Cabinet-level Merida High Level Consultative Group, which last met on April 29, under the chairmanship of Secretary Clinton, brings the leaders of the Departments of Defense, Homeland Security and Justice, among others, together with their Mexican counterparts to review progress and guide the work agenda of our enhanced engagement. In Mexico City, U.S. and Mexican colleagues work together daily to develop, design, carry out and evaluate our cooperative activities.

While U.S. assistance is a vital contribution, the Government of Mexico and the Mexican people bear most of the burden—financially, politically, and in terms of human lives—of this fight against Transnational Organized Crime. Of over 40,000 deaths attributed to narco-violence since December 2006, nearly 2,000 were members of the Mexican security services. The Mexican budget for 2011 allocates over $10 billion to security spending. In addition to the costs that Mexico has borne, U.S. Government personnel in Mexico have also been victimized by the violence perpetrated by the cartels and criminal gangs. The safety of all U.S. Government officials serving at our mission in Mexico must be a top priority. The U.S. Government employs a range of equipment and techniques to keep them safe, and maintains an ongoing dialogue with the Mexican Government regarding the safety of our personnel and their families as they serve our Nation in Mexico. If confirmed, I am

committed to continuing and intensifying this engagement, and our support for the Mexican Government's struggle against these criminal gangs.

*Building Resilient Communities*

Building strong and resilient communities in areas most affected by narco-violence is a key part of the joint Merida strategy. Under the Todos Somos Juarez ("We are all Juarez") program, the Mexican Government has engaged local community groups on priorities to keep kids out of crime, create new role models, and lure others from a world of violence. New initiatives under Merida will support the Government of Mexico in Juarez and give greater emphasis to work with state and local governments who have jurisdiction over the majority of the crimes committed in Mexico. This is a huge task but an imperative one, and, if confirmed, I will give these efforts every attention.

As the President and Secretary Clinton and others have said, we recognize that the problem of illicit drugs and trafficking is a shared one and that we in the United States bear shared responsibility for the problem as well as the solution. If confirmed, I will work to strengthen our efforts to impede illegal weapons trafficking and increase efforts to control money laundering and bulk cash transfer of illicit drug money to Mexico.

As I stressed in my opening, our bilateral agenda with Mexico is too expansive and too important to allow the relationship to be defined exclusively by a single component part. We cannot ignore the important economic partnership we have with Mexico.

THE ECONOMIC DIMENSION—FACILITATING TRADE AND ENHANCING COMPETITIVENESS

In the last 20 years, the economic relationship between the United States and Mexico has been transformed, in magnitude and quality. The resulting economic ties between our two countries are now among the deepest in the world.

There are many different signs of this transformation. Trade, for example, has more than quadrupled in the last 20 years to reach nearly $400 billion in 2010, making Mexico our second-largest export market and third-largest trading partner. The U.S. Chamber of Commerce estimates that trade with Mexico supports more than 6 million U.S. jobs. Those workers know that Mexico is one of our best customers—it is a middle-income country with a growing middle class that wants to buy a lot of the same products that Americans do. That gives our companies a natural advantage in serving the Mexican market, as their success in sending exports there makes clear.

Mexico is a neighboring country but the benefit of its market extends far beyond the border. For 26 U.S. States, in fact, Mexico is the largest or second-largest export destination. Apple growers in Washington, cattle ranchers in Colorado, and electronics manufacturers in California all benefit from the demand of Mexican consumers, among dozens and dozens of other American industries. But the data shows even the smallest American businesses—the small and medium-sized enterprises—are most likely to trade with the markets that are the closest to home: Mexico and Canada. All around the country, in businesses big and small, Mexico is an important customer for American products.

In today's globalized economy, business activities are linked across countries like never before. Mexico is no exception. Much of our bilateral trade takes place within the same industry or even within the same firm, as a result of cross-border investments that have facilitated multinational production systems and supply chains. In fact, we don't merely trade with Mexico and Canada. It's much more than that: we make things together. Indeed, each country has invested heavily in each other with about $8 billion of Mexican investment in the United States and $95 billion of U.S. investment in Mexico. This kind of mutual integration helps make the United States more competitive in the world, and it puts American workers at the center of the regional economy. That is a new and different dynamic than was at work 20 years ago, and it is a positive one that positions us to compete more effectively against commercial rivals from around the world.

Our economic partnership with Mexico is vital to our own prosperity. If I am confirmed, nurturing this component of our bilateral relationship will be a central element of my job in Mexico City.

*Building a 21st Century Border*

Our security agenda and our economic agenda with Mexico meet at our common border, one of the busiest borders in the world. Nearly 1 million legitimate travelers and more than a billion dollars' worth of goods legally cross each day. The U.S.-Mexico Bilateral Executive Steering Committee (ESC) was established to formulate and implement joint concrete steps designed to enhance our economic competitive-

ness and ensure that the border can meet the increasing demands put upon it and enhance the use of its untapped economic potential. Improvements in border-crossing infrastructure and operations are necessary to facilitate legitimate trade and travel, keeping our trade flows secure, reducing congestion, and lowering business costs.

*Facilitating Secure and Efficient Transportation Linkages*

Managing the flow of legitimate travelers and goods across the border also depends on getting them to the border or port of entry efficiently. The ESC is working with stakeholders on both sides of the border to see that regional infrastructure plans are coordinated and consistent, so trade and travel can smoothly flow to and through the border areas of both countries. A new pilot project designed to improve the efficiency of cross-border long-haul trucking, which will lower the cost of commercial traffic even as it ensures that U.S. safety standards are met—will benefit American consumers, workers, and exporters.

*Removing Unnecessary Regulatory Differences*

Cumbersome and unnecessary regulatory differences raise costs for consumers and businesses and make it more complicated to protect the environment, health and safety of our citizens. The U.S.-Mexico High Level Regulatory Cooperation Council is examining ways to increase regulatory transparency, strengthen the analytic basis of regulations, and help make regulations more compatible.

*Ensuring Access to Clean and Reliable Energy*

Mexico is our second-largest oil supplier, and expanded cooperation, including on clean and renewable energy, can be crucial to the energy security that makes our economy go. Mexico has significant wind, solar, and geothermal energy production potential and has set a specific greenhouse gas reduction target of 50 percent from 2002 levels by 2050. Under the Bilateral Framework on Clean Energy and Climate Change, there are initiatives to limit greenhouse gas emissions, promote the development and use of clean energy technologies, and improve energy efficiency and reliability. Mexico and the United States also share stewardship of the Gulf of Mexico and are committed to developing its offshore energy resources safely, responsibly, and equitably.

PEOPLE-TO-PEOPLE TIES

One in ten Americans is estimated to be of Mexican descent, while more than a million Americans call Mexico home, and tourism brings more than 10 million more to Mexico for short stays. Indeed, the U.S. consular operation in Mexico is the largest in the world in terms of workload and staff. More broadly, Mexicans and Americans have access to each other's TV programs and movies, we watch and cheer each other's athletes, we enjoy each other's music and cuisine, and we send our children to each other's schools for exchanges and study. These people-to-people ties deserve to be cherished and strengthened by cooperation between our governments. The strength of these human ties can help us overcome problems that arise. If confirmed, I will work to these ends.

CONCLUSION

The future security and well being of the United States is rooted in a vibrant partnership with a stable, prosperous, and competitive Mexico that shares the values of democracy, rule of law, and open markets at home and abroad. Such a partnership requires a "whole of government" approach by both partners and a spirit of good faith and trust between us. We have made great strides toward building that kind of partnership in recent years. Despite the evident challenges, the U.S.-Mexico partnership is replete with promise. If confirmed I will do my very best to help this partnership prosper in order to achieve the mutual benefits possible for the peoples of the United States and of Mexico.

Senator MENENDEZ. Thank you.

Mr. Chacon.

## STATEMENT OF ARNOLD CHACON, OF VIRGINIA, TO BE AMBASSADOR TO THE REPUBLIC OF GUATEMALA

Mr. CHACON. Thank you, Mr. Chairman, Senator Lugar, and Senator Rubio. Thank you for granting me the opportunity to appear before you today as President Obama's nominee to serve as

United States Ambassador to Guatemala. I am grateful to President Obama and to Secretary Clinton for the trust and the confidence they have shown in sending my nomination to you for advice and consent.

With your permission, I would like briefly to introduce my family who is here. They have provided much love and support throughout my career, and I am deeply grateful. My wife, Alida Chacon, is also a member of the U.S. Foreign Service. Two of my three children are here, Sarah and Jonathan. My eldest is unable to be here. She is studying law at Stanford in California. I also have my cousin, Berta Romere Fonte; her husband, Michael; and their son, Gabriel, with me today. And finally, my dear friend and mentor, Ambassador Vincenzo Arcos, is here joining us today, as well as our dear friend, Ms. Eli Ledahowsky.

Mr. Chairman, as a career member of the Foreign Service, I have had the privilege to serve my country at home and abroad, including five tours in Latin America. Most recently, as you noted, I served as the Deputy Chief of Mission in Madrid. And should you choose to confirm me, I will draw upon these experiences in an effort to advance United States goals in Guatemala.

Guatemala faces a number of grave challenges, including trafficking in drugs, weapons and people, high rates of violence, impunity and corruption, limited access to education, and employment for the nation's burgeoning youth population, and chronic malnutrition—child malnutrition.

As Secretary Clinton said during her June 22 conference of support for the Central American security strategy in Guatemala City, "No single country can overcome such daunting challenges on its own." If confirmed, I commit to promoting respect for human rights and economic and social inclusion for all members of society through full partnership with the governmental and people of Guatemala, which seek to define and implement long-term solutions that address the underlying causes of insecurity.

Strengthening security requires a whole of society effort, and civil society must be a full partner in this endeavor. The Central American Regional Security Initiative, or CARSI, will be an important tool allowing us to focus assistance where it is needed most.

Guatemala's Presidential, legislative, and local elections will take place this September. The United States is supporting an Organization of American States electoral observation mission, and we hope for free, fair, and nonviolent elections. If confirmed, I welcome the opportunity to consult with members of this committee and your colleagues in Congress to shape appropriate U.S. policies leading up to and following the elections.

Guatemala has made important strides toward reconciling with its past. This year in a precedent-setting step forward, President Colon's Declassification Commission facilitated the public release of nearly 12,000 documents dating back to the internal armed conflict. I look forward, if confirmed, to working with the Guatemalan Government, civil society, and the private sector, to foster further transparency and dialogue.

I am keenly aware of the critical role Guatemala's dynamic private sector must play in shaping Guatemala's future. If confirmed, I will encourage the private sector to support efforts to create de-

cent jobs for working people. I will reiterate to both the government and the private sector the need for Guatemala to uphold its commitments under the Dominican Republic, Central America, and U.S. Free Trade Agreement, including the imperative of effective enforcement of labor laws.

Most importantly, Mr. Chairman, I will work to ensure the protection of American citizens in Guatemala. And this begins with the safety of our Embassy staff and their families.

Mr. Chairman, members of this committee, if confirmed and entrusted with this office, I look forward to working with you and your colleagues in Congress to address the opportunities and challenges that await the next United States Ambassador to Guatemala.

I thank you again for granting me the privilege of appearing before you today, and I would be pleased to answer any questions you and your colleagues may have.

[The prepared statement of Mr. Chacon follows:]

PREPARED STATEMENT OF ARNOLD CHACON

Mr. Chairman and members of the committee, thank you for granting me the opportunity to appear before you today as President Obama's nominee to serve as the United States Ambassador to Guatemala. I am grateful to President Obama and Secretary Clinton for the trust and confidence they have shown in sending my nomination to you for advice and consent. If confirmed, I look forward to working closely with you and your colleagues to advance the interests of the United States.

With the chairman's permission, I would like to take a moment to introduce my family and to thank them for their love and support. With me today are my wife, Alida, also a member of the U.S. Foreign Service, as well as two of my three children, Sarah and Jonathan. My brother, Michael Chacon of Denver, CO, is also here. Unfortunately, my eldest daughter, Helen, a student at Stanford Law School, could not be with us today.

As a career member of the Foreign Service, I have had the privilege to serve my country at home at the Department of State and abroad, including five tours in Latin America in Honduras, Chile, Mexico, Peru, and Ecuador. Most recently, I served as the Deputy Chief of Mission in Madrid. Should you choose to confirm me, I will draw upon these experiences in an effort to advance U.S. goals in Guatemala. And if confirmed, I look forward to consulting with this committee in this effort.

Guatemala today faces a number of grave challenges, including trafficking in drugs, weapons, and people; high rates of violence; impunity and corruption; limited access to education and employment for the nation's burgeoning youth population; and chronic child malnutrition. As Secretary Clinton said during the June 22 Conference of Support for the Central American Security Strategy in Guatemala City, no single country can overcome such daunting challenges on its own. If confirmed, I commit to promoting respect for human rights and economic and social inclusion for all members of society. Through full partnership with the government and people of Guatemala, we seek to define and implement long-term solutions that address the underlying causes of insecurity. If confirmed, I will work with Guatemalan leaders, including the President and his or her ministers, the Attorney General and the Police Reform Commissioner, as well as members of civil society and the international community, including the International Commission Against Impunity in Guatemala, to support efforts to reform rule of law and justice sector institutions.

Strengthening security requires a whole-of-society effort, and civil society must be a full partner in this endeavor. The Central America Regional Security Initiative, or CARSI, will be an important tool, allowing us to focus assistance where it is needed most. CARSI will continue to build the capacity of civilian law enforcement personnel and institutions, assist the government in maintaining an effective state presence throughout the country, strengthen the capacity of investigators, prosecutors, and judges to prosecute cases to conviction, and work to mitigate the root causes of crime and insecurity that lead to youth membership in gangs.

Guatemala's Presidential, legislative, and local elections will take place this September. The United States is supporting an Organization of the American States electoral observation mission, and we hope for free, fair, and nonviolent elections. If confirmed, I welcome the opportunity to consult with members of this committee

and your colleagues in the Congress to shape appropriate U.S. policies leading up to and following the elections.

Guatemala has made important strides toward reconciling with its past. In a major step forward this year, President Colom's declassification commission facilitated the public release of nearly 12,000 documents dating back to the internal armed conflict. This was a precedent-setting, long-awaited step, and reflects a commitment to transparency. I look forward, if confirmed, to working with the Guatemalan Government, civil society, and the private sector to foster further transparency and dialogue.

The United States is Guatemala's top trading partner and largest foreign investor with two-way trade of $7.7 billion and U.S. investment of over $960 million, particularly in the manufacturing, wholesale trade, finance, and insurance industries. If confirmed, I will focus on our valuable trade and investment relationship and seek to increase business opportunities for U.S. companies in the Guatemalan market. One way I will specifically work to strengthen economic ties with Guatemala, if confirmed, will be to advocate for transparency and the rule of law in business transactions as Guatemala improves its business environment and strengthens its economy. If confirmed, I also intend to engage with Guatemala's dynamic private sector, as I am keenly aware of the critical role they must play in shaping Guatemala's future. I will seek opportunities for enhanced trade leading to job creation in both the United States and Guatemala, and encourage the private sector to support efforts to create decent jobs for working people. At the same time, if confirmed, I will reiterate to both the government and the private sector the need for Guatemala to uphold its commitments under the Dominican Republic-Central America-United States Free Trade Agreement, including the imperative of effective enforcement of labor laws.

Most importantly, if confirmed, I will work to ensure the protection of American citizens in Guatemala. This begins with the safety of our Embassy staff and their families.

Mr. Chairman and members of the committee, if confirmed and entrusted with this office, I look forward to working with you and your colleagues in Congress to address the opportunities and challenges that await the next U.S. Ambassador to Guatemala.

I thank you again for granting me the privilege of appearing before you today. I would be pleased to answer any questions you and your colleagues may have.

Senator MENENDEZ. Thank you very much.

We will start off with rounds of 7 minutes, and then see where we go from there.

Ambassador Wayne, you were the Deputy Ambassador and coordinating director for Development and Economic Affairs in Afghanistan. As such, did you have oversight of USAID's programs in Afghanistan?

Ambassador WAYNE. Yes, sir, I did.

Senator MENENDEZ. OK.

Ambassador WAYNE. It was a new position created to look over all of our assistance programs, USAID, also the law enforcement agencies. Anyway, we were helping to build capacity for the Afghan Government.

Senator MENENDEZ. Did you do any audits? Were there any audits conducted while you were there?

Ambassador WAYNE. There were a whole range of inspections done when I was there, both internal inspections by the AID. There were some—there was GAO work done. We had, as you know, a special inspector general for Afghanistan reconstruction. So, there were multiple inspections that have been done.

Senator MENENDEZ. I ask that question because obviously we have a very significant presence in Mexico with the Merida Initiative and other engagements. In Afghanistan, my understanding is that we have powerplants we have built to the tune of $250 million which cannot be operated because the Karzai government cannot

afford diesel fuel to operate them. Hence, we build a plant, we spend a quarter of a billion dollars, and they are not operational.

Ambassador WAYNE. Well, there is a powerplant near Kabul, and there was a critical inspection report done that was critical making those points that this plant was built to run on diesel fuel, and the plant is perfectly operational, and does operate. But the point was made that the diesel fuel is very expensive, and that now there is energy coming down from Uzbekistan, electricity, that is the primary source of energy for Kabul.

The plant was constructed—begun a number of years ago, including before I got there. But the notion, as I understand it, at the time that they began constructing the plant was that it was not clear that there was going to be electricity coming from Uzbekistan, and that it was only over a several year period while this plant was being built that the electric connection was made and the agreements were reached with Uzbekistan.

And the arrival of electricity in Kabul has made a tremendous difference. So, in part, yes, the plant was constructed as what has turned out to be a secondary——

Senator MENENDEZ. It is my understanding we are doing the same thing in Kandahar. My point here is not to go through an Iraq thing, I will do that a different time and in a different location. But if we are going to spend $250 million on a plant that at the end of the day, for whatever reason, is operational, but not being operated, I question the long-term thinking of our investment decisions in terms of assistance.

So, I turn now to Mexico and look at the Merida Initiative. And I say to myself, we are doing something that I have supported, that is incredibly important. And I believe it speaks to shared responsibility with the Mexican people and the Mexican Government. But are we making the right investments in Merida to achieve our mutual goals, to help the Mexican Government both fight the narcotics traffickers and, at the same time, build the institutions that are necessary for long-term justice and transparency in Mexico?

Ambassador WAYNE. Well, you pose exactly the right questions, Senator. And those were the same questions that we were posing, say, in Afghanistan also as we looked at our programs.

I think in my initial review of what we are doing in Merida, it does seem that we are moving in the right direction to provide that kind of outcome. There has been a mix, I think as you know, of equipment delivered, but also training and technical assistance, which is training by the specialized people working together. And that really has touched a large number of Mexican officials. For example, there have been about 13,000 federal police prosecutors, correction staff, that have received rule of law and capacity building training over the past 3 years, and another 23,000 have received training on the transformation that is going on between the inquisitorial justice system to an oral accusation based system in order to reform the whole set of rule of law institutions in that country. These are efforts to actually teach the practitioners how to learn from best practices around the world. And, of course, we are doing this in full support and with the full cooperation of the Government of Mexico to pursue their objectives.

Equipment has been delivered—11 helicopters, new computer systems, and immigration related systems to allow for better biometric tracking and other tracking of immigrants coming in and out of the country. But all of this, as far as I have been able to tell so far in preparing for this, is directed at achieving the objectives that you supported in funding this.

One of the things that I want to be sure about if I am confirmed is that we are really moving toward, in a measurable way, achieving these objectives. We owe it to ourselves and to you and to the American people to have credible proof that there is progress being made. There has been some success. As you know very well, the Government of Mexico has taken out of operation 29 or so of the leaders of the cartels during this period. I think at least some of that is due to the good information-sharing mechanisms and structures that have been built up. But there is a lot more to do.

Senator MENENDEZ. Well, I certainly applaud President Calderón. I mean, I believe he is the first Mexican President that has really taken on the drug traffickers; and as he has taken them on, increased violence has ensued. I worry, however, when I listen to some of the voices here in the United States and in the Congress that want us to fight the drug traffickers but constantly speak about the violence. Unfortunately, you cannot fight the drug traffickers and not have violence ensue as a result of it.

And so, they use that as an aspersion about what is happening in Mexico, when in fact, had the Mexican President not taken on the cartels in a very frontal and decisive way, then there would not have been the ensuing violence. So, it is a complex concern that people in the United States portray in a certain way, but at the end of the day, is the very essence of what we want to see in one dimension.

I have many other questions about economics and whatnot, but my time has expired, and I will turn to Senator Lugar.

Senator LUGAR. Thank you, Mr. Chairman.

Mr. Chacon——

Senator MENENDEZ. Senator Lugar, if I may, just one moment.

Senator LUGAR. Yes.

Senator MENENDEZ. I want to welcome Ambassador Arcos back to the committee. He has been here many times in the past. From when I first came to Congress, he has been an insightful voice on much of what we do in the Western Hemisphere and beyond. And it is great to see him looking so well. There is life after the State Department I see. [Laughter.]

I am sorry. Senator Lugar.

Senator LUGAR. Thank you very much.

Mr. Chacon, I want to inquire about the hundreds of American families who are attempting to adopt children in Guatemala, and those adoptions have been in limbo now for the better part of 4 years with endless delays. And this has caused, it seems to me, suffering by children who would have had many years of emotional, intellectual development here with those dedicated families.

I commend my colleague, Senator Mary Landrieu, who recently visited Guatemala with a delegation in hopes of prodding the government to resolve these issues.

I want to know, first of all, are you aware of the dilemma, and do you pledge to try to work tirelessly to resolve these situations so that this will benefit Guatemalan children as well as our relationship with Guatemala?

Mr. CHACON. Thank you, Senator Lugar. Yes, I am well aware of this problem that is a heart wrenching issue, to be sure. It involves hundreds of America families, prospective adoptive parents. I understand at this point there is some 350 to 400 pending cases. To be sure, this is down from the thousands that there were originally. If confirmed, you can count on me committing my support to American families during this trying time. I will urge the Government of Guatemala to put in place a Hague compliant process, and to address these issues as soon as possible.

Senator LUGAR. I appreciate very much that testimony, and I am certain that will be reassuring to the many families who have spent countless thousands of dollars, as well as their own personal efforts to help resolves these cases.

Let me ask likewise with regard to Guatemala, that there currently is a ban on United States international military education and training funds in Guatemala. Would you discuss the reasons for that and how this might be resolved so that Guatemala has better ability to work with the United States in terms of border security and the drug trafficking, which we have commented on in our opening statements?

Mr. CHACON. You are correct, Senator, in that there is a ban against providing assistance to Guatemalan army, IMET and FMF assistance per congressional mandate.

We provide lots of assistance to the Guatemalan army corps of engineers, to the Guatemalan navy, and the Guatemalan air force. We also provide peacekeeping training assistance as well. All of our training is vetted in accordance with Leahy amendment provisions, and we are very scrupulous on that front.

The challenge in Guatemala, of course, is standing up a civilian law enforcement capacity. They should have the primary role, and our programs are directed in that effort.

We do provide the military with assistance from our International Narcotics Control and Law Enforcement Fund and from counternarcotics assistance from the Department of Defense because they play an important secondary role in supporting the civilian law enforcement effort in Guatemala.

The situation hopefully is evolving. It takes a whole of society effort to deal with this problem of narco-trafficking and crime. And if confirmed, I will pay close attention to what is needed, evaluate our programs for their efficacy, and look to see how we might be able to expand our assistance in this regard.

Senator LUGAR. Well, what do you think will be needed for the lifting of this specific ban on U.S. military education and training at this point?

Mr. CHACON. As you know, I am just reading into Guatemala. I have a lot to learn yet. I hope to consult with my country team on the ground if confirmed to find out where we can best place our assistance. And, as I said, we are open to looking at every avenue of assistance that Guatemala needs, because this is certainly a dire situation that they are facing.

Senator LUGAR. Ambassador Wayne, let me ask, it has been a long-time discussion with Mexico about its oil industry. And sometimes in our hearings, as oil has been mentioned, it raises enormous emotions. I can remember going to conferences in Mexico in which people equated oil almost the same as our blood, the equivalent, and, therefore, touching any part of this was really out of the question.

On the other hand, the oil industry has been in decline now for some time. This has meant loss of income for Mexico and loss of energy security really for the Western Hemisphere because of the Mexican-United States relationship. This should be very important for us.

Do you see any possibilities in this circumstance of the relationship evolving in a different way in which the nationalistic monopoly might really lead to some degree of foreign investment, some refurbishing of the vitality of the oil industry of Mexico?

Ambassador WAYNE. Well, Senator, you correctly described the sensitivity of the energy issues in Mexico. And clearly any evolution in their policies will have to come out of a domestic consensus in Mexico.

What I can say is that we have been having a regular dialogue on these important energy issues. Mexico is our second supplier for oil. We have been exploring also alternative energy sources and how we can support that, including such things as wind energy in Baja, CA, and how that can be helpful, both for Mexico and potentially for the United States.

We have been looking intensely at a number of the technical issues on the electricity grid that crosses the border and to make sure there is more efficiency and more consistency in that. And we have talked about delineating our maritime border, which is also very important in the gulf for these questions.

But I think that, to come back to your main question, there will have to be an evolution in thinking in Mexico. And, of course, it is a very important topic. And I know they are coming into an electoral year. My guess is that the election of the new President will be the primary thing being debated in this upcoming year. But, of course, we are ready to work constructively with our partners on this very important topic.

Senator LUGAR. Thank you very much, sir.

Thank you, Mr. Chairman.

Senator MENENDEZ. Senator Udall.

Senator UDALL. Thank you, Chairman Menendez.

We just recently—and I am directing my question here to Mr. Wayne. Mr. Wayne, we just had a recent meeting of the Mexico-U.S. Interparliamentary Group. Senator Menendez was there, and I think spoke to some of the issues. We had participation by, I think, 8 to 10 Mexican parliamentarians, and then pretty good participation on our side. And it was really obvious that there are a lot of challenges that we have with Mexico.

And one of them has to do with the North American Development Bank, which I think you are probably familiar with, that grew out of NAFTA. And we discussed that at this meeting. And according to multiple economic studies, including studies by the

World Bank, ecological services also provide economic benefits to the people.

And with regard to reforms of the North American Development Bank, I believe there is still work that needs to be done to improve basic services, such as clean water and clean air in the region. And I think that was really the thrust of this bank being put into place.

Do you believe there is a way to continue this mission while also opening the North American Development Bank to reforms, which can improve economic development, such as allowing the NAB Bank to be used as a funding source to help renewable energy companies get off the ground? And would the administration support such negotiations in the future?

Ambassador WAYNE. Senator, first, welcome.

Senator UDALL. Thank you.

Ambassador WAYNE. It is a pleasure to have you here. And, second, I am very happy that there is a lively interparliamentary exchange going on with Mexico. In my experience, where we have a good exchange between Parliaments and Congresses, we really have a good relationship. So, thank you for doing that. Thank you, Senator Menendez, also for participating in that exchange.

On the NAB Bank itself, I am going to have to say I will need to go back and study that a bit. When I last left NAB Bank activities, the NAB Bank was struggling to get going on its basic mission. I now understand that they have been quite successful in launching and supporting projects related to the environment in many areas within its domain of responsibility.

I would be very happy to take back and work with my colleagues and talk with them about possibilities for that future mandate, in addition to consolidating and continuing the very important role that it has right now.

And I know it is making—I am really happy that it is making a difference on both sides of the border. That was its intention when it was established, and it took a few years to get going. But I am happy that it is now fully active and engaged.

Senator UDALL. Great. Well, that is good to hear. Changing direction and focusing a little bit on what I believe Senator Menendez focused earlier on the Merida Initiative, do you think we should be worried as a country with Mexico headed into this 2012 Presidential election about possible changes or change in position by their government on the Merida Initiative? We heard from the parliamentarians, and they seem to be very strong on the fact that they thought whoever was elected based on positions already taken, that there would be solid support.

But I am wondering what your thoughts are on this, and do you see changes in the making? Are you going to be going to Mexico with the idea of influencing the process so that we have—obviously not getting involved in the Presidential election, but doing what you can to make sure that we have solid support there from any administration?

Ambassador WAYNE. Well, certainly if confirmed, Senator, I will look forward to meeting with the range of political leaders and actors in Mexico and discussing as the primary point that will come up, of course, our ongoing cooperation, and the importance of that

cooperation, the good that has been done in that, and the challenges ahead.

I have heard the same thing in my initial consultations that you heard from your Mexican congressional colleagues, that there is a strong consensus that this effort needs to continue. There has been criticism, as I understand, of course, of the level of violence, but I have not heard of any alternative strategies that have been put forward.

I think that if confirmed, I will very much try to do is to maintain and strengthen the consensus for our cooperation in this battle against transnational criminal organizations. And I think there, of course, since Mexico is really on the front line here in this shared effort, that is a very strong interest across the political spectrum in continuing this effort.

Senator UDALL. Thank you. And just a quick question here to Mr. Chacon.

As you are aware, the Guatemalan people have a chronic malnutrition problem with their children, and it is persistent, and it has a strong ethnic and geographic dimensions. The relative level is 69 percent in indigenous populations and 35 percent nonindigenous.

How will proposed cuts to USAID impact the efforts to combat hunger and poverty in Guatemala?

Mr. CHACON. Thank you, Senator. You are so right about the shocking statistics about chronic child malnutrition in our hemisphere, worse than even in the African Continent. This is an area that our USAID mission targets very, very carefully and seriously. We have some $97 million devoted to assistance to such programs so that we can attack the underlying problems that really account for many of Guatemala's issues.

Three Presidential initiatives. One is Feed the Future, a very important and effective and well-funded program. Obviously we would love to have more resources, but the resources that we have, I think we are able to make an important impact. We do have an international global health initiative as well that affects and serves this population. But if confirmed, I will ensure that our taxpayer dollars are spent very effectively in this most important area.

Senator UDALL. Thank you. And sorry for running over a bit. Appreciate your courtesies.

Thank you, Mr. Chairman.

Senator MENENDEZ. Senator Rubio.

Senator RUBIO. Thank you. And, again, thank you both for your willingness to do this.

Let me touch upon something I talked about with both of you when we met individually, and that was trafficking in persons, which I think is a global problem. It is not an issue just in Mexico, Guatemala, or the Western Hemisphere. It is a global problem.

What I am concerned about, and I know you have shared that as well, is that this demand for trafficking in persons is combined with the dysfunctional immigration policy that we have in this country, and the presence of transnational criminal organization in the region that facilitate this. I hope this will be a priority for both of you.

First, is that something you think could be a cornerstone of our involvement and our engagement with these governments? And, second, any ideas you may have now or in the future—I know you mentioned in your opening statements about people-to-people contacts and the implications that has had on human smuggling. But any thoughts you could share with us about what we can do on this end of the equation to make that a priority issue.

Ambassador WAYNE. Senator, thank you very much. I fully agree with the priority that you have suggested on trafficking in persons. When I was Ambassador to Argentina, this was one of my highest priorities, and I was very, very pleased that working with Argentine officials and civil society, we did make some significant progress in that country in taking on this problem.

It is a very, very serious problem for Mexico, for its Central American neighbors. The Government of Mexico recognizes that trafficking is a serious problem. It has taken steps to stop traffickers, to prosecute them, to assist victims. But there is more clearly that needs to be done.

Right now, the capacity needs to be bolstered in Mexico. There is very good will, and there are very good individuals. Secretary Clinton recently recognized a prosecutor from Mexico for her efforts to get the first convictions in trafficking cases.

What I can say is that we need to continue to be good partners. Sometimes that is providing technical assistance, training, sometimes equipment, and encouragement. But the real efforts, of course, has to be on the part of the Mexican officials to strengthen their practices to get all of their law enforcement people, really to give this the priority that it deserves. And it is going to be an ongoing effort, and if confirmed, it will be a priority for me.

Mr. CHACON. Senator, I would echo Ambassador Wayne comments about this being a high, high priority for me if confirmed. Guatemala has come a ways in improving their record. They were on a Tier Two Watch List, and they are now at a Tier Two. And that is because the government financed shelter for adults and primarily women that they constructed in the last year that has gone a long way to addressing this problem.

Too often when we look at security initiatives, I think we overlook the gender perspective. And I am grateful to our Congress that has encouraged legislative reforms in Guatemala to bring Guatemala into line with international standards regarding discrimination, violence against women.

Guatemala is under funding the units necessary for investigating these horrible crimes, and in particular child sex tourism is something they need to pay more close attention to.

Again, if confirmed, this is an area that my team and I will be actively engaged in.

Senator RUBIO. Interrelated to that is the issue that, or course, I think domestically often dominates the conversation with regards to Mexico, but I think all of Central America, and that is these issues regarding migration. Obviously the border issue is an important one, but what we have in the region more than just a border is a corridor, a migration corridor, that extends throughout Central America.

I want to put aside the legal aspects of it for a moment, and these are all very important. Border security is important. Adherence to the law is important. The economic impacts of immigration, positive and negative, are important.

I want to focus for a second on the human aspect of it and the humanitarian aspect of it, because the things that are happening in that corridor, along that desert on both sides of that border from a human perspective, are atrocious. You have individuals that are dying in the desert, people that are being preyed upon by gangs and others in the region.

I recently read a couple of reports that cite something that just chills up my spine where right before making the journey, some women stop and get access to birth control medication because they expect to be raped in that transition point. Whether it ends up happening or not, that is the expectation. This is a humanitarian issue of extraordinary proportions, and I think it will be a major issue we will both confront.

An honest assessment of it is that both sides of the border have contributed to this problem. I wanted to see any insight you have right now on what are the drivers behind this, because for someone to submit themselves to this sort of horrifying process, the drivers behind it have to be significant.

And I understand what the domestic drivers are here on this end of it, and we have to focus on those in an honest way. I am interested in any perspective you have now, or maybe you can share in the future once you are in your posts, because this has to be confronted. The humanitarian aspect of this has to be confronted holistically. And I was hoping you could share any thoughts you have on that because I do think that will be an important point moving forward.

Ambassador WAYNE. Senator, obviously you are correct, the humanitarian costs and suffering that go on both from Mexican immigrants and from Central American immigrants trying to pass through Mexico and come into the United States deserve our full attention.

The drivers of these movements I want to get in place in Mexico, if you confirm me, first before giving you a full view. But clearly there is economic opportunity. There is not seeing the prospect for your future in your home area that really does drive people to try and make this long, and as you say, they often know it is going to be a perilous journey.

I have read several studies in preparing for this hearing that have noted how the flows from Mexico have actually dropped off over the past several years. And they have cited three or four different reasons for that: one, the economic downturn in the United States; two, the steps that we have taken to reinforce a presence at the border; three, the challenges of the dangers along the way; and then, four, some of the alternative opportunities that are available in Mexico for education and for jobs.

And I think this needs to remain a priority area of attention for us, and I will be very happy after I have been on the ground for a while, if you all give me the nod, to share some more thoughts with you about that.

Mr. CHACON. Senator, you raise a very, very important issue. I think some of the drivers, certainly with respect to Guatemala, is the fact that it has one of the most unequal income distributions in the world, I think number 12. Fifty-one percent of the country lives in poverty, and 74 percent of that number involve the indigenous.

This is why we are seeking to have an integrated strategic approach, regional approach to this problem. As you know, Secretary Clinton was recently in Guatemala for an important security conference. But in addition to the seven Central American Presidents, you had the President of Mexico and the President of Colombia there. I think that was an important signal that there is a shared responsibility, and that the countries need to work together to promote the respect for human lives and the rule of law. And if confirmed, I will ensure that our programs are targeted for those that are the most affected by the poverty in Guatemala.

Senator MENENDEZ. Thank you. Let me return to you, Ambassador.

First of all, is it your view that the border between the United States and Mexico is a shared responsibility?

Ambassador WAYNE. Yes, sir. There is a northward and southward flow.

Senator MENENDEZ. And in that respect, to what extent has the controversy surrounding ATF's Fast and Furious operation created challenges in our bilateral efforts, particularly to combat firearms trafficking?

Ambassador WAYNE. Well, I have been, of course up until now, an observer, as you are, or even less than you are because you are an elected Member of the Senate. But clearly there has been a critical reaction in Mexico to the reports about this operation. And clearly there is a controversy in the United States upon the reports of this operation. But all I know about it, very honestly, is what I have read in the press.

Senator MENENDEZ. If you are confirmed by the Senate, would you tell this committee that you will take control at your Embassy of ensuring that you are informed of any operations that take place by ATF or any other entity as it relates to such operations like Fast and Furious?

Ambassador WAYNE. Yes, sir. I am a strong believer in Chief of Mission authority. I am a strong believer that there needs to be transparency on any operations by U.S. Government agencies with the ambassador within the country of responsibility. And not only because of the ambassador's responsibility, but for the effectiveness of these operations. There needs to be transparency. There needs to be an understanding of what is planned and a discussion of the possible pros and cons of any said operation before it is undertaken.

Senator MENENDEZ. Turning to a different page—this is part of your expertise—how do we strengthen what are already very strong economic ties with Mexico? Mexico's growth rate is something we would like to see actually take place here. How do we strengthen those ties and enhance upon, at the same that we have all of these border issues, including cross border commercial traffic?

Ambassador WAYNE. Well, one of the priorities under the Merida Initiative is creating a 21st century border. And as part of that initiative, we have set up several mechanisms actually to start looking at the border from the point of view of increasing efficiency in addition to increasing security. And looking at the plans for improving infrastructure, looking at ways in which you might not have 2-hour delays by having different procedures that can allow certain kind of goods that might be precleared, passed through in a faster way.

That work is going on right now precisely with one of the goals being increasing the efficiency, the competitiveness, of that border for both partners.

Of course, in addition, the dialogue that we have Mexican officials and between private sectors with the American and Mexican investors on both sides of the border, to get their perception as to what things could help our competitiveness.

There is a regulatory dialogue, for example, that is now going on to look at regulations on both sides that may be impeding travel, and is there a way to make those regulations more harmonious so that businesses on both sides can function more efficiently? And I think it is these kind of dialogues to identify the specific steps that we can take that can help increase efficiencies.

And once you have these dialogues going on, also you start picking up what are the key issues that need to be addressed, even if they cannot be fixed in the next 6 months? What do you need to have as your agenda over the several years ahead? And I look forward to participating and encouraging that kind of dialogue also.

Senator MENENDEZ. And one final question before I turn to Mr. Chacon. I do not want you to feel as if no attention it's being paid to you.

Let me ask you, even as we applaud the Mexican Government's efforts to take on the narcotics cartels, the reality is, there is always potential for abuses of human rights. In that respect, the Mexican military, the federal police have become primary recipients of U.S. security assistance. And yet, there is an alarming, growing volume of human rights complaints, of abuses, that include arbitrary detention, torture, and unlawful killings allegedly committed by members of the Mexican military.

Will you as the Ambassador pay significant attention to these issues working with Mexican authorities?

Ambassador WAYNE. Yes, sir, I will, definitely. Human rights has to be a high priority. I believe it is a high priority for many in Mexico also. And I know that we do have a vibrant and regular dialogue with Mexican officials when these allegations come forward. And I certainly will have that as a priority if I am confirmed. Thank you.

Senator RUBIO. Mr. Chacon, I have been very interested in the reality that as we support Merida we sort of like squeeze the balloon at one end, and then it pops out at the end. That means Central America and, of course, Guatemala at the forefront of that.

I am worried that, notwithstanding CARSI, that capacity to be able to deal with the challenge by Central American governments certainly, and Guatemala as a prime example of it, is challenged. How do we help the Guatemalans build up its capacity to confront

the threat that is already within its midst, and do it in a way that makes a significant difference?

If you were there, what would you view as priorities and recommendations to the committee to be able to effectuate this in a more powerful way?

Mr. CHACON. Thank you, Senator. I think fundamentally the challenges to create safe streets so that Guatemalans can live in their neighborhoods, their children can go to school, they can take public transportation without, you know, facing, you know, these horrible criminal acts against them. And to do that, we need to continue to work on many different fronts.

As you know, the effect of the balloon requires an integrated regional strategy. We cannot just look at Guatemala in a vacuum. We are paying particular attention to the northern triangle countries of Honduras, El Salvador, and Guatemala because the threat is transnational in nature. They are very similar and have similar challenges.

That means getting at the networks and the nodes of the criminals and the contraband that have effected these countries. It means supporting government accountability. There are a couple of successful projects in Guatemala of community policing where you have the input of community, and it's working well in a couple of the areas where it has been tried. Again, it is a matter of giving the Guatemalan people confidence.

To be sure, Guatemala needs to reestablish a state presence in areas that are vulnerable, and that can be both in Guatemala City neighborhoods, urban neighborhoods, as well as in remote areas. But they need to do a better job of projecting and improving their security so that in fact they can provide the social services to these areas that need them so much.

And finally, again, they need to coordinate and cooperate with their neighbors. And this is a shared responsibility. They need to devote more resources themselves because we are a partner in this effort, and without their political will, we cannot accomplish what we need to.

Senator MENENDEZ. Well, I appreciate those answers, particularly the statements about having and working with the Guatemalans to have their access toward all of their whole country. I note unfortunately in the northern Peten region of Guatemala, 27 laborers on May 14 were slaughtered and decapitated by members of the international criminal band known as Las Zetas. And this is an example unfortunately of the challenge that exists.

So, if confirmed, I would really appreciate your input as to what are the capacity issues and our ability to strengthen capacity. I am totally for working in the regional context in Central America, but working regionally without capacity individually is a problem. And so, I look forward to hearing your insights when you are on the ground as it relates to that.

Mr. CHACON. Thank you, Senator.

Senator MENENDEZ. Let me ask you two other questions, and then I will stop. Human rights has been an issue here. Outgoing Ambassador McFarland has been vocal in his support for human rights and for victims of human rights violations, even accompanying victims to their trials. And his active engagement has been

very highly acclaimed and valued by Guatemalan civil society organizations. Would you continue to make that a priority of your ambassadorship should you be confirmed?

Mr. CHACON. Absolutely, Senator. That is what distinguishes us from the world, the fact that we promote sincerely respect for human rights and rule of the law. And that will be my highest priority to continue in that tradition.

Senator MENENDEZ. Finally, we have presidential elections coming up, and to me as one observer, both of them raise some concern about Guatemala's democracy moving forward. Otto Perez Molina was a general during the counterinsurgency campaign in the 1980s, and he was director of military intelligence in the 1990s. Human rights groups have raised questions about his ties to death squads and his pledge to combat crime with a *mano dura* (an iron fist). At the same time, he is also known for efforts to advocate for legal and security reform and for his role as a military negotiator for the peace accords. So, I look at an individual with two different trajectories, and I wonder which one is going to appear should he be elected president.

On the other hand, Sandra Torres, who is in a—I do not know whether she will be a candidate or not based upon the supreme court's decisions. But what does the message of the election of either candidate send about the country's commitment to democracy, security, and human rights?

Mr. CHACON. Senator, since Guatemala's return to democracy in 1985, they have had some six elections that were characterized as free and fair. In a country with a troubled past, I think that is a significant accomplishment. I think it speaks to their commitment to democracy. It is imperfect.

We urge the candidates to run responsible campaigns, to abstain from inflammatory rhetoric that could incite violence, and to abide by all of the applicable rules of the electoral process. Underpinning our support for democracy, there again, is making very clear, reiterating time and again the importance of respect for human rights in whatever that they do.

Senator MENENDEZ. Yes, Senator Lugar.

Senator LUGAR. Ambassador Wayne, finally, the long-standing trucking dispute between the United States and Mexico has been resolved. If you can, describe what problems remain there with the resolution. Has the truck situation flowed freely, or are there obstructions that you will need to work on?

Ambassador WAYNE. Well, Senator, you are correct that this has been a longstanding and difficult issue. And I was very happy to see on July 6th the signing of an agreement to move toward resolving these differences.

As you know, Mexico had put a number of retaliatory tariffs in place, in fact, more than 2 billion dollars' worth of tariffs. And as part of the agreement, they will remove those tariffs on U.S. goods, including, I believe, probably some agricultural goods from your State. So, we are very happy with that. They will be cut in half immediately, and they will disappear within a few months.

The new program is still a limited program, and it has specific conditions on it. And this was designed, I am told, after consultations with Members of Congress, with safety advocates, with indus-

try representatives, and others who raised a wide range of concerns.

So, for example, the trucks will be required to comply with all Federal motor vehicle safety standards, and they must have electronic monitoring systems to track compliance.

The Department of Transportation will review the complete driving record of each driver and require drug testing with samples to be analyzed by the Department of Health and Human Services at certified laboratories in the United States.

The Department will also require drivers to undergo an assessment of their ability to understand the English language and read our traffic signs. And the agreement assures that U.S. carriers can have reciprocal rights in the United States.

I think the need right now is to just start implementing the agreement to see that it works well in practice, and helps address the concerns that have been expressed in the United States from some sectors. But it is, I think, an important step forward, and it should be, I hope, if all goes well, a boost to our bilateral economic relationship.

Senator LUGAR. I appreciate your explaining that in detail as a part of our hearing record because it is very important that we work closely, and that will be your responsibility if confirmed to make certain that all of these details and requirements are met, likewise, that that tariffs are reduced. And so that much we have hoped for in terms of our trade with Mexico will not be obstructed.

Ambassador WAYNE. Exactly.

Senator LUGAR. But I join you in relief that some progress has been made and that an agreement is important.

Without getting into difficulties here, and this may be an issue essentially for you to discuss. But what can be done really to bridge differences that were caused by the expulsion of Ambassador Pascual from Mexico? What lingering issues lie from that situation?

Ambassador WAYNE. Well, I think what is essential is that we do have a relationship where we can be frank and that we have confidence in each other. And what I can report, it is my understanding that a kind of cooperation on a range of issues has continued during this period of time, and has continued with good results, as is evidenced by the trucking agreement.

It will certainly be my intention, if confirmed, to work to build that kind of a relation of confidence with President Calderon and his administration, with other political actors in the country, with civil society, and to reach out in as many ways as possible to have a good dialogue with key members of Mexico's society, and to use that to strengthen the relationship that we have between us.

Very fortunately, the relationship is so big and so strong and so important that it does continue. But as you well know, even in these big strong relationships, it needs good tending along the way by many different people. And I look forward, with your approval, to being one of those good tenders.

Senator LUGAR. Finally, in addition to an election that will be held in the United States for the Presidency in 2012, there will be an election held in Mexico in 2012.

Ambassador WAYNE. Right.

Senator LUGAR. And at least initially, in some of the campaign oratory, if one can project that far along, there have been at least some fears in the United States that the contenders would take the Merida Initiative less seriously or somehow move away from the intensity of leadership in this area that President Calderon has exemplified. Is this the case, or do you have any feel for electoral politics and the trend of affairs, because clearly if there was some downplaying of this cooperation with regard to gang warfare and so forth, that would be very, very sad for both of our countries.

Ambassador WAYNE. Senator, I agree with you. As you know much better than I, once you get into an election, you are not sure where the issues will take you and where the candidates will place themselves.

In my understanding so far, certainly there has——

Senator MENENDEZ. That is a very diplomatic way of saying that. [Laughter.]

Ambassador WAYNE. That is 36 years of training in there, sir. [Laughter.]

Ambassador WAYNE. My understanding so far, there has, of course, been criticism as well as support for the current efforts. But I have not, in my queries to date, have not seen anybody who has put forward an alternative plan to the good cooperation that is going on and the basic strategy that is going on. There will no doubt be some candidates that will be critical.

I think the job of all of us, partially me as Ambassador and all of us who care about the relationship and have dialogued with Mexican officials and members of that society, in the months ahead will be to stress the importance of this cooperation. And then try to determine where the basis of consensus is across the spectrum for this important cooperation.

Senator LUGAR. Well, your efforts in this respect will be tremendously important.

I just wanted to conclude by saying that I appreciate the service that both of you have given to our country, and likewise to the relationships between the United States and the nations in which you have served. And I look forward to supporting both of you very strongly as diplomats of stature and people who I believe will have the confidence of the American people, and should likewise have the confidence of Mexicans and Guatemalans.

Thank you for your appearance today.

Ambassador WAYNE. Thank you very much.

Senator MENENDEZ. Thank you, Senator Lugar. Let me just finish off on a point Senator Lugar made.

Of course we recognize the sovereign right of Mexico's people to decide their country's course and future. I would say, however, that regardless who controls a majority in Mexico after the next elections, Mexico's sovereignty is challenged not from the outside, but from within. And it would be an enormous setback to see an effort that would allow the cartels to act with impunity inside of Mexico, and of great concern to many of us in the United States Congress. But I trust that at the end of the day, the great leaders in Mexico will understand that their country's future will either be determined by its people or determined by the drug lords. And I think it will choose their people instead.

I appreciate both of your testimonies.

The record will remain open for another 48 hours for any member who wishes to ask questions in writing. If you do receive a question, I would urge you to answer it expeditiously so the committee can move forward in the process of your confirmation hearing.

And seeing no other members, this hearing is adjourned.

[Whereupon, at 11:30 a.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF AMBASSADOR EARL ANTHONY WAYNE TO QUESTIONS SUBMITTED BY SENATOR RICHARD LUGAR

*Question.* Please explain how, if confirmed, you intend to monitor the use of Merida Initiative resources to ensure that programs funded under the initiative are not used for military activities, which may be viewed as inconsistent with the promotion of human rights in Mexico.

Answer. The Merida Initiative supports Mexico and the Mexican Government's commitment to improving respect for human rights. The United States and Mexico regularly discuss human rights concerns at all levels of government.

In addition to the human rights components that are integrated into Merida Initiative training, other U.S. agencies also support programs to promote human rights. For example, the United States conducts human rights training and education for police, prosecutors, and other officials to promote implementation of international human rights standards. This program includes participation in a master's program in human rights for 300 police officials, with the curriculum structured for law enforcement. Additionally, security assistance has been used to train mid- and senior-level Mexican military leaders on human rights while operating against a nontraditional foe.

The U.S. Government is committed to continuing to work with Mexico to make sure that efforts to improve respect for human rights in the military and police are institutionalized. For example, the U.S.-Mexico Bilateral Human Rights Dialogue meets periodically to discuss the promotion of human rights in Mexico's security forces. In this dialogue, the United States provides expertise and shares lessons learned on issues such a military justice reform, codes of conduct and rules of engagement, and transparency and public information-sharing techniques. For the United States, the U.S. Chief of Mission and Under Secretary for North America chair meetings, with the participation of senior DOD civilian and uniformed officials.

As required by U.S. law, the Department of State vets security force personnel receiving U.S. assistance or training to ensure there is no credible allegation of human rights violations committed by those individuals. The U.S. Government will continue to do so.

The Office of Defense Cooperation at the U.S. Embassy in Mexico City is responsible for monitoring the equipment provided to the Mexican military as part of its normal interaction with their counterparts.

Additionally, if it were alleged that programs funded under the Merida Initiative were used for military activities, which may be inconsistent with the promotion of human rights in Mexico, U.S. authorities would follow up immediately to ensure proper use of U.S.-supported programs.

If confirmed, I would remain committed to the promotion of human rights through our Merida Initiative programs to both the military and civilian sectors of the Mexican Government.

*Question.* Please explain your views regarding accusations that the Calderon administration has not been as tough on the Sinaloa Cartel as with other cartels.

Answer. President Calderon has publicly stated that the Mexican Government will aggressively pursue and bring to justice all transnational criminal organizations operating within Mexican borders.

Under President Calderon's leadership, 29 drug cartel bosses and numerous lower level criminals have been removed, including Sinaloa cartel leaders Ignacio Coronel Villareal, in July 2010, Hector Eduardo Guajardo Hernandez, "El Guicho," in May 2011, and Martin Beltran Coronel, "The Eagle," in May 2011. The Mexican Government continues to investigate and combat transnational criminal organizations.

We admire the work and determination of President Calderon and are doing what we can to support the brave efforts of his government and the Mexican people to combat all transnational criminal organizations operating in Mexico.

The United States and Mexico have intensified law enforcement cooperation and we remain committed to supporting the Mexican Government's efforts to disrupt and dismantle criminal organizations in Mexico.

This unprecedented level of cooperation between our two governments has made an important contribution to Mexico's ability to apprehend leaders of transnational criminal organizations and to counter the transnational criminal threat to Mexico and the United States. It is a fundamental part of the U.S. commitment to meet its coresponsibility for the threats of transnational crime.

This intense level of cooperation is in the interests of both the United States and Mexico, and we intend to sustain it.

*Question.* Please explain your views regarding allegations that Mexico's Secretary of Public Security Genaro Garcia Luna is linked to organized crime.

Answer. The Department of State takes all allegations of links to organized crime seriously. If confirmed, I will also take such allegations very seriously and the U.S. Embassy team will follow up appropriately.

President Calderon is leading Mexico's courageous efforts to combat transnational criminal organizations and their brutal violence. He has mobilized his entire government on this effort and has demonstrated a strong commitment to anticorruption and professionalization initiatives.

The United States and Mexico have expanded our bilateral cooperation to combat organized crime significantly. A central player in President Calderon's efforts is the Public Security Secretariat (SSP) headed by Secretary Garcia Luna. Secretary Garcia Luna is a career law enforcement officer, under whose leadership, the SSP has become a more effective and professional civilian law enforcement institution. Cooperating with the U.S. Government through the Merida Initiative, Garcia Luna has welcomed U.S. training for a new generation of college-educated federal police investigators at the SSP academy in San Luis Potosi. The United States has worked with Garcia Luna's team to provide advanced IT systems support to Plataforma Mexico, the SSP's national crime database. We have transferred helicopters and other nonlethal materiel that SSP has used to prosecute its frontal assault against the Transnational Criminal Organizations (TCOs). In August 2010, Garcia Luna purged one-tenth of all federal police officers (3,200 out of 34,500) for failing lie-detector, toxicology, and other exams.

Mexico is overhauling many parts of its law enforcement and judicial systems to fight corruption, improve transparency, ensure respect for human rights and the rule of law, and increase civilian involvement.

Internal controls across the Government of Mexico's federal agencies are being implemented to help minimize corruption and improve government effectiveness. These long-term reforms will strengthen a culture of lawfulness able to thwart corruption and improve governance.

*Question.* Mexico decreased the value of its retaliatory tariffs by half on July 8, after the United States and Mexico signed an MOU to implement the new cross-border trucking pilot program. Mexico has promised to lift the remaining 50 percent of the tariffs when the pilot program actually begins (i.e., when the first Mexican trucking company gets provisional authority to operate under the pilot program). Administration officials have said this would not happen before the "first weeks of August 2011" but there are still a lot of procedural steps that have to complete before then. Is the administration still on track to meet that goal of mid-August, or is there a new estimate of when the pilot program would become operational (and the tariffs completely suspended)?

Answer. Shortly after the signing of the MOU on July 6, the U.S. Federal Motor Carrier Safety Administration (FMCSA) received and is now evaluating several applications from Mexican long-haul carriers to participate in the new cross-border trucking pilot program. There are several administrative actions that must take place before FMCSA can grant authority to a Mexican carrier. These include: the Department of Transportation's Inspector General concluding a review of FMCSA's preparations for the pilot program; FMCSA issuing a Report to Congress outlining steps it is taking to address any issues identified in the Inspector General's report; FMCSA conducting an extensive preauthority safety audit (PASA) to verify an applicant's suitability for expanded operations on U.S.roads; and FMCSA providing public notice of the results of the audit. We are told by FMCSA that these actions are expected to take approximately 60 days.

According to the terms of the MOU signed with Mexico, the remaining 50 percent of the retaliatory tariffs against U.S. products will be removed once FMCSA approves the first Mexican company for participation in the program. Decisions on the first group of applicants are expected by early September. If one of the applicants passes the preauthority safety audit and is approved for participation in the program, the tariffs would be suspended at that time, even if actual trucking operations do not begin immediately.

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RESPONSES OF ARNOLD CHACON TO QUESTIONS SUBMITTED BY SENATOR RICHARD LUGAR

*Question.* For the past 4 years, the U.S. Embassy in Guatemala has been involved in assisting families who were in the process of adopting Guatemalan children when the Government of Guatemala changed its international adoption law. While a large number of these "transition families" have successfully completed their adoptions, there are approximately 400 U.S. citizens whose adoptions have not yet been completed. These families have undergone considerable burden and expense in trying to complete these adoptions and even worse, the children they had hoped to adopt have spent an additional 4 years in an orphanage. Can you explain how you might lead the U.S. Embassy in resolving these cases?

Answer. If confirmed, I commit to leading the Embassy's efforts to urge Guatemalan authorities to resolve pending cases. I would do so by supporting and encouraging the Guatemalan Government's continued but expeditious investigation of pending adoption cases and by calling for specific measures toward case resolution. I would urge Guatemalan authorities to separate ongoing investigations into criminal rings from individual adoption cases wherever possible and focus Guatemalan resources on concluding the cases. Resolving these pending cases will be one of my top priorities, if confirmed.

*Question.* During her most recent visit to the United States, the head of the Guatemalan central authority, the CNA, shared that she would like to explore implementing a pilot program that would allow international adoption to resume in Guatemala, but only for those children who are unable to find a home in Guatemala. She shared that there are approximately 300 cases of older, special needs children and children who are members of larger sibling groups which international adoption could find homes for. Can you explain what the U.S. position would be on the development of such a program?

Answer. In November 2009, the CNA announced a limited 2-year pilot program that would have resumed intercountry adoption of a small number of identified older children, groups of siblings, and children with special needs, under a new Hague-compliant process. The United States submitted a letter of interest in the program in December 2009. However, the United States withdrew our letter of interest on October 5, 2010, due to continuing concerns about fraud and corruption in the Guatemalan adoption process, a lack of information regarding controls and safeguards in place for the pilot program, and the lack of a Hague-compliant system. Since then, the CNA has demonstrated no progress toward implementing a pilot program with a Hague-compliant process. The Department of State would welcome movement toward the development of a transparent Hague Adoption Convention compliant pilot program, and stands ready to work with the CNA toward that goal, in the best interest of the children.

While the Department of State would welcome implementation of a Hague-complaint pilot program in the future, the remaining pending transition cases are our top priority. We continue to call for the prompt resolution of the remaining pending cases. We support the Guatemalan Government's continued and thorough investigation of pending adoption cases, and we have urged Guatemalan authorities to focus resources on concluding them, and to separate the criminal investigations of adoption fraud from the evaluation of the children's eligibility for adoption wherever possible.

*Question.* According to news reports, the United States and Guatemala are negotiating a "labor action plan" to address U.S. claims that Guatemala has failed to adequately enforce its labor laws, which Guatemala is required to do under CAFTA. Why is the United States pursuing this action plan instead of seeking binding arbitration under CAFTA?

Answer. As you know, the United States Government requested consultations with the Government of Guatemala in July 2010 regarding its apparent failure to effectively enforce its labor laws as required by the CAFTA–DR. Throughout con-

sultations, the United States has urged Guatemala to take significant and concrete actions to address what the United States considered to be systemic weaknesses in its enforcement of labor laws. While Guatemala has taken some positive steps over the past several months, its actions and proposals have been insufficient to resolve our concerns.

In May 2011, the United States took the next step in the dispute settlement process by invoking a meeting of the Free Trade Commission under Chapter 20 of the CAFTA–DR.

The Free Trade Commission meeting was held on June 7, and discussions continue with the Government of Guatemala about the significant and serious steps Guatemala needs to take to improve its labor law enforcement. If the Government of Guatemala fails to take these steps and our concerns are not resolved, the United States may pursue the matter further under the CAFTA–DR by requesting the establishment of a dispute settlement panel to consider the matter. If confirmed, it will be a priority of mine to continue to work with the government to ensure that workers' rights are fully respected.

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RESPONSE OF AMBASSADOR EARL ANTHONY WAYNE TO QUESTION SUBMITTED BY SENATOR ROBERT P. CASEY, JR.

*Question.* Many supporters of NAFTA argued that its passage 16 years ago would improve the conditions for Mexican workers. The International Labor Organization and other labor groups continue to criticize conditions in Mexico, especially the repression of the National Union of Mineworkers. As Ambassador, what will you do to promote fundamental labor rights in Mexico?

Answer. Strengthening respect for worker rights around the world is critical to achieving the U.S. foreign policy goals of promoting democracy, human rights, free trade, and international development. In Mexico, the U.S. Government employs a number of tools to realize progress on worker rights and employment policy. Through consistent labor-related diplomacy, including by Embassy Mexico City's Labor Officer, the United States advocates for worker rights directly with the Mexican Government. The administration engages with governmental and nongovernmental actors to monitor the protection of collective bargaining rights; use by employers of protection contracts negotiated between management and nonrepresentative unions; union organizing efforts; labor trafficking, especially of women, youths, and migrants; conditions for workers in Mexico's large informal sector; and other issues. U.S. Ggovernment-supported programming in Mexico includes a labor rights strengthening program undertaken by the AFL–CIO's Solidarity Center and an International Labor Organization initiative to improve efforts to combat child labor, especially in agriculture. The North American Agreement on Labor Cooperation (NAALC) provides a mechanism for the United States (and Canada) to work regularly with Mexico on labor matters of mutual interest. If confirmed, I would ensure that the Embassy gives priority to promoting fundamental labor rights in Mexico using all of these tools, mechanisms, and contacts.

# NOMINATION

**THURSDAY, JULY 21, 2011**

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

Sung Y. Kim, of California, to be Ambassador to the Republic of Korea

The committee met, pursuant to notice, at 10:33 a.m., in Room SD–419, Dirksen Senate Office Building, Hon. Jim Webb presiding.

Present: Senator Webb.

## OPENING STATEMENT OF HON. JIM WEBB, U.S. SENATOR FROM VIRGINIA

Senator WEBB. Good morning. The hearing will come to order.

Today the committee will consider the nomination of Ambassador Sung Y. Kim to be the United States Ambassador to the Republic of Korea.

As all of you will notice, I took the liberty of putting a map of Asia up here today. And I do this because sometimes when we look at different countries in Asia, we forget to think of them in the context of how they fit together politically, economically, and especially geographically.

I've often said that Northeast Asia is the only place in the world where the interests of China, Russia, Japan, and the United States directly intersect. And in the middle of this is a divided Korean Peninsula with an erratic, volatile regime on one end, and a key strategic ally, economic partner, and democratic nation on the other.

It's important to remember that South Korea is the focal point for maintaining stability in this region, even as we work together to bring a lasting peace to this entire area.

If we do not have stability in Northeast Asia, you cannot have stability anywhere else in Asia. And that underlines the vital importance of the relationship that the United States shares with South Korea.

Last year, the United States and Korea commemorated the 60th anniversary of the start of the Korean war. I was fortunate to have had the opportunity to participate in remembrance activities here and in Korea that symbolized the incredible devotion of both countries to democracy, peace, and stability.

Sixty years ago, East Asia was a vastly different region than it is today. Struggling to reorganize itself following World War II and

the departure of major colonial powers, East Asia found itself at the nexus of the cold war competition between communism and democratic rule.

The region held a great deal of uncertainty. The United States provided an important service in maintaining stability so that nations could recover from conflict, just as it provides an important service today in maintaining a strategic balance in this vital region.

In 1950, when North Korea invaded South Korea, the United States and the rest of the international community faced a critical decision: To become involved or to lose the stability we had gained and allow a nascent democracy to fail.

In the end, more than 33,000 American soldiers paid the ultimate price and another 100,000 were wounded during this 3-year conflict in an international but largely American effort to bring peace to the Korean Peninsula. These sacrifices forged a bond with the South Korean people that has not been forgotten and instead has flourished.

Today, South Korea is one of the United States most important security allies and economic partners. We currently station 28,000 American soldiers in Korea as a deterrent to aggression. South Korea contributes more than 40 percent of the cost of hosting these troops.

It's important to understand that these troops are deployed not only in defense of South Korea, but also to ensure America's larger security needs as the most important stabilizing influence in East Asia.

North Korea's inventory of ballistic missiles currently exceeds 800 airframes, which are capable of reaching targets not only in Korea, but also in Japan, the United States territory of Guam, and even the Aleutian Islands. The regime continues to research an intercontinental ballistic missile capability, in addition to its pursuit of nuclear weapons.

Our close relationship with South Korea has demonstrated its value time and again in response to North Korean provocations, including last year's sinking of the South Korean naval ship, the *Cheonan,* and its artillery attack on Yeonpyeong Island. Our coordination with South Korea and our coordinated show of strength prevented further escalation of these incidents.

Even as we look for openings to resume dialogue with North Korea, given that country's unpredictability and opaqueness, this joint approach is essential to maintaining stability on the Korean Peninsula, ensuring that North Korea is not allowed to act with impunity.

For this reason, I have supported resumption of food aid and other humanitarian assistance to North Korea only in strict coordination with our allies in the region—South Korea and Japan. This approach is also important for demonstrating to China, as North Korea's closest diplomatic ally and largest trading partner, that it should exert its influence to bring about more responsible behavior from North Korea and to take positive action to bring about North Korea's eventual denuclearization.

Our security concerns and the strength of this alliance transcend the peninsula itself. South Korea, a country with a population of

only 48 million, has transformed itself into a global economic power and a highly developed society. South Korea is now the world's 13th-largest economy. In 2010, our bilateral trade topped $86 billion, making South Korea the United States seventh-largest trading partner.

Unfortunately, the success of this economic relationship has been tempered in recent years by our inability here in Washington to complete a free trade agreement with South Korea. Our two governments signed an agreement in 2007. Four years later, it has yet to be ratified.

It should be emphasized that this is an agreement between two mature economies. New export opportunities in the agreement can generate good-paying American jobs and contribute to our economic recovery.

Just as importantly, this agreement demonstrates our ability to follow through on commitments to free trade and to cement our role as a guarantor of stability in East Asia.

Upon returning from a visit to Korea last June, I called for a swift resolution of outstanding concerns with this agreement. The administration resolved those concerns in December.

At this point, the agreement is in the hands of Congress. In my view, we should set aside minor differences and work together to gain swift passage of this vital trade agreement. And without passage, we, the United States, risk falling behind our trade competitors, losing economic benefits, and weakening an important strategic alliance.

Ambassador Kim, I would like to welcome you today and point out the obvious: If confirmed, you will be representing the United States in South Korea at a critical time.

Next year, South Korea will have National Assembly and Presidential elections, just as we will. China's leadership will be undergoing a generational change. And North Korea has declared that 2012 will be "a year of prosperity," marking the 100th anniversary of the birth of Kim Il-sung.

I look forward to hearing the testimony of our nominee, and welcome you, again, here today.

And before receiving the testimony, I'd like to take a moment to introduce Ambassador Kim. And at this point, I'd also like to introduce, for the record, a statement that Senator Kerry, as chairman of the full committee, has submitted.

[The prepared statement of Senator Kerry follows:]

PREPARED STATEMENT OF SENATOR JOHN F. KERRY, CHAIRMAN, SENATE FOREIGN RELATIONS COMMITTEE

Today, the Senate Foreign Relations Committee convenes to consider the nomination of Sung Kim to be the next U.S. Ambassador to the Republic of Korea (ROK). Mr. Kim, our current Special Envoy for the Six-Party Talks on North Korea's nuclear program, is a wise and deserving choice to be our country's chief diplomat in South Korea.

Over the course of his distinguished career in the Foreign Service, Mr. Kim has served in many positions that have prepared him well for this job, including the Director of the Office of Korean Affairs, Political-Military Unit Chief in Embassy Seoul, and Economics Officer there. A Korean American who speaks fluent Korean, Mr. Kim will be able to interact confidently with the South Korean Government and people. If confirmed, he would be the first American of Korean heritage to serve our country in this post—a testament to the success of Korean immigrants who first began coming to the United States roughly 150 years ago.

Mr. Kim's deep expertise in Korean affairs will allow him to make a seamless transition with outgoing Ambassador Kathy Stephens. This is critically important, as alliances, like all relationships, need constant nurturing. If confirmed, Mr. Kim's tenure as Ambassador will span elections and political transitions in South Korea and its neighbors. As South Korea prepares for National Assembly and Presidential elections next year, issues such as the reported release of "Agent Orange" dioxin on U.S. military bases in South Korea could threaten to derail cooperation, if not handled in a prompt, transparent manner and with proper humility. I am glad that Mr. Kim seems to fully appreciate this reality.

His near-term, to-do list will be full of tasks vital to advancing U.S. economic interests, as well as promoting regional peace and stability. Arguably job one will be to help facilitate the passage and implementation of the Korea-U.S. (KORUS) Free Trade Agreement. Congress should send Mr. Kim to Seoul with a ratified KORUS FTA. That would deliver a powerful message that the United States and South Korea are long-term strategic partners who are deeply invested in each other's futures, and that the United States intends to remain a Pacific power. KORUS will create tens of thousands of new jobs in both our countries, lay the groundwork for further U.S. trade and investment in the most economically dynamic region on Earth, and reverse a disheartening trend where America's regional rivals have been prospering at our expense. South Korea's FTA with the European Union went into effect earlier this month, so U.S. companies are now effectively at a competitive disadvantage. We are running out of time. Congress must act now or leave South Korea's own legislature with little time to pass the FTA before its April elections. At stake is nothing less than our national competitiveness and our national security.

On the security front, the good news is that the U.S.–ROK alliance is as strong today as it has ever been. But the goal of building a lasting peace on the Korean Peninsula remains elusive. We must, on an urgent basis, explore steps that can reduce the threat posed by North Korea and return the North to a path toward denuclearization. Make no mistake: Given North Korea's recent irresponsible conduct, staying in a diplomatic holding pattern invites a dangerous situation to get even worse.

Apart from the security challenge posed by North Korea, we must also deal with an evolving humanitarian crisis there, as chronic food shortages threaten to morph into widespread famine. In consultation with Seoul, the United States should join with the European Union and other donors to fashion a carefully targeted aid program to feed the most vulnerable populations, provided that the DPRK permits robust monitoring.

Finally, Mr. Kim will be charged with helping to build the global partnership envisioned by Presidents Obama and Lee Myung-bak in June 2009. South Korea is emerging as an important global actor, making valuable contributions to reconstruction efforts in Afghanistan and the greening of our planet. Seoul's hosting of the G20 summit last year, and the Nuclear Security Summit in 2012 shows that South Korea has arrived as a diplomatic force on the world stage. Its recent pledge to triple its overseas development budget by 2015—in an age of austerity no less—exemplifies South Korea's growing global role. If confirmed, I hope Mr. Kim will work to continue this positive trend.

I congratulate Sung Kim for being nominated to serve his country in this important role, and I commend the President for making such a wise choice. I urge my colleagues to speed Mr. Kim on his way to Seoul.

Senator WEBB. Ambassador Sung Kim is a career member of the Foreign Service, presently serving as a special envoy for the six-party talks, leading the day-to-day engagement with the other six-party countries.

He has extensive experience with United States-Korean relations, serving as director of the Office of Korean Affairs at the State Department, political military unit chief at the U.S. Embassy in Korea, and as an economic officer at that Embassy. In addition, he has served in Hong Kong, Malaysia, and Japan.

He graduated from the University of Pennsylvania and from Loyola University Law School, and also from the London School of Economics with a master of law. And prior to joining the Foreign Service, he was deputy district attorney in Los Angeles.

Ambassador Kim brings a distinguished record to this position. There's, I think, a great deal of enthusiasm for his confirmation.

And, Ambassador, I welcome you, and I know you have some very special family members who are with you today. And if you'd like to introduce them and anyone else, friends or family, before you begin your testimony, we would be grateful to you for doing that.

So, welcome and the floor is yours, sir.

**STATEMENT OF HON. SUNG Y. KIM, OF CALIFORNIA, TO BE AMBASSADOR TO THE REPUBLIC OF KOREA**

Ambassador KIM. Thank you very much, Mr. Chairman.

I'm deeply honored to be here before you as President Obama's nominee to be the U.S. Ambassador to the Republic of Korea. I'm deeply grateful to the President and Secretary Clinton for the confidence they have shown in me.

And if confirmed, I look forward to working very closely with this committee to strengthen our alliance and very special partnership with the Republic of Korea.

Mr. Chairman, many people are responsible for me being here today. Throughout my public service, I have benefited greatly from distinguished mentors, generous colleagues, and smart and dedicated subordinates. I'm grateful that many of them are here with me today.

As he has done throughout my life, my older brother is here to watch over me, to support me, and I'm grateful that he's here. Most importantly, I want to express my special gratitude to my wife, Jae, and our two daughters, Erin and Erica.

Diplomatic service is a special privilege, but it is not always easy for the family. And even though my daughters sometimes tell me to go out and get a real job, so that they can stop moving around, they're always there for me, and I'm grateful.

When my parents brought me to the United States over 35 years ago, they could not have imagined that I would have the opportunity to serve as the first Korean-American Ambassador to the Republic of Korea. But I do recall that from the very early days, my parents encouraged me to go into public service. They were very proud when I joined the Foreign Service and thrilled when I chose to focus on East Asia, especially South Korea.

Having dedicated much of my professional life to the U.S.–ROK partnership, my hope is that, if confirmed, I will be able to draw on my experience and expertise to expand and enhance the bond between our two countries.

In the space of a few decades, the Republic of Korea has emerged from a half-century of occupation, division, and war to join the top ranks of free and prosperous nations. This stunning achievement is testimony to the talent, determination, and sacrifices of several generations of Koreans. As a Korean-American, I deeply respect and appreciate what they have been able to accomplish.

Part of this amazing success story, of course, is due to the strong and constructive partnership between our two countries. As we reflect on our shared history of sacrifice and success, and as we examine opportunities and challenges facing us, we are convinced that it is more important than ever to continue to strengthen our countries' relationships.

As President Obama said recently, "Our alliance has never been stronger than it is today." But it can be better. And we are working on a number of initiatives to make it stronger and more balanced, with the ROK military assuming more responsibility for South Korean defense.

We're also realigning our basing arrangements to ensure that we are best able to meet the challenges of the 21st century. We want a smaller footprint that creates less of an impact on ROK civilians, but which provides the robust deterrent necessary to maintain peace and stability on the peninsula.

I was personally involved in many of these initiatives in my earlier assignments, and, if confirmed, I will work very closely with the new U.S. Forces Korea Commander, General Thurman, to ensure smooth implementation.

Our economic relationship with Korea is one of our most important. As you pointed out, Chairman, Korea is a trillion dollar economy and our seventh-largest trading partner. The U.S.-Korea Free Trade Agreement, pending passage by Congress and Korea's National Assembly, will provide significant economic and strategic benefits for both countries.

For the United States, this agreement will create substantial export opportunities for U.S. goods and services and support tens of thousands of export-related jobs in the United States. It will strengthen our economic partnership and lay an important foundation for the United States and Korea to work together to address regional and global challenges in the future.

If confirmed, I will work closely with Korea, with Congress, and with U.S. Government agencies to ensure smooth implementation of the agreement, so that both countries can seize the important benefits that the agreement is to provide.

Another central part of the U.S.–ROK partnership is our cooperation on challenges posed by North Korea. Having focused on this much of the past few years, I hope to continue to contribute to our common efforts to achieve the verifiable denuclearization of the Korean Peninsula and better lives for the long-suffering people of North Korea.

Our two countries are also finding ways to cooperate on a wide variety of issues not directly related to trade or Korean Peninsula security. We work together in such diverse areas as counterpiracy operations off the coast of Somalia and post-conflict and disaster stabilization efforts in places like Haiti and Afghanistan. We also cooperate on green growth efforts to promote environmentally sustainable economic growth.

These are the kinds of activities that bring solutions to common challenges facing the global community and the types of initiatives I hope to advance, if I'm confirmed.

I also look forward to contributing to the already strong people-to-people ties between our two countries. Just last year, nearly 500,000 South Koreans took advantage of the Visa Waiver Program and traveled to the United States. In total, nearly 900,000 South Korean tourists and businessmen visited the United States last year, a 38-percent increase over the previous year. These record-breaking numbers make Korean tourists the seventh-largest tourist group in the United States.

As a Korean-American, the importance of these everyday contacts between Koreans and Americans has special resonance for me.

Mr. Chairman, it would be the highest honor for me to serve our country as the U.S. Ambassador to the Republic of Korea. If confirmed, I will lead a complex and multiagency diplomatic mission consisting of 575 employees. I will do my very best to ensure that all members of that community and their families have the leadership, security, and support they need to get their jobs done.

Thank you for considering my nomination. I look forward to your questions, Mr. Chairman.

[The prepared statement of Ambassador Kim follows:]

PREPARED STATEMENT OF SUNG Y. KIM

Mr. Chairman and members of the committee, I am honored to appear before you as President Obama's nominee to serve as Ambassador to the Republic of Korea (ROK). I am deeply grateful for the confidence that the President and Secretary Clinton have shown in me and if confirmed, I look forward to working closely with this committee to strengthen our alliance and very special partnership with the Republic of Korea.

Many people are responsible for me being here today. Throughout my public service, I have benefited greatly from distinguished mentors, generous colleagues, and smart and dedicated subordinates. I am grateful that many of them are here with me today. Most importantly, I want to express my special gratitude and appreciation to my family—my wife, Jae, and our two daughters, Erin and Erica. Diplomatic service is a special privilege, but it is not always easy for the family. I am extremely grateful for their patience and support.

When my parents brought me to the United States some 35 years ago, they could not have imagined that I would have the opportunity to serve as the first Korean-American Ambassador to the Republic of Korea. But I do recall that from the very early days, my parents encouraged me to go into public service. They were so proud when I joined the Foreign Service and thrilled when I chose to focus on East Asia, especially Korea. Having dedicated much of my professional life to the U.S.–ROK partnership, my hope is that, if confirmed, I will be able to draw on my experience and expertise to expand and enhance the bond between our two countries.

In the space of a few decades, the Republic of Korea emerged from a half-century of occupation, division, and war to join the top ranks of the world's free and prosperous nations. This stunning achievement is testimony to the talent, determination, and sacrifices of several generations of Koreans. As a Korean-American, I deeply respect and appreciate what Koreans have been able to accomplish. Part of this amazing success story, of course, is due to the strong and constructive alliance and partnership between our two countries.

Last year marked the 60th anniversary of the start of the Korean war. As we reflect on our shared history of sacrifice and success, and as we examine the regional and global opportunities and challenges, we are convinced that it is more important than ever to continue to strengthen and nurture our two countries' partnership.

As President Obama said recently, "our alliance has never been stronger than it is today." But it can be even better. We are working on a number of initiatives to make it stronger and more balanced, with the ROK military assuming more responsibility for South Korean defense, including wartime operational control in 2015. We are also realigning our basing arrangements to ensure that we are best able to meet the challenges of the 21st century. We want a smaller footprint that creates less of an impact on ROK civilians, but which provides the robust deterrent necessary to maintain peace on the Peninsula. I was personally involved in many of these initiatives during earlier assignments, and, if confirmed, I will work closely with the new U.S. Forces Korea Commander General Thurman to ensure smooth implementation.

Our economic relationship with Korea is one of the world's most important. Korea is a trillion dollar economy and our seventh-largest trading partner. The U.S.-Korea Free Trade Agreement, pending passage by Congress and Korea's National Assembly, will provide significant economic and strategic benefits for both countries. For the United States, this agreement will create substantial export opportunities for U.S. goods and services and support tens of thousands of new export-related jobs in the United States. It will strengthen our economic partnership and lay an impor-

tant foundation for the United States and Korea to work together closely to address regional and global economic challenges in the future. If confirmed, I will work closely with Korea and with Congress and other U.S. Government agencies to ensure smooth implementation of the agreement so that both countries can seize the important benefits the agreement is to provide.

Another central part of the U.S.–ROK partnership is our cooperation on challenges posed by North Korea. Having focused on this much of the past few years, I hope to continue to contribute to our common efforts to achieve the verifiable denuclearization of the Korean Peninsula in a peaceful manner and better lives for the long-suffering people of North Korea. If confirmed, I look forward to coordinating closely on negotiating strategy as well as efforts to deter provocative actions by North Korea.

Our two countries are also finding ways to cooperate and collaborate on a wide variety of issues not directly related to trade or Korean Peninsula security. We work together in such diverse areas as counterpiracy operations off the coast of Somalia, post-conflict and disaster stabilization efforts in places like Haiti, where a ROK company is developing an industrial complex that will bring tens of thousands of jobs to Haiti, and Afghanistan, where the ROK runs a Provincial Reconstruction Team working to train local Afghans and strengthen peace and civil society. We also cooperate on green growth efforts to promote environmentally sustainable economic growth. These are the kinds of activities that bring solutions to common challenges facing the global community and the types of initiatives I hope to advance, if I am confirmed.

I also look forward, if confirmed, to contributing to the already strong people-to-people ties between our two countries—in educational exchange, the arts and culture, sports, and in other fields. Last year, nearly 500,000 South Koreans took advantage of the Visa Waiver Program and traveled to the United States. In total, nearly 900,000 South Korean tourists and business travelers visited the United States in 2010, a 38-percent increase over 2009. These recordbreaking numbers make Korean tourists the seventh-largest tourist group to the United States. As a Korean-American, the importance of these everyday contacts between Koreans and Americans has special resonance for me.

Mr. Chairman and members of the committee, it would be the highest honor for me to serve our country as the U.S. Ambassador to the Republic of Korea. If confirmed, I will lead a complex, multiagency diplomatic mission consisting of 575 employees, including staff at the U.S. Embassy in Seoul and the American Presence Post in Busan. I will do my very best to ensure that all members of that community and their families have the leadership, security, and support they need to get their jobs done.

Thank you for considering my nomination. I look forward to your questions.

Senator WEBB. Thank you very much, Ambassador Kim.

And let me just first say that you danced pretty quickly over the special members of your family who are here today, so I'd just like to point out your parents who have come here from Korea to be at this hearing. Is that correct?

Ambassador KIM. No. Actually, my parents could not make it. My father passed away some years ago and my mother is in California. She's here in spirit, though, sir.

Senator WEBB. OK.

Well, you have a whole row of family members here that I would like to introduce. If you all would just stand up and say hello.

Ambassador KIM. They're a bit shy.

Senator WEBB. I know. That's fine. [Laughter.]

You are too. That's why I'm saying this.

Stand up and say hello.

I think you've got a lot of people here who are very proud of you today. We want to give them some recognition.

Ambassador KIM. Stand up. [Laughter.]

Senator WEBB. OK.

Ambassador KIM. Mr. Chairman, if I could start with, at the end is my wife, Jae; my niece, Sarah; my older daughter Erin; the younger one, Erica; my nephew, Nam-Gu; and my brother, Jun.

Senator WEBB. Welcome to all of you. I know how proud you must be.

You mentioned, again, the nature of this special relationship. And I'd like to point something out from my own visits.

This is a unique relationship, I think, in terms of the overt value that the people in South Korea place on what the American military members did after 1950, I say as someone who's been around the military since the day I was born, who had what I view as the honor and the privilege of serving my country in the war in Vietnam. Many, many family members have served.

I was really moved, I have to say, when I visited Korea and was taken to the war memorial in Seoul, where they not only remember the sacrifices of the Korean soldiers, but they have the name of every American who gave the ultimate sacrifice during that war.

It's very, very moving to see that.

Then when I met with the director of veterans from the government, I learned that the Korean Government actually sets aside money every year to bring American veterans back to Korea with their families to thank them.

So a lot of people can talk the talk, but that's just a tremendous amount of credibility in the gratitude that's shown to the special relationship that we have.

Let me ask you about another piece of this. We're going to get into more substantive areas, but you mentioned the ties between the greater American community and Korea, South Korea. Could you give us a breakdown on the Korean-American community in the United States, where they are and the types of activities that they do to make sure this relationship is cemented?

Ambassador KIM. Thank you very much, Mr. Chairman.

If I could just make one comment on your comments regarding Korea's appreciation for Korean war veterans. One of the most meaningful and touching experiences I experienced as a political officer in Seoul was to participate in events commemorating the 50th anniversary of the end of the Korean war. And as you suggested, Mr. Chairman, the Korean Government had used its funds to bring Korean war veterans to Seoul to express appreciation.

And I was moved and touched, because I also benefited from the sacrifices made by American soldiers who participated in the Korean war. So to see the Koreans' actual appreciation for that was a very important experience for me.

Regarding Korean-American communities, there are approximately 2 million Korean-Americans in the United States. As a rough breakdown, I think California has the most. And that's where I grew up. New York also has a huge South Korean community. And growing numbers are coming to this area as well.

In Virginia, Annandale is the home of the Korean-American community in this area. I don't know the exact number. And I'd be happy to get you the exact breakdown, but those are sort of the major areas.

Chicago also—Chicago and Atlanta are also home to huge Korean-American communities.

Senator WEBB. May I ask you for your views on the free trade agreement? And actually, let me put it in this context: What do you

think the implications would be if we fail to pass the free trade agreement?

Ambassador KIM. Mr. Chairman, the President and the Secretary have both made very clear our commitment to getting the free trade agreement done.

The administration would like to see the Korea-U.S. Free Trade Agreement, along with the other two pending free trade agreements and TAA, get done as quickly as possible. And I believe the administration is in conversations with congressional leaders about getting it done.

I think the numbers are compelling. Just tariff cuts alone would lead to an increase of 11 billion dollars' worth of exports from the United States to Korea, which would equate to tens of thousands of jobs being created in the export-related areas.

Additional exports and additional jobs will be created from non-tariff cuts through the FTA. We'll also have access to the huge service market in Korea.

So I think the numbers are compelling. I very much hope that we'll be able to get it done as quickly as possible.

I think, as you mentioned, Mr. Chairman, the implication is that it will have to send a signal about our ability to follow through on our commitments. This agreement was negotiated through a very difficult process. It's an agreement that stands to provide huge benefits to both countries. And I think it would serve our interests to get it done as quickly as possible.

Senator WEBB. Would you characterize the South Korean economy as a mature economy, in the same sense as the United States?

Ambassador KIM. Yes, I would, Mr. Chairman.

It is a vibrant economy. It continues to enjoy substantial growth.

I'd like to use the anecdote that if you go to electronic shops these days, South Korean products are at the very top of display areas. You see LG, Samsung, et cetera. I think that's a small indication of the growth of the South Korean economy, and I would definitely consider it to be a mature economy.

And this is why I think, as you pointed out, Mr. Chairman, this is an agreement between two mature economies, and there's no reason why it should not be done.

Senator WEBB. I'm going to say I have a view on this that because these economies are mature economies this is not the same type of a trade agreement that people have been concerned about in the past, when you have truly emerging economies with very low wage scales running the risk of pulling American jobs away from this country because of artificially low wage scales.

In my examination of this and consideration of it, is that the threat to the American workforce it is not of any magnitude that should cause American workers concern. I'd like to hear your thoughts on that.

I'm not preaching to the choir here, but I think people need to hear the views of those who are going to be implementing it.

Ambassador KIM. I would very much agree with that assessment, Mr. Chairman.

This is an agreement that was carefully negotiated. It is an agreement between two mature economies, and it stands to provide substantial benefits to both countries.

As I mentioned earlier, just tariff cuts alone would result in tens of thousands of jobs being created in the United States in the export arena.

Without getting into a detailed comparison of this agreement versus other free trade agreements, I would say that there is really no reason why we should not implement this agreement.

Senator WEBB. Is it correct to say that the E.U. just signed an agreement, or recently signed, and is ready to implement an agreement that's very similar to this one?

Ambassador KIM. That is my understanding as well, Mr. Chairman.

The E.U. agreement is complete and is already being implemented.

Senator WEBB. You mentioned in your testimony that you had some involvement in the issue of the relocation of the American military in Korea. Would you describe what you worked on in that area?

Ambassador KIM. Yes, sir.

As the political military unit chief at our Embassy in Seoul, I had the opportunity to participate in negotiations on base relocations. That was both on the Yongsan relocation to move the Yongsan base away from downtown Seoul down south to Pyeongtaek, and also the land partnership plan related realignments in other parts of Korea.

I think what we want to try to accomplish is to have a base or military presence that makes sense, that makes sense in terms of minimizing impact on Korean civilians, but also in terms of maximizing deterrent capability to make sure that we are able to defend South Korea against any aggression.

I am a strong supporter of those initiatives, and, if I'm confirmed, I will do my very best to make sure that they're implemented in a timely manner. I think it's good for the alliance, it's good for the South Korean public, and I think it makes a lot of sense in terms of our strategic ability to defend the peninsula.

Senator WEBB. There's been some concern over here in the Congress, and I'm one of those who has articulated this concern, with the way in which this relocation has been approached in terms of lack of what the Armed Services Committee called a business case for some parts of the relocation, including what's now called tour normalization, but also the basic momentum that has taken place because of the funding streams for different parts of the relocation. As I'm sure you're aware, there have been three different funding streams that have gone into construction programs and these sort of things.

And one of them is command discretionary funds where the American commander can just divert money into projects without the oversight of the Congress, which is money on hand for programs.

And the other has been South Korean burden-sharing programs where you had trade-for-trade different pieces of property, and as a result construction of facilities and those sort of things have taken place, again, without the Congress having been able to see the clear plan and the strategic concept.

And then third, there's the money that comes from the Congress itself. And we have asked for greater justification, particularly on this concept of tour normalization where they're proposing to bring up to 50,000 family members into Korea. You think about the infrastructure that goes into that: housing, schools, medical, et cetera.

This is an area of concern I want to hear from you about, and I want, hopefully, for you to bring this concern to Korea when you take on your post. The concern being that Congress does not want to be in a position of being forced by the momentum of these other two funding streams to have to make decisions that may not be the best-case solution.

Are you familiar with these different funding streams? Have you worked in that area?

Ambassador KIM. I'm generally familiar, Mr. Chairman. I had a chance to read the report you issued with your colleagues, and, of course, we understand the important points you raised.

My colleagues in the Department of Defense are obviously well-aware of the budgetary constraints and the need to be prudent in pursuing any aspects of this. I had the chance to speak to Under Secretary Flournoy just a couple days ago about the tour normalization issue. And what I understand is that the matter is still under consideration at the Pentagon and that no decisions have been made, but that my colleagues in the Pentagon are well-aware of your concerns, of course.

Senator WEBB. We may be in further touch on that.

If you could just walk us through this, because you've been very involved in your present position, how do characterize the motivations behind the North Korean attacks on the *Cheonan* and Yeonpyeong Island? Do you see this in a larger scale? Or do you see these as separate items that aren't connected to something larger?

Ambassador KIM. Mr. Chairman, what I've discovered over the years in working on North Korea is that it is very difficult to determine what exactly they are thinking.

The events last year, the attack on the *Cheonan* and the shelling on Yeonpyeong Island, were horrible, irresponsible acts. And frankly, it is difficult to come up with a rational explanation for the North Korean decision to launch those attacks.

We, of course, as you pointed out earlier, sir, stood by our allies during this very difficult period.

If the North Koreans believe that such provocative, irresponsible actions will bring them concessions from us or the ROK, they're mistaken. We abhor those attacks, and we called on North Korea to refrain from all such provocative actions in the future.

There is, of course, the theory that North Korean behavior often comes in cycles, that, having gone through a round of negotiations through the six-party process in 2007–08, that they were prepared to enter into a cycle of provocations, and that in fact, now, they're ready to return to diplomacy and negotiations.

Well, we're not convinced that they really are ready to return to serious diplomacy and negotiations, and this is why I think Seoul and Washington both have been very cautious in not just rushing back to the negotiating table. Because, in light of what has hap-

pened in the past 2 years, I think that the North Koreans need to prove that they will in fact be a serious partner when the negotiations resume.

Senator WEBB. There are two schools of thought on these incidents that I'd like to hear your views on. One is that they're providing something of a testing time during this potential for change of leadership in the North as to the possible successors of the current leadership. Second is that the United States could be encouraging China to do a great deal more with the relationship that it has with North Korea in a more overt way, in order to encourage more positive behavior.

What do you think about those two schools of thought?

Ambassador KIM. We understand that the succession process is moving forward.

I'm familiar with the theory that the actions last year were related to the succession process. Frankly, it would be very disappointing if in fact they believe that their succession process would somehow be helped by such provocative and irresponsible actions.

It's difficult to say how quickly they will move forward with the succession process, but I think our advice to Pyongyang would be that, if they want the succession process to move forward smoothly, they should focus on responsible behavior, living up to international obligations and commitments, refraining from provocative actions, and beginning a meaningful dialogue with the South.

Attacks against the *Cheonan* and the shelling on Yeonpyeong Island will not help their process.

With regards to China's role, Mr. Chairman, as Secretary Clinton pointed out on many occasions, we do believe that China has a unique responsibility, given their status as the chair of the six-party process, given their unique relationship with North Korea, that China has a special responsibility to make sure that North Korea lives up to its obligations and commitments, refrains from provocative actions, and returns to the path for negotiations and diplomacy in a much more forthcoming manner than it has in the past.

Senator WEBB. This past year and a half, from my perspective here in the Senate, has resulted in the potential for much stronger relations between South Korea and Japan. We've seen that demonstrated not only in the visits that I've made to the region but the frequent discussions that we have with representatives of both governments here in Washington.

I'm wondering what you think about that?

And also, about what might be done with this very emotional issue—to assist the Japanese in these very emotional issues of the Japanese citizens who were abducted by North Korea, where they're looking for accountability?

Ambassador KIM. Mr. Chairman, we applaud President Lee Myungbak's commitment to improving relations with Japan. Japan is one of our closest friends, as is Korea.

We believe it makes sense strategically, and on many other levels, that Japan and Korea maintain strong, positive relations. And we're encouraged that both President Lee and the Japanese Prime Minister are committed to improving their relations.

The Japanese abductee issue is one of the more difficult issues. We have a great deal of sympathy for the Japanese public on this tragic issue, and we have continued to support their efforts to reach resolution of that issue.

It appeared that we had a small window of opportunity to make some progress, because in the summer of 2008, Japan and North Korea reached an agreement outlining a path forward on investigations and findings related to the abductees situation. But unfortunately, with the collapse of the six-party process in December 2008, they have made no progress on that agreement.

And I think if and when we resume dialogue with the North Koreans, whether in a bilateral setting or in the six-party process, we will again remind the North Koreans of the need to address Japan's concerns on that difficult issue.

Senator WEBB. Thank you.

What is the current line of thinking in the State Department with respect to the food aid issue to North Korea?

Ambassador KIM. Sir, we have made no decision on the food aid request from the World Food Programme. You know, we do have a great deal of concern about the humanitarian situation in North Korea, but there are a number important factors that need to be considered before we can make a decision on whether to provide food assistance to North Korea.

No. 1 is, of course, the extent of the need, just how urgently they need it.

No. 2, we need to consider competing needs. I mean, our resources are not unlimited, and I think we have to carefully take into consideration what other needs are out there.

No. 3, and this is particularly relevant to the North Korean situation, is our ability to monitor delivery of food assistance. North Korea, as you know, has a mixed record in this regard. And so before we make any decision on food aid, we would want to be sure that we would have in place a robust and intrusive food aid monitoring protocol, so that we can be sure that the food will actually go to those who need it and not diverted to the military.

Senator WEBB. What are your thoughts about the principal issues, any that I have not addressed, that would be high on your priority list in terms of our relations with South Korea?

Ambassador KIM. Thank you very much for that question, Mr. Chairman.

You know, the United States-Korea relationship has so many important dimensions that I actually have a very long list of things that I would like to accomplish, if I'm confirmed by Congress.

If I could just highlight a couple that are dear to me. Obviously, we need to strengthen the alliance. It's one of the most important security relationships. The trade relationship is greatly important to both countries.

But I also want to focus on our cooperation beyond economic relations and security of the Korean Peninsula. I mean, Korea is becoming a major player on issues of great regional and global significance. I think it's a wonderful development, and I think this trend is irreversible.

And, for example, the Secretary, based on the signed memorandum of understanding regarding development assistance, Korea

is becoming a major donor in that area. I think that policy reflects Korea's economic growth, but it also reflects Korea's understanding that they have something to give to the global community.

And we welcome this trend, and we look forward to being a very strong partner with them on things like development assistance, environmental issues, et cetera.

Another area that I would like to focus on is something that I mentioned at the conclusion of my testimony, which is people-to-people ties. It really does have special meaning for me because I'm a Korean-American.

And on the depth of our relationship in the people-to-people area and cultural exchanges, academia, arts, sports, it is wonderful. And I hope that, if confirmed, I will have an opportunity to really bring that to a new level.

Senator WEBB. Well, we thank you very much for your testimony today, and for your continued willingness to serve our country.

The committee hearing record will be open for potential questions from other Senators until close of business tomorrow. You may receive other written questions.

But, I wish you the best. I'm obviously going to support your nomination, and I know how proud your family members must be.

And with that, the best of luck. This hearing is closed.

[Whereupon, at 11:13 a.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSE OF SUNG Y. KIM TO QUESTION SUBMITTED BY SENATOR MARCO RUBIO

*Question.* At a time when the United States and the Republic of Korea are seeking to further strengthen our trade and economic relationship, I would like to get your thoughts on a matter involving a U.S. investment firm in Korea.

In short, Lone Star Funds, a U.S. private equity firm whose investors include charitable organizations, educational endowments, and public and private investment funds, is for a third time attempting to sell its controlling stake in the Korea Exchange Bank (KEB), one of the largest banks in Korea. Over the past 5 years, Lone Star has made two previous attempts to sell KEB but those sales were terminated due to political and bureaucratic delays in Korea. Recent media reports confirm further bureaucratic delays on a decision on Lone Star's latest effort to sell the bank—a decision that risks the sale of the bank and billions of dollars for Lone Star's investors.

I understand the current U.S. Ambassador to Korea, Ambassador Stephens, has raised this matter on a number of occasions with her counterparts in Seoul.

- What measures would you take to encourage the Korean Government to resolve the delays affecting the regulatory approval necessary for Lone Star to sell KEB?

Answer. I am familiar with the Lone Star case, and, if confirmed, I will continue to raise our concerns about the case with Korean officials. The State Department and other agencies have conveyed our concerns about this case on numerous occasions, urging Korean authorities to rule on Lone Star's application to sell its KEB stake strictly on its merits, in a transparent and timely manner. We have pointed out that delays in approving the sale of Lone Star's stake in KEB lead to uncertainty among international investors and can harm Korea's efforts to attract foreign investors. Our Embassy in Seoul has been following this case closely and has discussed our concerns with senior levels of the Korean Government.

The Financial Services Commission (FSC) is currently waiting for the Seoul High Court to resolve some outstanding matters, including a criminal case against Lone Star's former head in Korea, before approving the sale of Lone Star's KEB stake to Hana Bank of Korea. I understand Lone Star and Hana Bank have recently extended their contract till the end of the year. The Department and the Embassy will continue to monitor developments and raise Lone Star's concerns. If confirmed, I will engage relevant senior Korean officials at the earliest possible opportunity and

seek their cooperation on facilitating an expeditious resolution of this case. More broadly, if confirmed, I plan to work closely with the American business community in Korea and become an energetic advocate for their efforts.

# NOMINATIONS

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**TUESDAY, AUGUST 2, 2011**

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

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Hon. Francis Joseph Ricciardone, Jr., of Massachusetts, to be Ambassador to the Republic of Turkey
Hon. Norman L. Eisen, of the District of Columbia, to be Ambassador to the Czech Republic
Hon. Robert S. Ford, of Vermont, to be Ambassador to the Syrian Arab Republic

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The committee met, pursuant to notice, at 2:30 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Jeanne Shaheen presiding.

Present: Senator Shaheen, Menendez, Casey, Coons, and Lugar.

Also present: Senator Joseph Lieberman.

## OPENING STATEMENT OF HON. JEANNE SHAHEEN, U.S. SENATOR FROM NEW HAMPSHIRE

Senator SHAHEEN. This hearing will come to order. Good afternoon, everyone.

Today we have two panels of nominees, but we're doing this a little differently today. So we're actually going to hear from all three nominees in the first panel, and then we'll do questioning of Mr. Ford in the second panel.

We're fortunate to have Senator Lugar here with us, and we want to try and accommodate his schedule, as well as Senator Lieberman's schedule.

So on our first panel we will consider the nominations of Norman Eisen to be Ambassador to the Czech Republic and Francis Ricciardone to be Ambassador to the Republic of Turkey. And on our second panel, we will be considering the nomination of Robert Ford to be Ambassador to Syria.

Senator Casey from Pennsylvania will be here. He chairs the Subcommittee on Near Eastern Affairs, and he will chair Ambassador Ford's questioning portion of the second panel.

All of the posts being considered today are critical in strengthening U.S. influence in safeguarding American interests around the globe. I look forward to discussing the challenges and opportunities the United States faces in these three important countries.

Now, as I said, we're doing this a little bit differently today. And one of the differences is that both of our nominees on the first panel were nominated last year to serve in these same positions. I think I chaired one of those nomination hearings last year.

But both nominations were thoroughly considered and approved by the Senate Foreign Relations Committee, and both were held up on the Senate floor and were not ultimately confirmed by the full Senate.

Seeing the importance of having an Ambassador in these critical countries, the President chose to recess appoint both Ambassador Ricciardone and Ambassador Eisen to their positions. As a result, the two men have been serving as Ambassadors in Prague and Ankara over the course of the last 7 months.

As many of you know, a recess appointment by the President lasts for only 1 calendar year. So these two men have been renominated and the committee will reconsider their nominations.

As the subcommittee chair on European Affairs, I was supportive of those nominations last year, and I intend to support their nominations once again. Since both men have already been serving in these roles, we'll have an excellent chance to hear from them directly about the challenges they've already seen and their plans for the future.

So welcome back to the committee, gentlemen. Thank you both for being willing to go through the nomination process again and to continue to take on these difficult responsibilities at a very important time for our country.

So first today, we will consider the U.S. relationship with the Czech Republic. As an important ally of the United States in Central Europe, the Czech Republic has demonstrated exceptional leadership in Europe, particularly with respect to engaging the region's eastern neighborhood and pressing for further European integration.

The Czech Republic has made some impressive contributions to international peacekeeping efforts in Afghanistan, Iraq, and Kosovo. In addition, the country's unique experience with democratic transitions should provide some lessons for the United States as we navigate the ongoing transitions in the Middle East and North Africa.

Today we also consider the U.S. relationship with Turkey. Turkey remains a critical NATO ally with a predominantly Muslim population in a volatile and geopolitically strategic region of the world. Recent events throughout the Middle East and North Africa have increased Turkey's strategic importance as a center of power in this complex region.

There is little doubt that Turkey will continue to play an influential role in many of the national security threats facing the United States. I remain a proponent of a strong bilateral relationship with Turkey and its continued integration into Europe. However, it's also important to recognize where we have differences.

Turkish troops continue to occupy the Island of Cyprus, and the Turkish Government needs to do more to support a just solution in Cyprus.

In addition, Turkey's vote against a fourth round of sanctions on Iran in the U.N. Security Council raises concerns that the United

States and Turkey do not share the same threat assessment with respect to Iran's nuclear weapons program.

So I want to just briefly introduce our two nominees, and I know that Senator Lieberman is here to provide an introduction for Ambassador Eisen, so I will let him do most of that introduction.

And as I mentioned previously, Senator Casey will be introducing our second panel nominee, Ambassador Ford, when he gets here.

I want to welcome Ambassador Ricciardone, who is a highly distinguished, long-time career Foreign Service officer. He is the former Ambassador to Egypt, the former Deputy Ambassador to Afghanistan, and he served previously in Turkey and throughout the Middle East. He speaks a number of languages, including Turkish and Arabic. And finally, and most importantly, from my perspective, he is a graduate of Dartmouth College in New Hampshire.

So again, congratulations to all of you on your nominations, and I appreciate your willingness to come before the committee.

As I said, we're fortunate to have Senator Lugar, who is the ranking member of this committee here with us this afternoon, and I know that he would like to make a statement.

Senator Lugar.

**OPENING STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA**

Senator LUGAR. I am very pleased to join you, Madam Chairman, in welcoming our nominees to three very important countries.

Our relationships with these countries are excellent, and we appreciate this opportunity to review events in each of the three as we welcome Ambassador Ricciardone, Ambassador Eisen, and Ambassador Ford to this committee once again.

Turkey is at the center of several critical issues, underscoring its importance as an ally. In particular, I hope to hear Ambassador Ricciardone's perspective on the recent resignations of Turkey's top military leaders and the effect this will have on political stability.

Moreover, we will be interested to hear more about dynamics related to upheaval in Syria, Turkey's expanding participation in regional diplomacy, and its ongoing role in the creation of a southern energy corridor.

The Czech Republic remains a very important ally in Central Europe. I will be interested to hear from Ambassador Eisen about ramifications of Prague's recent announcement that it will not participate in the current plan for the European Phased Adaptive Approach to missile defense.

Regional energy interconnections and diversification in the Czech Republic also remain fundamental to the United States and European efforts to improve energy security for the region.

Finally, this hearing is an important opportunity for the committee to review events in Syria. The Syrian regime appears committed to the use of violence to suppress the will of its people.

In the last few months alone, more than 1,700 people have been killed with more than 10,000 imprisoned. The toll on Syrian civilians—including children—gets worse by the day.

Despite the regime's efforts to cut off the Internet, cell phones, and other forms of communication, the images continue to get out and the world has borne witness to these brutalities. The causes

of peace, stability, and economic advancement would benefit from a swift transition to a new leadership and a more representative government for all the Syrian people.

The alternative is almost certainly a cycle of ever-widening violence and the prospect of sectarian conflict.

The regime, of course, seems intent on playing up the prospects of sectarian strife, and has sought the aid of Tehran, as a means to hold on to power.

We must explore ways to work with our allies to present a clear and unequivocal message to President al-Assad and those around him that the violence must stop and that a credible political transition must begin immediately.

I note that the Government of Turkey has taken a strong stance in this regard, given the potential for increasing refugee flows. Syria's Government and business elite must understand that the current path will only deepen their isolation and intensify consequences for the regime and its leaders.

I look forward to our discussion with the nominees.

Senator SHAHEEN. Thank you very much, Senator Lugar.

And, Senator Lieberman, we're delighted to have you with us to introduce Mr. Eisen.

**STATEMENT OF HON. JOSEPH I. LIEBERMAN, U.S. SENATOR FROM CONNECTICUT**

Senator LIEBERMAN. Thanks very much, Madam Chair and Senator Lugar. It's an honor to be here.

I should express my appreciation to you on behalf of the nominees that you did not join the herd leaving Washington after the vote at noon. And thank you for convening this hearing.

I'm here to introduce Ambassador Eisen. I'd be remiss if I didn't simply say that I have had the opportunity to get to know Ambassador Ricciardone and Ambassador Ford, and these are two extraordinary public servants, great, courageous, informed representatives of the United States in the countries on which they have served and are serving now.

I'm really honored to be here to introduce Norm Eisen. This is not a political duty. It's really a personal pleasure, because Ambassador Eisen and his wife, Lindsay, and his daughter, Tamar, are personal friends of mine and my family. And as you mentioned, I guess the reason I'm asked is that Norman is one of those stateless people who lives in Washington, DC, so I occasionally do double duty by introducing such people.

As you mentioned, Senator Shaheen, Ambassador Eisen was nominated and given a recess appointment to this point at the end of last year. Prior to his nomination, he had a distinguished career as a lawyer here in Washington, and then was special counsel for ethics and governmental reform in the White House.

I regret that it was necessary for the President to make a recess appointment in this case, but perhaps there is a silver lining here in that we can now judge Ambassador Eisen based on his performance over the past 6 months. And that, from all that I have heard, has been really exemplary.

Since arriving in Prague, Ambassador Eisen has been a whirlwind of activity, winning plaudits from everyone from the Czech

Government to the American Chamber of Commerce, whose leader has said, "In your short time in the country, you have already made a significant impact and you have proven to be one of the most effective Ambassadors to hold this post."

He has been a tireless advocate for America's national interests in the Czech Republic, whether with regard to imposing sanctions against Iran or winning contracts for American companies.

And with your permission, I would like to insert in the record a list of essentially thank you's and testimonials from American companies who have been doing business in the Czech Republic.

Senator SHAHEEN. Without objection.

[The information referred to follows:]

Ambassador Eisen—Our Washington grapevine delivered the news this week that you might be undergoing your confirmation in the near future. If this is so, I would like to express our fervent hope that it is successful, because your presence in the Czech Republic has been and will be essential to our common efforts to advance the interests of U.S. business and to improve the standing of our country in the crucial region of Central Europe. In the months since you have taken the leadership role here, you have not only invigorated our community and increased the stature of our country in the eyes of Czech citizens, but you have also contributed substantially to the reform of public procurement and to the promotion of scientific education—two top priorities of the business community. Furthermore, your endeavors on behalf of Westinghouse and other U.S. companies have expanded their export possibilities, which should add much needed jobs in the U.S. manufacturing sector. In your short time in the country, you have already made a significant impact, and you have proven to be one of the most effective ambassadors to hold this post. We sincerely hope that the Senate will allow us to continue our common work here, and, again, you have both our best wishes and strongest support during the confirmation process.—WESTON STACEY, *American Chamber of Commerce in the Czech Republic.*

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I would like to say loud "Thank You" for organizing the e-health event last week in the Ambassador's residence. The event was beyond our thoughts or expectations—perfect location, perfect audience, and overall level of the event was unprecedented. It turned out to be who is who in Czech health care with representation from MoH, VZP, other insurance funds and hospitals. Thank you so much for having this opportunity and have support and help from you and Veronika. The fact that we had presence of his Excellency, the Ambassador himself was taking the meeting on another level. Please let me know how we can express our thanks and gratitude—I believe this was the support of the U.S. commercial programs at its best. Thank you so much Stu and have a great coming Easter.—MATEJ ADAM, *IBM Healthcare.*

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You and your U.S. Commercial Service team members all did much more than an outstanding job. This was the best and most amazing business trip of my life! I believe that this trip has opened many doors that no other business development tool could have. All of the exchanges were of the most professional and of an extraordinarily competent level. The U.S.C.S. Representatives in Frankfurt, Prague, and Vienna are consummate professionals and true U.S. Ambassadors. Thanks so much to everyone for this major career and law practice milestone.—WILLIAM N. HULSEY III, ESQ., *HULSEY, P.C., Senior Research Fellow, IC2 (Innovation, Creativity & Capital) Institute, University of Texas at Austin.*

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I am writing you to thank you for the work your team, specifically Mrs. Obrusnikova, performed in support of my short visit to Prague last week. Hana's knowledge of the Czech Republic's aerospace industry and her enthusiasm in assisting Industrial Metals is to be highly commended. As before, Hana was able to secure appointments on short notice, and rearrange for an alternative meeting last-minute when one of the planned visits was cancelled. During a 2009 Gold Key visit for Industrial Metals, Hana arranged meetings with different companies, two of which have become regular customers (Aero Vodochody and Jihostroj). In light of the growth of the regional aerospace industry, we are now renewing our efforts in

Czech Republic and with Hana's continuing support hope to expand the sales to these and other customers.—MARCEL ZONDAG, *Industrial Metals.*

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Great job on the call this afternoon with Robert for Mathnasium! It means a lot to us trade specialists in ODO to be able to transition our clients to knowledgeable and capable commercial specialists in OIO, and to know they will get excellent service. I look forward to continuing to work with you to make something good happen for Mathnasium in the Czech market!—BRENT E. OMDAHL, *Atlanta Export Assistance Center.*

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I just wanted to send a quick not to thank you for the visit last week. I think it went extremely well thanks to your efforts. Thanks again for all your hard work, and I look forward to working together in the future as we move forward in the Czech Republic. Excellent!! I would highly recommend using this service. Not only were they very effective through the initial phases of the activity, but have continued to provide support and guidance through the followup phase. Outstanding service!!—ZACH SORRELLS, *European Operations–Eureka Research International.*

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I'll write ANOTHER e-mail to you praising all the meetings you set up on behalf of Publish on Demand global and Strategic Book publishing. This e-mail is ONLY about my own publishing company participating in your FREE offer for the U.S. Commercial service catalogue show. I want to thank you for including our catalogue and our titles in your presentation! It was great to see you at the Business Centre. You were always busy with meetings and your materials were well-done. I think it's GREAT that you're having the followup event in early June. I will send you a couple more sample books for you to display. Thanks so much! It was so great to meet you, Jana, and to have all your help. My week in Prague was a totally positive experience and I will be doing lots of e-mail, mail, and even some phone call followup so hopefully we will see LOTS of sales that I can share with you for both companies! —JAN YAGER, *Publish on Demand.*

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Just a note to let you know that our participation in the Prague Book Fair was helpful and provided at least one very good lead for us. Hana Whitton from the Oxford Literary Agency, which specializes in translation rights sales into various Eastern European markets, asked to be put in touch with us via the U.S. Commercial Service's stand at Prague. The U.S. Commercial Service has been a tremendous asset for our Press. Thank you and your colleagues for your capable assistance! —KATHERINE MCGUIRE, *University of Pennsylvania Press.*

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The offered service was beyond our expectations. Very efficient, fast service and extremely experienced and qualified staff. Very highly recommended to any other U.S. company looking for a rep. in the Czech Republic. Extremely satisfied with the service and the outcome. Thank you so much and keep up the good service. The services that you provided are beyond our expectations. I am really thankful to accommodate our request and research the market within such a short period. The data and all the candidates you recommended are very efficient and professional companies in our field. Thank you for your ongoing support and for organizing all these 4 meetings within such a short notice.—PIERRE HATEM, *American Foodservice Concepts Corp.*

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The Commercial Service is an exception resource. My contact in the Czech Republic, Veronika, was very friendly and accommodating—even providing more resources after the completion of our project. I wasn't extremely satisfied with the results of the service, but that is more likely a result of the Czech Republic not having a readiness for our products than it is a reflection on the Commercial Service. I would still surely recommend this service to any and all!—STEPHANIE JOHNSON, *Mirabella Beauty.*

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The assistance from both the Arizona and Prague offices was exceptional.—SCOTT MEEHAN, *Positron Public Safety Systems/Intrado.*

Veronika Novakova was amazing to work with . . . She did a lot of work on our behalf and it turned out to be very successful. Also would like to thank Mr. Chris Damm from San Jose office for his continued hard work and time in helping set up all our IPS.—LEIGH LINDENBAUM, *Universal Exports Limited (UXL).*

Senator LIEBERMAN. For more than 2 years before Ambassador Eisen arrived in Prague, the United States had no Ambassador in the Czech Republic, which spurred doubts and fears among our Czech allies—and as you said, they have really been great allies—about our commitment to their country. This is not a situation that we, in our national interests, should repeat.

So I hope that we can give a full confirmation to Ambassador Eisen this time. The Czech Republic has been an extraordinary partner and ally of the United States, from the wars in Iraq and Afghanistan to the promotion of democracy worldwide. The Czechs are really now among our best friends and allies in Europe, and they deserve to have an Ambassador from our country that is confirmed by the full Senate.

Finally, as you may know, Norman Eisen has a deep personal connection to the Czech Republic, his mother having been born there. Both and she and his father survived the Holocaust, and it is indeed a profound historical justice, an act of justice, that the Ambassador's residence in Prague, which was originally built by a Jewish family that was forced to flee Prague by the Nazis, and which in turn the Nazis took over as their headquarters, now 70 years later, is occupied by Norman and his family.

And I might, on a point of personal privilege, add that they observe the Sabbath there every Friday night and Saturday. So if you need any evidence that there is a God, I offer that to you.

The story of Norm Eisen and his family and their path back to Europe is a classic American story, a reflection of what our country is about at its very best. And that is also precisely why the Ambassador has proven such an effective representative of our Nation, our interests, and our values; and, again, why I hope the committee can lead the Senate in sending him back to Prague as our Ambassador as quickly as possible.

Thank you very much for this opportunity.

Senator LUGAR. Madam Chairman, are there members of the families here?

Senator LIEBERMAN. They are.

Senator SHAHEEN. Yes, I think we should ask, as you're giving your testimony, Ambassador Eisen and Ricciardone, that you should feel free to introduce your families and let us welcome them as well.

Senator LIEBERMAN. Thank you, Madam Chair and Senator Lugar.

Senator SHAHEEN. Thank you, Senator Lieberman. Thank you especially for sharing the last story about the residence for the Ambassador.

As I said, we are going to begin the panel with Ambassadors Ricciardone and Eisen. And we will also be hearing the opening statement from Ambassador Ford, and then we will save his question and answer period for the second panel.

So I will ask you if you could begin, Mr. Eisen. And again, feel free to introduce family or friends who are here with you.

**STATEMENT OF HON. NORMAN L. EISEN, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR TO THE CZECH REPUBLIC**

Ambassador EISEN. Madam Chair, Senator Lugar, Senator Coons, members of the committee, thank you for the opportunity to be here again in connection with my nomination by President Obama to continue serving as the United States Ambassador to the Czech Republic.

I am honored to have the confidence and the trust of the President, of Secretary Clinton, in representing our country.

Since you asked, I would like to introduce my wife, Lindsay Kaplan, an associate professor of English at Georgetown University, and our daughter, Tamar.

Representing the United States in Prague is a family effort, and I believe that the Czech people have come to appreciate my family as much as I do—well, almost as much as I do.

When I was last before the committee, I reflected upon my extraordinary good fortune as a first-generation American. From the vantage point of our small fast-food restaurant in Los Angeles, where I grew up, my mother, a Czechoslovak Holocaust survivor, and my father, an immigrant from Poland, could never have imagined that their son would someday serve as a United States Ambassador.

As Senator Lieberman noted, and as my mother put it recently, just a little more succinctly, "The Nazis took us away in cattle cars, and now my son has returned representing the mightiest nation on Earth."

As that sentiment suggests, my mission in the Czech Republic is strongly informed by my deep sense of obligation to this country, to the United States.

Since my arrival in Prague in January, I have worked with a talented Embassy team in three principal areas. First, the defense and security relationship between the two countries; second, commercial and economic ties; and third, shared values, particularly the shared values of good governance and of civil rights for all.

In each area, the relationship was good. But we have worked with the Czech Government, with officials across the political spectrum, with Czech civil society, and with the Czech people to make it great.

In the defense and security realm, the Czechs are staunch allies. Over the past year, they increased their contributions in Afghanistan to over 700 soldiers and civilians. Czech personnel operate in some of the most dangerous parts of the country, and they have suffered numerous casualties there.

When I recently visited Afghanistan to thank Czech and United States personnel for their service, U.S. soldiers that I met with gave the Czechs high praise. That included General Petraeus, who explained the critically important responsibilities that our Czech allies are carrying out side by side and day by day with their U.S. partners in Afghanistan.

The Czechs are also a staunch friend of Israel and a strong supporter of United States policy toward Iran. They are one of our very best allies in Europe on those issues and across the board. In their own neighborhood, the Czech Republic is a leading advocate within the European Union for countries like Georgia, Ukraine,

and Moldova, through the EU's Eastern Partnership Initiative. Elsewhere, from Cuba to Burma to Belarus to North Korea, the Czechs are champions of human rights.

We in Embassy Prague are proud to work with our Czech partners on these issues.

Looking ahead to the future of our defense and strategic partnership, we are broadening our security cooperation, developing an approach that goes beyond any single narrow focus to one with multiple areas of specialized cooperation where the Czechs excel. The Czechs are world-class strategic partners in areas ranging from helicopters; to chemical, biological, radiological, and nuclear mitigation; to PRTs, Provincial Reconstruction Teams.

In the economic and commercial area, Embassy Prague has actively advocated for American business during my tenure. We have an open door for U.S. firms, and I have met with dozens of American companies, from the very largest to the smallest.

When they have concerns in the Czech Republic, we vigorously work to resolve them, engaging all the way up to the highest levels of government, if necessary. I've also encouraged Czech investment in the United States, traveling with government officials and Czech businesses to scout business opportunities here that will generate good, high-paying jobs in the United States.

In our commercial and economic work, we have particularly emphasized civil nuclear cooperation. The Czechs have six operating nuclear reactors and are planning an expansion worth up to $27.5 billion. It is one of the largest opportunities for U.S. businesses of its kind anywhere in the world.

If Westinghouse, the U.S. competitor, wins that bid, it will mean an estimated 9,000 new, good jobs in the United States, across the United States. To support that bid, we have adopted a whole-of-government approach here in the United States and with Embassy Prague to establish a broad civil nuclear strategic partnership between our two countries.

So from fostering new relations between United States and Czech R&D facilities, to making regulatory exchanges, to working together to improve nuclear safety, our two nations are building a model civil nuclear relationship for the 21st century.

My third area of emphasis has been the shared values that bind our two countries together. Czech and Slovak national aspirations in the 20th century were first realized by the Pittsburgh and Washington declarations signed right here in the United States after World War I by President Wilson's great friend and Czechoslovakia's first President, a revered name in my home growing up, Tomas Masaryk.

The United States helped liberate Czechoslovakia from the Nazis, supported the resistance against communism, and then helped transform the goals of the Velvet Revolution into reality.

I have carried that message of friendship the length and breadth of the country, visiting almost 20 cities and regions outside of Prague in just about 6 months on the job.

My message is one of warm friendship but also candor. I have supported the initiatives of those in the Czech Government, the opposition, NGOs, business, and the Czech public who are working for good government and against corruption. I believe we are build-

ing a model in Prague of how to respectfully but forcefully engage on those issues.

We have also worked with the Czech Government to promote equal rights and opportunities for all Czech citizens, irrespective of their origin or faith, including the Roma. My presence in Prague as the child of a Czechoslovak victim of Nazi persecution is by itself a powerful message in the fight against extremism and for human rights. Working with the talented interagency team at Embassy Prague, I have taken every opportunity to engage with the Czech people and their government to advance our common goals and values.

I am so, so honored to be asked to represent our country and our government.

Madam Chair, members of the committee, thank you for this opportunity to appear before you. I welcome any questions you may have.

[The prepared statement of Ambassador Eisen follows:]

PREPARED STATEMENT OF AMBASSADOR NORMAN L. EISEN

Madam Chair and members of the committee, it is a privilege to be here again in connection with my nomination by President Obama to continue serving as the United States Ambassador to the Czech Republic. I am honored to have the confidence and trust of the President and Secretary Clinton in representing our country. Thank you for the opportunity to appear before you today. I would like to introduce my wife, Lindsay Kaplan, an associate professor of English at Georgetown University and our daughter, Tamar. Representing the United States in Prague is a team effort and I believe the Czech people have come to appreciate my family as much as I do.

When I was last before the committee, I reflected upon my extraordinary good fortune as a first-generation American. From the vantage point of our small fast-food restaurant in Los Angeles where I grew up, my mother, a Czechoslovak Holocaust survivor, and my father, an immigrant from Poland, could never have imagined their son would someday serve as a United States ambassador. As my mother put it recently, "the Nazis took us away in cattle cars, and now my son has returned representing the greatest nation on earth." As that anecdote suggests, my mission in the Czech Republic is strongly informed by my deep sense of obligation to America.

Since my arrival in Prague in January, I have worked with a strong Embassy team—Americans and Czechs—in three principal areas: defense and security; commercial and economic; and shared values, particularly the shared values of good governance and civil rights for all. In each area the relationship was good—and we worked with the Czech Government across the political spectrum, and with Czech civil society and the Czech people to make it great.

In the defense and security realm, the Czechs are staunch allies. Over the past year, they increased their contributions in Afghanistan to over 700 soldiers and civilians. Czech personnel operate in some of the most dangerous parts of the country, and have suffered numerous casualties there. When I recently visited Afghanistan to thank Czech and U.S. personnel for their service, U.S. soldiers gave the Czechs high praise and General Petraeus explained the critically important responsibilities our Czech allies are carrying out.

The Czechs are also a staunch friend of Israel and strong supporter of U.S. policy toward Iran; they are one of our very best allies in Europe. In their own neighborhood, the Czech Republic is a leading advocate within the European Union for countries like Georgia, Ukraine, and Moldova through the EU's Eastern Partnership Initiative. Elsewhere, whether in Cuba, Burma, Belarus, or North Korea, the Czechs are champions of human rights and we in Embassy Prague are proud to work with them on those issues.

Looking ahead to the future of our defense and strategic partnership, we are broadening our security cooperation and developing an approach that goes beyond any single narrow focus to one with multiple areas of specialized cooperation where the Czechs excel. The Czechs are world-class strategic partners in areas ranging from training Afghan helicopter pilots and crews to Chemical Biological Radiological and Nuclear (CBRN) mitigation to Provincial Reconstruction Teams in Afghanistan.

In economic and commercial ties, Embassy Prague has actively advocated for American business during my tenure. We have an open door for U.S. firms, and I have met with dozens of American companies, from the largest to the smallest. When they have problems, we vigorously work to resolve them, engaging all the way up to the highest levels of government. I have encouraged Czech investment in the United States, traveling with government officials and Czech businesses to scout business opportunities here that will generate jobs.

We have particularly emphasized civil nuclear cooperation. The Czechs have six operating nuclear reactors and are planning an expansion worth up to $27.5 billion that is one of the largest opportunities for U.S. business of its kind in the world. If the U.S. competitor wins the bid, it will mean an estimated 9,000 new, high-paying jobs in the United States. To support that, we have adopted a whole-of-government approach to establish a broad civil nuclear strategic partnership between our two countries. From fostering new relations between U.S. and Czech R&D facilities, to regulatory exchanges, to working together to improve nuclear safety, we are building a model civil nuclear relationship for the 21st century.

My third area of emphasis has been the shared values that bind our two countries together. Czech and Slovak national aspirations in the 20th century were first realized by the Pittsburgh and Washington declarations signed in the United States after WWI by President Wilson's great friend and Czechoslovakia's first President, Tomas Masaryk. The United States helped liberate Czechoslovakia from the Nazis, supported the resistance against communism, and helped transform the goals of the Velvet Revolution into reality. I have carried that message the length and breadth of the country, visiting almost 20 cities and regions outside of Prague in just 6 months on the job.

My message is one of warm friendship and also candor: I have supported the initiatives of those in the Czech Government, the opposition, NGOs, business and the public who are working for good government and against corruption. I believe we are building a model in Prague of how to respectfully engage on those issues.

We have also worked with the Czech Government to promote equal rights and opportunities for all Czech citizens, irrespective of their origin or faith, including the Roma. My presence in Prague as the child of a Czechoslovak victim of persecution is by itself a powerful message in the fight against extremism and for human rights. Working with the talented interagency team at Embassy Prague, I have taken every opportunity to engage with the Czech people and their government to advance our common goals and values.

I am so honored to be asked to represent our country and our government. Madam Chair and members of the committee, thank you for this opportunity to appear before you. I welcome any questions you may have.

Senator SHAHEEN. Thank you very much.

Before we go on to Ambassador Ricciardone, I want to just recognize—I understand the Ambassador from the Czech Republic to the United States is in the audience. So I want to recognize him.

Very nice to have you join us.

And I don't know if there are any other members of the diplomatic corps here, but welcome to all of you.

So, Ambassador Ricciardone.

## STATEMENT OF HON. FRANCIS JOSEPH RICCIARDONE, JR., OF MASSACHUSETTS, TO BE AMBASSADOR TO THE REPUBLIC OF TURKEY

Ambassador RICCIARDONE. Madam Chair, members of the committee, I am very honored to appear before you today as President Obama's nominee as Ambassador to the Republic of Turkey, having, as you mentioned, served in that capacity as a recess appointee since this past January.

I am grateful to the President and to Secretary Clinton for their trust and confidence in me.

And with me today is my wife and life partner, Marie, whom I married in Enfield, NH, almost 4 decades ago, who has been my partner throughout our Foreign Service adventures in Turkey, and

long before in Iran and everywhere. So she is with me, and our daughters were unable to join us, but we all have family connections to Turkey and a great fondness for that country. Marie has studied and taught there as well.

During my 33-year career in the Foreign Service, I have had the pleasure and the privilege of having served in Turkey previously three times. And through this period, I have observed Turkey's continuing transformation into a more democratic and more open and more economically vibrant, modern state, and as a player with growing influence on the world stage.

Throughout this change and development, has been one constant, and that has been Turkey's continued commitment to its partnership with the United States and the NATO alliance. It is also a member of the G20 now and has one of the fastest growing economies in the world.

And noting Turkey's history as a majority Muslim nation and as a secular democracy that respects the rule of law, President Obama has cited Turkey's critical role in helping to shape the mutual understanding and stability not only in its neighborhood, but around the world.

If confirmed, I will continue to do everything I can to reinforce Turkish-American cooperation in support of our common goals, which are rooted in the security alliance and our shared democratic values.

For decades, Turkey and the United States have cooperated intensively to promote regional stability, including by countering terrorism and the proliferation of weapons of mass destruction; resolving regional conflicts; promoting energy security; expanding trade, investment, and economic development; and, essential and integral to all of those, strengthening democracy, human rights, and the rule of law.

Several such strategic priorities merge in the cases of particular and immediate consequence, including in Iraq and Afghanistan, the quest for peace between Israel and all its neighbors, and Iran's evident pursuit of nuclear weapons.

Other conflicts, as you've mentioned, Madam Chair, with historical antecedents require no less sustained and intensive joint attention and cooperation, including the unresolved issues of Cyprus and the normalization of relations with Armenia.

I have been privileged to serve in Ankara during the Arab Spring, during which I have strived to enlist Turkish support for the NATO role in Libya, for a successful transition to democracy in Egypt, and in collaboration with my colleague and friend next door in Syria to pressure the regime in Syria to cease its brutal repression and to heed the will of its people.

And just as the Turkish Government has played an important role in promoting these political transitions, its government and private sector are also keen to support economic development in Egypt and Tunisia that are so critical to long-term stability in the region by increasing their trade and investment in those countries. And wherever possible, Turkey as a government and Turkish firms are looking for partnerships with American firms.

While we share many goals with Turkey, one of the most important is countering global terrorism and networks, and Turkey has

been one of our strongest partners in that pursuit. Just last month, Turkish security officials arrested an alleged al-Qaeda cell that was plotting to bomb Western interests in Turkey, including the United States Embassy.

We support Turkey's own foremost security objective of defeating the terrorist violence, which the PKK continues to perpetrate, and which has led to the deaths of over 30,000 Turks since the 1980s.

We strongly support Turkey's efforts to improve the human rights and economic situation for the Kurds, and their democratic participation as full citizens, and the rights also of other communities of vulnerable groups in Turkey.

As the United States maintains its longstanding support for Turkey's aspirations to join the European Union, we will continue to press for the reforms required for accession. It's important to note the Turkish citizens themselves are demanding further progress on promoting human rights and the rule of law, most certainly including freedom of speech and religious freedom.

And in my return to Turkey, it has been my privilege to meet with the heads of each of the religious minorities, the ancient Jewish community of Istanbul; His All Holiness Bartholomew II, whom I had first met over a couple of decades ago with the then-First Lady, Secretary Clinton, and met again 2 weeks ago with the Secretary; the head of the Syriani Church; and the head of the Armenian Church as well; as well as the Baha'i community leader.

The United States supports a transparent and inclusive constitutional reform process to strengthen Turkey's democracy. We regard freedom of expression as central to democracy, and we believe the reform process offers a unique opportunity to strengthen the protections afforded to journalists, to nongovernmental organizations, and to minorities.

The President and the Secretary have established economic cooperation with Turkey as a strategic priority and have emphasized the importance of supporting American firms and promoting Turkish-American trade and investment. During the President's April 2009 meeting with Turkish President Gul, both leaders agreed to elevate our economic relations to the level of our already strong political and military relations. So Turkey is a leading focus in the President's new export initiative to double United States exports globally in 5 years.

It has been a special privilege to return to Ankara over these past 6 months to strengthen the communications and the friendship between our two peoples in all fields of private as well as official endeavors, including the fields of education, science, and health.

I know this committee and this Senate have strongly supported public diplomacy, and I have tried to make a special effort to communicate with the Turkish people and bring private American groups and Turks together.

I believe that increasing contacts and communications between Americans and Turks must be a primary means of advancing our interests on all of the issues we face together today.

So, Madam Chair, ranking member, Senator, if confirmed to continue my service as Ambassador in Ankara, as in my service in all other posts in the past, I will trust to your support and advice, and

that of your colleagues and constituents who are interested in the interests the United States has at stake in Turkey.

Thank you so much for this hearing.

[The prepared statement of Ambassador Ricciardone follows:]

PREPARED STATEMENT OF AMBASSADOR FRANCIS J. RICCIARDONE

Mr. Chairman and members of the committee, I am honored to appear before you today as President Obama's nominee to serve as Ambassador to the Republic of Turkey, having served in that capacity as a recess appointee since January 20, 2011. I am grateful to President Obama and Secretary Clinton for their trust and confidence in me. With me today is my wife, Marie, who both studied and taught in Turkish universities. During my 33-year career in the Foreign Service, I have had the pleasure of having previously served three times in Turkey, most recently as the Deputy Chief of Mission and Chargé d'Affaires from 1995 to 1999. Through more than three decades I have observed Turkey's continuing transformation into a more democratic, more open, and more economically vibrant, modern state and a player with growing influence on the world stage. If confirmed, I look forward to continuing to work with you and your colleagues, as well as with the many private American organizations with a strong interest in Turkey and throughout the region, to advance United States interests in this critically important and complex relationship.

Turkey remains as ever a key ally and strategic partner of the United States and an important member of the NATO alliance. It is also a member of the G20 with one of the fastest growing economies in the world. Noting Turkey's history as a majority Muslim nation and as a secular democratic state that respects the rule of law, President Obama has cited Turkey's "critical role in helping to shape mutual understanding and stability not only in its neighborhood, but around the world." If confirmed, I will continue to do everything possible to reinforce Turkish-American cooperation in support of our common goals.

For decades, Turkey and the United States have cooperated intensively to promote regional stability, including by countering terrorism and the proliferation of weapons of mass destruction; resolving regional conflicts; promoting energy security; expanding trade, investment, and economic development; and, essential and integral to all of these, strengthening democracy, human rights, and the rule of law. Several such strategic priorities merge in cases of particularly immediate consequence, including in Iraq and Afghanistan, the quest for peace between Israel and all its neighbors, and Iran's evident pursuit of nuclear weapons. Other conflicts with historical antecedents require no less sustained and intensive joint attention and cooperation, including the unresolved issues of Cyprus and normalization of relations with Armenia. I have been privileged to serve in Ankara during the "Arab Spring," during which I have strived to enlist Turkish support for the NATO role in Libya, for a successful transition to democracy in Egypt, and pressure on the regime in Syria to cease its brutal repression and to heed the will of its people. Just as the Turkish Government has played an important role in promoting these political transitions, the Turkish Government and private sector are keen to support economic development in Egypt and Tunisia that are so critical to long-term stability in the region, by increasing their trade and investment in these countries. Wherever possible, they are looking for partnerships with U.S. companies.

Let me describe Turkey's role in relation to our foreign policy priorities. If confirmed, my continued responsibility will be to strengthen Turkey's cooperation with us in all of these areas, as a key bilateral partner and also as an essential NATO ally.

United States-Turkey cooperation in Iraq and Afghanistan has been robust and critical to our success. Turkey shares our vision of a stable Iraq and actively helps the Iraqi people develop a sovereign state that is at peace with itself and its neighbors. This requires progress in Iraq's security, political, and economic infrastructure, and in each of these areas Turkey has been an essential partner for our mission. Turkey's high-level strategic dialogue with the Government of Iraq and its outreach to the Iraqi Kurdistan Regional Government have contributed to the stability of Iraq. Turkey also is contributing to Iraq's progress by hosting regional meetings on political and economic cooperation, and through trade and investment that promote Iraq's reconstruction and help develop Iraq's oil and electricity infrastructure.

Additionally, Turkey is a crucial logistics hub, supporting U.S. forces in Iraq and Afghanistan. Nearly 70 percent of the air cargo for our mission in Iraq transits Incirlik Air Base, which is also the primary refueling stop for flights to Afghanistan. Turkey provides blanket clearance for U.S. aircraft supporting these operations and authorizes the use of its bases and ports to support humanitarian and reconstruc-

tion operations in Iraq, as well as the retrograde of U.S. forces from Iraq over the course of 2011. The Habur Gate border crossing serves as a key line of communication to Iraq; through it, 25 percent of our fuel and 40 percent of other sustainment requirements enter Iraq. There are more than 1,700 U.S. military personnel stationed in Turkey. Turkey has a long tradition of hospitality to our service men and women, including hosting the USS *Eisenhower* in January.

Turkey is one of our strongest partners in the fight against international terrorism. Turkey and the United States are working together to fight the regional transit and support of international terrorists, and last month arrested an alleged al-Qaeda cell plotting to bomb western interests in Turkey, including the U.S. Embassy. I have urged the Turkish Government and Parliament to pass stronger legislation against terrorist financing, and hope the Parliament will pass the Government's bill when it reconvenes this autumn.

We support Turkey's foremost security objective of defeating the terrorist violence which the PKK continues to perpetrate, which has led to the deaths of over 30,000 Turks since the 1980s. We support Turkey's operations against the PKK; we cooperate with EU partners to cut off PKK facilitation efforts in Europe; and we support the growing cooperation between Turkey and Iraq, including the Kurdistan Regional Government, against the PKK elements that find refuge in Iraq. We are in consultations with Turkey to step up law enforcement cooperation against terrorism. Turkey's leaders also recognize the need for political, economic and cultural measures to counter PKK terrorism. Turkey's "National Unity Project" or "Democratic Opening" aims to improve the human rights and economic situation for Kurds and other communities of vulnerable groups in Turkey. We believe that further pursuit of this initiative can help not only to undermine the terrorism still conducted by the PKK, but it will also advance and strengthen Turkish democracy and the human rights of all Turks. A record number of Kurds were elected as independents to Parliament in June and we commend their professed commitment to participation in a nonviolent, lawful political process to secure the full rights of all Turkey's Kurds as Turkish citizens.

From my current service in Ankara as well as my tenure as Deputy Ambassador in Kabul, I can attest that Turkey has also been an essential partner in Afghanistan, where it has longstanding cultural and historical ties and has been a leading proponent of Afghanistan's unity, sovereignty, and territorial integrity. Turkey shares our goal of a stable Afghanistan that can protect itself from al-Qaeda and any other terrorists who would use that country as a base for international terrorist attacks. Turkey has some 1,600 troops serving in the International Security Assistance Force, commands the Regional Command for Kabul, and this year has sent still more civilian humanitarian relief and development assistance experts to establish its second Provincial Reconstruction Team (PRT) in Jowzjan province. It is also a leader on training the Afghan National Security Forces. Turkey has pledged to train a brigade's worth of Afghan National Army troops. Just last week, I was proud to participate in the opening of Turkey's special training center in Sivas for the Afghan National Police. Turkey has also pledged $300 million for development projects in Afghanistan, built schools and clinics, and invested in the repair or construction of bridges and roads and the drilling of new wells, as well as facilitated economic development through support to the agriculture, marble and carpet sectors. In addition to our cooperation with Turkey through NATO/ISAF and our two Embassies on the ground in Kabul, we see Turkey undertaking an influential and highly positive role in rallying international support for Afghanistan's economic development, and in fostering political reconciliation of its violent conflict with the Taliban. In support of cooperation between Afghanistan and Pakistan, Turkey has hosted trilateral summits in Turkey with the participation of both the Afghan and Pakistani Presidents, and later this year will host another summit of Afghanistan and its neighbors.

Turkey and Israel are both important partners of the United States. The two countries have shared vital political, economic, security, and military ties for many years. The strains in their relations since the May 2010 Gaza flotilla incident, risk setting back the vitally important interests of both those countries, and of the United States, in regional peace and stability. Therefore we have underscored to both countries the importance to them, to us, and their region of repairing their mutually beneficial relationship. Secretary Clinton continues to urge both sides to find a way to put the flotilla incident behind them, and we hope that efforts toward this goal over the past year will soon meet with success.

On Iran, we work closely with Turkey on a range of the challenges we face with Iran. Turkey shares a long border and history with Iran. Turkey has said that it shares the international community's concerns about the prospect of a nuclear-armed Iran, and repeatedly has reaffirmed its commitment to upholding U.N. Secu-

rity Council resolutions in this regard. But we have not always agreed on tactics regarding Iran, particularly with regard to sanctions. Turkey shared our disappointment that Iran failed to engage meaningfully in the talks hosted by Turkey in Istanbul last January between Iran and the U.N. Security Council's permanent five members plus Germany. If confirmed as Ambassador, I will continue to urge Turkey to persuade Iran to engage directly and seriously with the IAEA and P5+1 on the international community's concerns about its nuclear program. On sanctions, we continue to urge Turkey to fully enforce U.N. sanctions, which Turkey has publicly pledged to implement. We also are engaging vigorously with Turkey to ensure that the CISADA (Comprehensive Iran Sanctions, Accountability, and Divestment Act) sanctions are fully respected and to educate Turkish entities of the consequences should Iranian companies attempt sanctioned transactions via Turkey.

The United States continues its longstanding support for Turkey's aspirations to join the European Union. The prospect of EU accession has been a strong impetus for Turkish reform. Over the past few years, Turkey has implemented meaningful political and economic reforms necessary for EU membership, but more needs to be done. Turkish citizens themselves are demanding further progress on promoting human rights and the rule of law, including freedom of the media and religious freedom. They seek, for example, the rights of minority religious institutions freely to own their property and operate their institutions. There could be no more powerful modern testimony to Turkey's historic legacy of religious tolerance than reopening the Ecumenical Patriarchate's Halki Seminary. Just this past month, I was privileged to join Secretary Clinton in advocating for the reopening of Halki Seminary and protecting the rights of the Ecumenical Patriarchate during her recent visit to Istanbul, and I will continue my advocacy until this is addressed. If confirmed, I look forward to celebrating the reopening of Halki Seminary with His All Holiness Bartholomew, and the leaders of the Government of Turkey (including the democratic opposition) who, I dare hope, will show the courage and foresight needed to redress a historical wrong.

The division of Cyprus has gone on far too long. The United States encourages the negotiations between the two communities under the auspices of the U.N. Secretary General, and we urge the leaders of the two communities to seize the moment to negotiate a settlement that reunifies the island into a bizonal, bicommunal federation. Turkey and Greece can play a constructive role in helping the Cypriot parties toward a lasting solution to their differences, and we continue to urge them to do so.

Facilitating regional integration is a high priority for the United States. Rapprochement between Turkey and Armenia will foster increased stability and prosperity in the entire Caucasus region. We commended the governments of Turkey and Armenia on signing the historic protocols on normalization of relations on October 10, 2009, in Zurich. During her visit last month, Secretary Clinton again urged Turkey to ratify the protocols, and we will continue to support programs that build understanding between Turks and Armenians. Last year, the Government of Turkey permitted Armenians to celebrate religious services at the ancient Akhtemar Church in Lake Van, for the first time in decades. I was glad to see increasing numbers of private Turkish citizens turn out this past spring in five cities across Turkey to protest the 2007 murder of Turkish-Armenian journalist Hrant Dink, and to call for justice against the perpetrators. Last week, the courts convicted and sentenced the murderer to 22 years in prison, and we understand that official investigations, urged by President Gul himself, continue into the conspiracy that reportedly supported the heinous assassination.

The President and Secretary Clinton have established economic cooperation with Turkey as a strategic priority, and have emphasized the importance of supporting American firms and promoting U.S.-Turkish trade and investment. During President Obama's April 2009 meeting with Turkish President Gul, the two leaders agreed to elevate our economic relations to the level of our already strong political and military relations. To follow through on this commitment, the United States and Turkey launched a Cabinet-level dialogue—the Framework for Strategic Economic and Commercial Cooperation—during Prime Minister Erdogan's visit to Washington in December 2009. In addition to our official dialogues, we have launched a public-private sector U.S.-Turkey Business Council to advise the U.S. and Turkish Governments on strategies for increasing trade and relationships, improving the business climate, and eliminating impediments to trade and investment. Turkey is a leading focus in the President's New Export Initiative to double U.S. exports globally in 5 years. Turkey's economic role has only grown in importance since 2009, as its booming economy is increasingly important to the global economy and to propelling regional growth. Turkey has set an ambitious goal of becoming a top-10 economy by 2023, which will triple the size of the economy and create more

opportunities for U.S. firms. The Turkish Government and private business associations enthusiastically have supported our Global Entrepreneurship Program, and our "Partnership for a New Beginning," both intended to foster a culture of entrepreneurship, especially among the young.

Building on our close cooperation in the 1990s that helped make Baku-Tbilisi-Ceyhan (BTC) a reality, the United States and Turkey are working together to bring Caspian gas to European markets for the first time through a new route called the "Southern Corridor." We welcomed the June 2010 agreement signed by Turkey and Azerbaijan on the gas purchase and transit of Azerbaijani gas to Turkey as an important milestone in laying the foundation for the Southern Corridor. The corridor would provide commercial benefit for the countries of the Caucasus and Central Asia and also create a long-term partnership based on mutual interests with Europe. Overseeing the safe passage of oil through the Bosporus Straits and the transport of oil through the BTC pipeline, which pumps nearly a million barrels of oil a day to the Turkish port of Ceyhan, Turkey plays an important role in world energy markets.

Many Americans, including my family and I, have had wonderful experiences living and working in Turkey. It has been a special privilege to return to Ankara over these past 6 months to strengthen the communications and friendship between our two peoples in all fields of private as well as official endeavors, including the fields of education, science, and health—in which my wife has practiced while on previous service in Turkey. Led by this committee, the Senate has formally recognized the importance of public diplomacy. Increasing contacts and communications between Americans and Turks must be a primary means of advancing our interests on all issues we face today. If confirmed, I pledge that all members of U.S. Mission Turkey will continue warmly to welcome the advice and support of the American people, both through our elected representatives and through direct and continuous contact and communication. In particular, I would pledge the highest standards of service to the American community and American travelers, whether for business or for the private advocacy of the cause of freedom and human rights supported by our administration and our Congress.

Mr. Chairman and members of the committee, if confirmed to continue my service as Ambassador, in my service in Ankara as in my past service at other posts, I will trust to your support and advice, and that of your colleagues.

Thank you again for the opportunity to appear before you today. I look forward to your questions.

Senator SHAHEEN. Thank you.

Ambassador Ford.

## STATEMENT OF ROBERT S. FORD, OF VERMONT, TO BE AMBASSADOR TO THE SYRIAN ARAB REPUBLIC

Ambassador FORD. Thank you, Madam Chair.

Madam Chair, Senator Lugar, Senator Coons, I'm really honored to appear before you today, and I'm grateful for the trust and confidence placed in me by President Obama and Secretary Clinton in renominating me to serve as the United States Ambassador to the Syrian Arab Republic at a time when it is more critical than ever that our voice be heard clearly by the Syrian regime and, more importantly, by the Syrian people themselves.

Under the President's recess appointment, I have been working in Syria since late January. I have to say it has not been an easy job, but the strategic stakes and the strategic opportunities for us that we have in Syria now are quite dramatic. And there is a hugely important story about the struggle for human dignity now under way in Syria.

I arrived in Syria about a month before the protests started. In the past 5 months, those protests have grown slowly in size, and they now extend across all of Syria. The protesters demand respect for their basic rights, freedom of speech, freedom to march peacefully, and they demand an end to corruption, and above all they demand that their government treat them with dignity.

I want to emphasize here, we talk about the Arab Spring in Washington. The key word is dignity—treating people with dignity.

But government's response has been brutal. It has been outrageous. Nearly 2,000 people have been killed by the Syrian security forces and thousands more arrested and held in barbaric conditions. One cannot have but admiration for the protesters' courage and also their ingenuity, and that they have stayed generally peaceful despite bullets, beatings, and the constant risk of arrest and torture.

In my 6 months, I have seen two principal tasks in front of me. First, to insist to the Syrian officials, and to convince them, that opening more space for the Syrian people to express themselves is vital for the credibility of those officials, for the credibility of that government, and for Syria more largely.

There have been a few small positive steps taken by the government. They have released many political prisoners. They have allowed some meetings by the political opposition.

However, as I said, in general, their behavior has been atrocious. And their recent actions that we read about in the newspaper these days only underline again that the Syrian Government is unwilling to lead the democratic transition that the Syrian people themselves demand.

My second vital function in Damascus is to work with the Syrian opposition. I have spent enormous amounts of time discussing with them their ideas for the future and discussing with them the kinds of questions that other Syrians and the international community will ask about them.

It's really important now to give Syrians an ear and to amplify their voices, especially when the international media is barred from Syria.

I have been trying to draw the attention of the Syrian regime and the attention of the international community to the legitimate grievances the Syrian people have with their government. The Syrian people want to be heard.

I wish the members of this committee could have seen how enthusiastic the protesters in Hama were to have a chance to talk to the American Ambassador.

The crisis in Syria, however, is not about the United States directly. As I said, it offers us opportunities to promote respect for our principles and our ideals. The Syrian crisis offers us opportunities eventually to reinforce stability and peace in the Middle East.

But Syrians must resolve the crisis. The manner in which the crisis is resolved has to be a Syrian one.

My job is to help establish the space for Syrian activists and for Syrian thinkers, for Syrian business people, and for the Syrian people generally to develop and organize the political transition that must occur if Syria is to be stable again.

Syria's 23 million people are already thinking about what happens when Assad is no longer President of Syria. I believe that we and the Syrian people share a vision of what Syria could be, an open and democratic country where governance is based on consent of the governed, a unified and tolerant country where Arabs and Kurds, Sunnis and Alawites, Christians and Druze see themselves as Syrians first, and they celebrate Syria's rich cultural diversity;

a strong country at peace with its neighbors and exercising a stabilizing influence in the region; a strong country that plays a responsible role in the broader international community; and a country that does not support Iranian efforts to destabilize the region or give support to terrorist groups like Hezbollah.

As the President said on July 31, Syria will be a better place when a democratic transition goes forward. I and my team in Damascus, my colleagues at the Department of State and throughout the U.S. Government, and, most importantly, the Syrian people are working to make that vision a reality.

Madam Chair, thank you for this opportunity to address the committee, and I look forward to responding to questions at the appropriate time.

[The prepared statement of Ambassador Ford follows:]

PREPARED STATEMENT OF AMBASSADOR ROBERT S. FORD

Mr. Chairman and members of the committee, I am honored to appear before you today. I am grateful for the trust and confidence placed in me by President Obama and Secretary Clinton in re-nominating me to serve as United States Ambassador to the Syrian Arab Republic at a time when it is more critical than ever that our voice be heard clearly by the Syrian regime and, more importantly, the Syrian people.

I last testified before this committee on March 16, 2010. Almost 1 year to the day later, the Syrian regime sparked what has become a nationwide uprising when it responded with deadly force to a peaceful protest over the arrest of a handful of youths in Dara'a. Since March 2011, over 1,600 people have been killed and more than 10,000 arrested in a ruthless attempt to cow the Syrian people into submission—an attempt that has failed. The Secretary reiterated on August 1 that President Assad has lost his legitimacy with the Syrian people. And the President on July 31 laid out my instructions: to stand with the Syrian people, increase our pressure on the Syrian regime, and work with other countries to isolate the Assad government.

I want to salute the courage of the Syrians who risk bullets or vicious beatings or arrest and torture but who will not be intimidated from demanding their government respect their basic rights. They are demanding nothing outlandish. They demand simply that the Syrian Government respect the basic rights laid out in the United Nations Charter of Human Rights—a charter that the Syrian Government signed. They want their government to respect the freedoms of speech and assembly, the right to just and fair governance, and freedom from the fears and wants that have resulted from decades of corrupt, incompetent, and brutal rule at the hands of an unaccountable clique. They want to be treated like human beings—with respect and dignity.

My team and I see it as an integral part of our mission to give these people an ear and a voice. To amplify their hopes and legitimate grievances so that the international community and most importantly the Syrian regime pays attention. I am convinced that my French colleague and I were welcomed in Hama because after weeks of fearless and peaceful protest, and on the verge of a potential crackdown, someone from outside Syria took notice. I wish you could have seen the eagerness of the Hama people to talk to me about their experiences with the Syrian intelligence services and how they were determined to push their demands for respect and dignity from their government no matter what the pressure from the Syrian Government.

When I return to Syria in a couple days, I will continue through my actions and my presence to demonstrate solidarity with the Syrian people and our rejection of the regime's empty promises, senseless violence, and sectarian fear-mongering.

Assad and his circle will not endure forever, but it is not entirely clear who or what will follow. An additional focus of my work on the ground, which I do not advertise widely, is getting to know the leading activists and assessing their needs and opportunities for the United States to help. They are independent. They do not want American military involvement.

The crisis in Syria is not about the United States directly. It does offer us opportunities to promote respect for our principles and ideals. It offers us opportunities eventually to reinforce stability and peace in the Middle East. But Syrians must resolve the crisis. The manner in which it is resolved must be a Syrian one. I see my

job as helping establish the space for Syrian thinkers, political activists, and those who lead the street protests to organize their plan for the political transition that must occur if Syria is to know stability again. We have had some success in establishing that space through my frank discussions with elements in the Syrian leadership who claim to want a political solution to the crisis. And the Syrian opposition is slowly becoming an effective, broad-based opposition.

While the regime has generally dismissed new U.S. sanctions as "business as usual," President Obama's decision to take the unprecedented step of designating Bashar Assad personally, and our efforts to coordinate that step with the Europeans, absolutely stung. Our coordination on multilateral steps, such as at the United Nations, also stung. And new sanctions, coupled with the regime's own violence and mismanagement, have signaled to markets that Syria is increasingly "radioactive." Trade, tourism, investment, and foreign reserves are down, and the economy is hurting badly. Some of Assad's close business associates have contacted us to plead their cases. Another part of my job in Damascus is to identify how we can apply unilateral American actions to boost pressure and how working with our partners on multilateral actions we can help bring this crisis to a quicker and less bloody end. A new U.N. Security Council resolution would be useful in that effort. As we mull our steps, we aim to ensure that we neither harm the Syrian people nor prejudice their ability to recover economically, socially, and politically.

It is time for us to start thinking about the day after Assad. Syria's 23 million citizens already have. I believe that we and they share a vision of what Syria could be: an open and democratic country where governance is based on consent of the governed. A unified and tolerant country where Arabs and Kurds, Sunnis and Alawis, Christians and Druze see themselves as Syrians first and celebrate their nation's diversity. A strong country at peace with its neighbors and exercising a stabilizing influence in the region. A strong country playing a responsible role in the broader international community. A country that does not support Iranian efforts to destabilize the region or give support to terrorist groups like Hezbollah. As the President said on July 31, Syria will be a better place when a democratic transition goes forward.

I, my team in Damascus, my colleagues at the Department of State, and throughout the U.S. Government and most importantly the Syrian people are working to make this vision a reality.

Mr. Chairman, thank you for this opportunity to address the committee. I would be pleased to respond to any questions you may have.

Senator SHAHEEN. Thank you all very much for your testimony.

As I indicated in introducing Ambassadors Eisen and Ricciardone, you were both recess appointments, so I would really like to begin this afternoon by asking you each to address the situations that required your recess appointments, and why you believe the Senate should confirm you this year?

And I'll ask you to begin, Mr. Eisen.

Ambassador EISEN. Madam Chair, as you noted, the Czechs are some of our closest allies in the region and in the world, and an Ambassador was needed after a hiatus to work on critical issues like Afghanistan, Iran, Israel, and the potential $27.5 billion civil nuclear export opportunity worth thousands of United States jobs.

It is my understanding that my nomination was held over concerns about a personnel matter handled by my office when I worked in the White House. We attempted to resolve those concerns, but were unable to do so. And given the important security and economic issues on which we worked with the Czechs, the President determined that a recess appointment was appropriate and, indeed, was necessary.

Since my arrival in Prague, we have made strong progress on all those issues, Afghanistan, Iran, Israel, the nuclear contract, and many other important areas in the relationship. Those remain as vital as ever.

And I believe that progress, the energy that not only I have put in, but the entire Embassy team in Prague together have put in,

and the good work that they and we have done, I think, is the best case for the continued presence of an Ambassador in the Czech Republic.

Senator SHAHEEN. Thank you.

Mr. Ricciardone.

Ambassador RICCIARDONE. Madam Chair, thank you for the opportunity to address that question.

As you pointed out yourself, and as Senator Lugar has pointed out, Turkey is a pivotal country at a critical place geographically, in a very tense moment of conflict throughout the region. It has influence in all of those issues that are of strategic concern to the United States, moreover, internally is going through a hugely important and deliberate process of change, the Turkish people deciding their own direction and their future.

And they do look to us as they go through this. They care about what we think.

We have an extraordinarily talented Embassy team that I found on arrival in January, and there is one now, even through our summer transition. They do the heavy lifting of diplomacy every day, and they do a lot without an Ambassador, in fact.

But the fact is that having an Ambassador present improves the United States access and the ability to speak every day with people at the top of government and the different institutions of government, including the military as well as the civilians and with the public in a way that cannot be done otherwise.

So I am very grateful that the President appointed me. I am grateful to have been there in particular throughout this period of the Arab Spring with so much going on in the region, where Turkey has swung in and helped play a stabilizing role in those transitions.

I regret I was unable to resolve the concerns of an individual member of the Senate, a former member of the Senate. I will be honored and grateful to address any concerns from any member regarding my past service or my current service in Turkey or anywhere else.

And I thank you for the opportunity to get at some of that today, if there are any concerns. Thank you.

Senator SHAHEEN. Thank you.

As I understand, part of the questioning or questions that were raised had to do with your tenure in Iraq and as Ambassador to Egypt. Were there any particular concerns that you would like to address today that were raised?

Ambassador RICCIARDONE. I was very proud of my service in Iraq. Before Saddam Hussein went down, I worked with the Iraqi opposition, the democratic opposition to Saddam Hussein, under President Clinton and Secretary Albright.

My job was to help organize, support, and invigorate the Iraqis who were working for a post-Saddam future, and it was really a privilege to be part of that. I did that to the best of my ability and closely worked with Members of the Congress who were keenly interested.

If there are particular questions, I am not entirely sure what they are. I'm sure I must have antagonized some members of the

Iraqi opposition. I was upholding American policy, not necessarily what all Iraqis wanted.

I worked very closely in Egypt with not only the government but very much with civil society. The theory of the case we had was we had to press on all fronts, starting with a very stubborn President Mubarak, who was committed and set in his ways; and with the people around him, with his government, with his state, and very much with civil society.

I was privileged to go to the headquarters of opposition movements to continue the flow of funding provided by the United States through USAID to civil society groups. I understand that remains an issue with the Government of Egypt, but I was proud to continue to do that, and I took up the issue with President Mubarak himself and told him we were determined to keep doing that.

Again, I'm glad to answer to any particular questions that may come up.

I made it a point to meet with all of the religious community leaders. It was one of the great experiences of my life to have a Passover Seder in Cairo while the imprecations against the pharaoh were being called down.

I met with His Holiness Pope Shenouda many, many times, and sought his advice on how best to advance the cause of freedom for Egypt's Christians. I met with the Greek patriarch. I met with the Russian Orthodox patriarch.

I took up the cause of the Baha'is with Mubarak himself and had a small success on that front.

I worked hard and won some and lost others, but that is the nature of our business.

Glad, again, to address any particular questions on that.

Senator SHAHEEN. Thank you. Thank you for the effort to clarify some of those concerns that had been raised.

I was very surprised, as I am sure a lot of other people were, to see so many of Turkey's generals step down over the weekend. And I just wondered if you could give us your assessment of what that means for the civilian government, what it means in terms of the military, how do we interpret what happened?

Ambassador RICCIARDONE. Thank you, Madam Chair.

As to what this means for Turkey, its democracy, its civilian government, the Turks themselves are analyzing all of that and debating it and deciding what it means. And we're asking them.

For what it means for the United States and our security relationship with them, I am very, very confident that it has not caused a setback in any way. On the contrary, this time of the year, there is always a turnover in the leadership, in any case. This turnover happened in a different way, by means of a resignation under evident protest for particular reasons articulated by General Kosaner. We look forward to working with the new leadership.

The security relationship, though, goes beyond individuals. It is based on institutions. Turkey is a state of law and strong institutions that are durable even though they're dynamic and in change. I have every confidence that our security relationship will continue to be strong, that our military leaders will meet with the new Turkish military leaders.

I look forward on getting back to Ankara to meeting with the new military leadership. I am very confident things will be just fine.

Senator SHAHEEN. Thank you. My time is up.

Senator Lugar.

Senator LUGAR. Thank you very much, Madam Chairman.

Ambassador Eisen, the Czech Republic was expected to host missile defense radar under the Bush administration's missile defense plan for Europe, but that plan was scrapped in 2009 in favor of the so-called phased adaptive approach.

Even though Prague recently announced it was not interested in the administration's current proposal for participation in the phased adaptive approach, it appears open to considering future participation in projects.

What do you see as the lay of the land there? Has the discussion in any way disrupted our relationship? And how would you propose we proceed?

Ambassador EISEN. Thank you, Senator Lugar.

It has not. This has not disrupted the relationship. This has been an active subject of conversation.

And I am pleased to tell you that the government is strongly supportive of the NATO missile defense plan, the phased adaptive approach as adopted at Lisbon.

You are, of course, quite right that an earlier conversation that we had with the Czech Government about the shared early warning system, which was prior to the adoption of a NATO missile defense strategy at Lisbon, was overtaken by events.

The Czechs felt that the limited data that they would receive under the SEW system, the Shared Early Warning, was no longer necessary today, although we previously made the offer because of the broader adoption of the phased adaptive approach.

But part of the result of the good conversations, the good partnership between the Czech Government and United States, including the Unites States Embassy in Prague, has been strong, strong embrace of the phased adaptive approach as adopted by NATO at Lisbon. So it's full-steam ahead. We're in as good a place as ever on that.

Senator LUGAR. Let me say, you've noted that a key priority for the United States policy in the Czech Republic is to enhance regional energy security through means including diversification. In your view, what are the most pressing areas for cooperation in this sphere?

Ambassador EISEN. There is a critical energy security issue in the Czech Republic. One hundred percent of the Czech Republic's nuclear fuel is supplied by Russia, 70 percent of their oil, 65 percent of their gas. We've made diversification a priority of our engagement.

The greatest single opportunity to achieve energy security is through the expansion of the Czech civil nuclear capacity. They have six outstanding high-functioning nuclear reactors now, and a very strong regulator. Unlike other nations, they have a very strong national commitment, not just a government commitment, but strong public support, for this critical alternative energy source in the 21st century.

And we've really focused there not just on the Westinghouse bid to expand Temelin, which has such a high dollar value, almost $28 billion potentially, and so many U.S. jobs. But that's really just one part of this partnership, and we have worked very hard in Embassy Prague, and, indeed, throughout the United States Government on the whole partnership. One of the first things I did was come back to talk to all of the interlocutors and work on a whole-of-government approach to build a 21st century partnership between our two countries that goes beyond just that bid.

So we're working on R&D together. We're working on education, on regulation together in both our countries. And that has been an important part of our work.

I traveled recently with the Foreign Minister of the Czech Republic to Texas to sign an agreement under our Joint Declaration on Civil Nuclear Cooperation, which we have between the Czechs and Texas A&M University, a leading provider of degrees in civil nuclear engineering, and the Czech CENEN, the Civil Nuclear Engineering Network in the Czech Republic, so our two nations can build in this area in the 21st century.

Senator LUGAR. Is there public support in the Czech Republic? That is, do ordinary citizens understand this problem?

Ambassador EISEN. There is, Senator Lugar.

One of the most gratifying moments for me in returning to my mother's homeland was the rational and the calm approach that the Czech Republic took post-Fukushima to their energy needs, the need for energy security, to diversify energy sources. There is strong national consensus in favor of expanding nuclear, and a strong government consensus.

And some of the risks factors that one sees elsewhere, whether it's tsunamis or earthquakes, are not present there. So it is a very, very good location for that expansion.

We are very pleased to work, again, not just on that bid, which is certainly important, but on a broad partnership for civil nuclear energy security that is a model of how our two nations can work together.

Senator LUGAR. Ambassador Ricciardone, I have two parts of this.

First of all, Turkey remains central for the United States and European efforts, including the Nabucco pipeline project and other initiatives, to vie for greater European energy independence. I would like your views on what progress has been achieved recently, and where the Nabucco project might stand, as opposed to rival pipeline projects?

Second, Turkey has been in negotiation with the United States and NATO on Missile Defense Radar for several years with no agreement finalized, which as I understand is due to several outstanding Turkish concerns related to intelligence-sharing with Israel. How close are we to concluding that deal?

Can you make a comment on Nabucco, as well as the intelligence-sharing situation?

Ambassador RICCIARDONE. Senator, on the southern energy transit corridor, of which the Nabucco is one very good option, I can say that we are intensively engaged. Diplomats always say that, and

we always say we're optimistic and there is progress. I believe there actually is.

It is complicated. There are several governments involved. There are several companies involved. We are in touch with all of them at top levels.

I can tell you, without betraying any confidences, that Secretary Clinton raised this issue with the Prime Minister and the Foreign Minister of Turkey just 2 weeks ago. Ambassador Morningstar was along. She also raised it with President Gul.

We've been pushing. Prime Minister Erdogan went on to Azerbaijan since then. I have not had a readout of his discussions there, but I know he was intending to talk about this issue.

A key, of course, is getting gas from the Caspian to fill whatever pipeline is going to come down there. That is the next step.

We're hoping within the next month there will be an agreement by the companies concerned, to fill the pipeline, come to terms on transit fees, and all those technical issues. We're seized with it. We're working on it, and we're hoping.

On missile defense, Turkey did support, of course, the NATO statement at Lisbon. They support the NATO effort to have the phased adaptive approach radar system. We've moved well beyond that generality to have detailed technical discussions and legal discussions with the government of Turkey. Naturally, they want to understand what this will mean for Turkey in all its technical, political, legal, and certainly security aspects, how it will make Turkey more secure, as well as the rest of NATO.

And we believe we are addressing those questions in full and substantive detail. We hope that the Turkish Government will feel it has enough information to make a decision very soon. I will be racing back to Ankara to try to find out more in regard to that.

Senator SHAHEEN. Senator Menendez.

Senator MENENDEZ. Thank you, Madam Chairlady.

Congratulations to both of you on your nominations.

Ambassador Ricciardone, I enjoyed the last conversation we had, and I want to pursue some items that have developed since we spoke. One of them is with reference to Cyprus.

As we know, the parties are engaged in pretty intense talks facilitated by the United Nations Secretary. I look at the developments, and what's happened with the military in Turkey, which has, in my view, been part of the challenge in getting to a solution in Cyprus. And I look at this new development and wonder how that affects the possibility of making real progress.

On the flip side, I look at Prime Minister Erdogan's recent statements, which is to forget about what we were negotiating in the past. This is now a two-state solution, which is different than a bizonal, bicommunal federation, and urging Turkish Cypriots to multiply in greater numbers or expect to have more settlers from Anatolia. That doesn't seem to be in line with moving toward a solution.

So can you give me an update on your perspective, since Turkey is a key player, as to whether or not we're going to be able to achieve a resolution to the division of Cyprus? Are those facts complicating opportunities? How do you see it?

Ambassador RICCIARDONE. Senator, I wish I could do the diplomatic thing and say I am optimistic and there is progress, but I don't want to mislead.

On the first part of your question, I don't believe the changes in the military leadership in Turkey will make any difference one way or the other in terms of the prospects for the solution we've been after for so long in Cyprus. I just don't think it is entirely germane. The military is not calling the shots on this policy of the government of Turkey.

As to the Prime Minister's statements, I would rather not parse his statements and say anything here that makes it any harder than it already is for the United Nations Secretary General's Special Representative Downer. He has succeeded in getting President Christofias and the Turkish community leader, Eroglou, to commit to meeting with some frequency, I believe twice a week, from now into the fall to press, press, press, for the only shape of the solution that anyone has ever considered possible, certainly that we have, which is a bizonal, bicommunal federation. We continue to uphold that, support it.

Again, the Secretary of State and Assistant Secretary Gordon raised this when they were in Istanbul with the Turkish leadership just a couple of weeks ago.

Senator MENENDEZ. But you really do not believe that Eroglou could make his own decisions notwithstanding what the Turkish Government's views are? Do you believe that he could make independent decisions notwithstanding what the Turkish Government believes?

Ambassador RICCIARDONE. I think what the Turkish Government wants and believes is extremely salient.

I would point out, though, and even since I have been back to Turkey this time, there have been some tensions in the relationship between the community in Northern Cyprus and Ankara that have come out; there have been protests, even, back and forth.

So they identify themselves as Cypriots, from my understanding, Turkish Cypriots to be sure, but Cypriots. And that is a distinct identity.

Beyond that, I wouldn't wish to comment or to hazard a guess as to how far Mr. Eroglou would go in making decisions that would be at variance from Ankara.

Senator MENENDEZ. Yes, I wasn't asking you so much about Eroglou as much as your assignment in Turkey, and its influence in this decisionmaking process.

I have been following this for almost 20 years now, and it is clear to me that Turkey has a very significant influence on whether or not this issue is resolved in a way that it is acceptable both to Greek and Turkish Cypriots, as well as to the international community.

And I just get a sense, based upon the Prime Minister's most recent statements, that it has become more, not less onerous, to try to achieve that goal.

Let me turn to another issue, which I'm sure you will want to be diplomatic about, and that is the question of Turkey's relationship with Armenia. From your view, has the United States ever denied the fact that there was an Armenian genocide?

Ambassador RICCIARDONE. I stand behind President Obama's characterization of the Yedz Meghern, as the Armenians themselves call it, the tragic massacre, murder of a million and a half men, women, and children marched to their deaths in 1915.

I stand behind our characterization of that, and our efforts of what we're trying to do now.

Senator MENENDEZ. Would you disagree with President Obama's statements as Senator Obama?

Ambassador RICCIARDONE. I would not disagree with my President and his characterization of this, of course not.

Senator MENENDEZ. Would you disagree with Vice President Biden's characterization as Senator Biden?

Ambassador RICCIARDONE. They are both now my superiors, and I certainly would not disagree with their comments, with their——

Senator MENENDEZ. Would you disagree with the Secretary of State's characterization of the Armenian genocide as Senator Clinton?

Ambassador RICCIARDONE. I certainly would not disagree with my Secretary of State.

Senator MENENDEZ. You are wise beyond your years. [Laughter.]

Each of these individuals, the President of the United States, the Vice President of the United States, and the Secretary of State, at the time they were Senators, acknowledged the fact of the Armenian genocide.

And I appreciate, Ambassador, your responses, but here we are again, playing an incredibly difficult set of circumstances, where we have nominees to Armenia going to Armenian genocide commemorations and never being able to use the word genocide. We have our Ambassador to Turkey, which is an important party in trying to get beyond this and moving toward the future, but if you can't recognize the historical facts, you can't move forward.

And we have our President, Vice President, and Secretary of State, all who very clearly as members of this body recognized that there was an Armenian genocide.

It is very difficult to understand how we move forward in that respect, and a very difficult situation we put our diplomats in in that respect. But I appreciate your answers.

And I have other questions, but I see Mr. Ford is coming back, I guess, at some point?

Senator SHAHEEN. He will be here for the second panel.

Senator MENENDEZ. All right. Thank you, Madam Chair.

Senator SHAHEEN. Senator Casey.

Senator CASEY. Thank you, Senator Shaheen.

And I want to thank both of the nominees for your public service and for your testimony here today. I know that the time is short, and we are limited in the topics we can cover, but I do want to start with Ambassador Ricciardone, as we are going to be talking later at some length about Syria and the massacre that is going on there.

It's been my sense, and I think it is a widely shared view, that over a number of years, if not for more than a generation, Turkey has been able to play significant role as a regional balancer of power. Turkey's influence in the region has been very constructive at times.

And this is one of those times when the world needs the help that Turkey can provide as it relates to Syria. These acts of violence against the people of Syria are unacceptable. The Syrian regime no longer has legitimacy because of those acts of violence.

I know that Prime Minister Erdogan has been pretty clear, and I think pretty strong, in his statements regarding what has been happening in Syria. But I would ask you to reflect upon and give us your sense of what Turkey's perspective is on this violence, what Turkey can do in the near term to put pressure on the Syrian regime, and how Turkey can be a constructive force within the region on this central question.

Ambassador RICCIARDONE. Senator, thank you for that question.

In fact, we have been engaged with Prime Minister Erdogan directly. I personally have taken a message to him from President Obama. The President has spoken with him personally. The Secretary did just a couple of weeks ago.

He, President Gul, and the Foreign Minister have all had Syria very high on their scope, because, as they point out, as important as Egypt and Tunisia and Libya all are in their transitions, Turkey shares an 850-kilometer border with Syria.

There are family relationships. There is an important trading relationship. Any instability in Syria could have direct security and economic repercussions on Turkey's vital national interests.

As you pointed out, Senator, the Prime Minister back in June had spoken out against what he called the barbarity of the Fourth Brigade action against Jisr al-Shughour in northern Syria.

Just yesterday, President Gul spoke, I think for all Turks, responding to the images on Turkish televisions of what was going on in Hama by saying that he was horrified and shocked. And he even noted that, if necessary, sanctions may be on the table.

This was moving very forward. It's one thing when Western countries express our outrage and talk about these things, but when a neighbor as powerful as Turkey says these things, I have to hope that the Syrian Government will pay attention.

I don't think I'd be betraying a confidence: I think the Prime Minister has made very clear in public a conversation with a Senate delegation just about a month ago where, among other times, we pressed to find out what the Turks were thinking, the Prime Minister.

He made clear that he was very upset, worried, and concerned, but he believed that Turkey had to exhaust every other avenue to induce change and reform in Syria and get them to stop the violence against their own people, to listen to their people. He admitted that they had been trying hard, and they had not been very successful.

The United States, we find ourselves in the same position. We've tried everything to encourage, press, pressure for reform. My colleague will speak to those efforts in a few minutes. And we heard President Gul yesterday expressing Turkey's sense that perhaps they had reached something like the end of that patience. We'll have to see.

Senator CASEY. I know there's more we could talk about with regard to Syria, but I wanted to move to the question of Iran. We know that the Iranian regime has been the subject of a broad array

of sanctions during the past year, and that this has been a very positive step in the right direction.

There's a lot of unanimity in the region, and well beyond the region, about sanctions against the Iranian regime. How do you think the Government of Turkey can become a constructive force in urging Turkish companies and other businesses in the region to comply with those Iranian sanctions?

Ambassador RICCIARDONE. Thank you, Senator.

The Turkish leadership at all levels, whenever we speak about Iran, are emphatic that they oppose any Iranian effort to acquire weapons of mass destruction. They point out that they'd be the first victims not only of such a special weapon but of a race for such weapons in the region, which they do not want to see Iran unleash.

They assert that they are firmly enforcing United Nations Security Council sanctions, including under 1929, for which they didn't vote.

Beyond that, we have asked for specific help. They say that the United States laws, specific U.S. sanctions, the CISADA, in particular, does not apply to Turkey. But they acknowledge that Turkish firms can be affected. And Turkish firms will have to make a choice under our law, as to whether to deal with America and American companies or Iranian ones.

We've asked them to go beyond that and help publicize what that means in technical detail, and if banks or other companies want to do business with Iran, help them understand. We're putting out this information. We at the U.S. Embassy are glad to spread that information. And we asked Turkish regulators and government entities to point out and remind their companies the choices they're going to have to face, and make the information further available in Turkish to their companies. We're working with them.

Senator CASEY. Let me just say in conclusion, with regard to Cyprus, I'd associate myself with Senator Menendez's comments about that subject.

And I know, Ambassador Eisen, we don't have time to ask you a question, but we'll submit something in writing. I think you are aware of the high regard I have for you as well. And we have a lot of mutual friends in Pennsylvania. Thank you.

Ambassador EISEN. Thank you, Senator Casey.

Senator SHAHEEN. Senator Coons.

Senator COONS. Thank you, Madam Chairwoman.

I want to thank Ambassadors Ricciardone, Eisen, and Ford for your service over the past year. I clarify that, in my view, you all three have served with distinction and advocate for your confirmation, so you can continue in the strong leadership roles.

I won't stay for the second panel, so I wanted to particularly commend Ambassador Ford for demonstrating real leadership and resolve in the face of very difficult circumstances in Syria by both personally going to and meeting with demonstrators and protesters in some very difficult circumstances, and in advocating for our values and our interests as a nation.

I hope it is clear that many in this body share Secretary Clinton's statement that President Assad has lost legitimacy to lead and very grave concern about the path forward in Syria.

And as it relates to Turkey, I'm very concerned about recent events about what this weekend's resignation of military leadership really means, about the tension between the secular military traditions and foundations in the modern Turkish state, and the increasingly Islamist tendencies of some in the current administration. And I'm very concerned about Turkey's relationship with Israel.

To Ambassador Ricciardone, you've chosen a particularly interesting post to return to, as the questions from other members of the panel suggested, whether it's the relations with Cyprus, with Greece, the ongoing challenges in Iran, in Syria, the relationship with Israel.

There's plenty we could dedicate our time to, and I mean no disrespect to Ambassador Eisen, who serves with one of our closest and best allies, but Turkey presents a rich menu of potential questions to pursue.

Your last comment there about the choice that Turkish companies must make between facing sanctions under CISADA is something I strongly support, and I appreciate Senator Casey, raising the issue.

I think it is very critical that we engage Turkish business. So I'm grateful for your leadership in the U.S.-Turkey Business Council in promoting entrepreneurship and opening United States markets. But I would also urge your aggressive engagement to the extent appropriate in clarifying our very strong concerns as a nation about Iran and its development.

I was pleased to hear in response to previous questions your view that Prime Minister Erdogan is being engaged and effective in advocating for I think what is a very broadly shared multinational concern over the tragic events in Syria and over the, I would view it, as crimes against humanity by the Assad regime in murdering their own people.

I also want to associate myself with Senator Menendez's questions about Cyprus and ask you two questions, if I could, briefly.

The first would be, what have you been able to do in order to promote religious freedom? You referenced to meeting with His Holiness Bartholomew. What path forward do you think there might be for restoring the property and the Halki Theological Seminary? And what could we be doing to be a more effective partner with you in advocating for religious tolerance and openness in Turkish society?

And then second, what's your assessment of the state of Turkish-Israeli relations? Turkey, for a very long time, was a vital ally of Israel, and it's my hope that the recent changes in military leadership may open a window for improved relations.

I recognize this is a very difficult moment and getting past the difficulties of last year's flotilla incident are quite difficult.

So given the limitations of your role as a diplomatic representative of the United States, I would welcome any insights you'd had for us in how we strengthen business ties and recognize that they are a wonderful ally in a conflict in Afghanistan and Iraq, and have stood by us in NATO and in many contexts, while pressing forward religious freedom and the importance of our strategic relationship with Israel.

Ambassador RICCIARDONE. Senator, thank you for all those questions.

Let me start with religious freedom first and then go on to Israel, and if you wish to pursue Cyprus and CISADA, we can do that as well.

On religious freedom, I have raised this question with all the leaders I've been privileged to see, and I made it a point to call on the community leaders as well.

I wanted the community leaders' perspective, not only on the property issues. And it's not only with the Greek Orthodox of course, the senior patriarchate, but also the Armenian community, the Syrians, have their own parallel sorts of issues, and I've gone into some detail with them.

We've learned the legal questions. They all have legal cases at one level or another in the Turkish courts, which they're prepared to take on to international courts.

I don't want to betray any of their confidences in these legal things, but they are encouraged by the first-ever contacts they're having with high leaders of the state, both substantive ones regarding their issues, and in things that really matter in that part of the world in particular, and that is honor and dignity and respect.

The religious community leaders have had the first-ever visits by high officials of the state to them—not by themselves to the offices of the Prime Minister and the Governor, but Governors and the Prime Minister coming to them. That has not happened before, or in anyone's memory at least, in the modern history of the republic.

When I've raised these with high officials of the state, they say, why should you be surprised? We are not afraid of religion.

And very interestingly, they follow our debates about personal freedom and religious freedom. And they say, "here's how you can understand this, American Ambassador. In your country, you have in recent years made a distinction between freedom of religion and the concept of freedom from religion. And for too long in our modern republic, we focused on preventing the intrusion of religion in our national life and political life. We're quite comfortable to be observant Muslims. Please don't call us Islamists, by the way," they tell us. "But to the extent, someone is praying as a Christian or a Jew, it really doesn't bother us at all. Why should it? It's no threat to the state. On the contrary, we're rather proud of our diversity, and we're happy to have them do it."

"As to the property issues, let us take a fresh look at this and make sure that they get justice."

I'm very hopeful. Again, I don't want to betray any confidences. I don't want to overpromise. But I dare be hopeful that Halki Seminary in particular will be resolved. It's His All Holiness's anniversary of ordination this year, his 40th year as a priest, and I know he would very much like to see that resolved this year. We would, too.

On Israel, I can't speak for Israel—I've spent time there. I have Israeli friends. I don't claim expertise. But I feel very certain, having discussed this at length with the Prime Minister and the Foreign Minister, certainly the military leadership, that all these Turks, whatever their feelings, misgivings, and irritation over the terrible flotilla incident of last year and, over events in Gaza, they

understand that to influence events in the region, to be part of a more peaceful and prosperous region, which is in their vital national interest, they need to have a normal, fruitful, respectful, and full diplomatic dialogue with Israel. And they want to get back to that.

We've worked very much with both sides. We've reminded each side of the stake they have in the relationship with the other. And neither side really needs any reminding; they know the importance of it.

The Secretary of State, again, has been working on this personally through her recent visit and otherwise.

I dare to hope that Turkey and Israel will figure this out, and I certainly hope to see a Turkish Ambassador back in Tel Aviv very, very soon.

Let me end there, if I may.

Senator COONS. Thank you very much for your hard work, Mr. Ambassador. It's a vital strategic relationship, and I'm grateful for your advocacy on behalf of the people of the United States with the Republic of Turkey.

Thank you, Madam Chair.

Senator SHAHEEN. Thank you, Senator Coons.

I have to go to preside over the Senate in just a few minutes, but I did want to raise one more question for Ambassador Eisen before I go.

Critics of the Obama administration's reset policy with Russia have suggested that engagement with Russia would come at the expense of our allies in Central and Eastern Europe. I wonder if you could speak to the Czech Republic's view of the administration's reset efforts with Russia.

Ambassador EISEN. I think that the Czech Republic has come to understand and appreciate the spirit of the reset with Russia and the benefits that that confers, not just for the United States-Russian relationship but in the region.

Of course, the President has made Prague a centerpiece of these issues, going to Prague twice, including—I had the privilege to accompany him last year for the signing of the START Treaty with President Medvedev.

I was very pleased. I think it is a token of the—and indeed, more than a token, a recognition of the importance of these issues that my Czech government colleagues affirmatively embrace the so-called Prague Agenda, and took the bull by the horns and scheduled a conference, an international conference, on the Prague Agenda not long after I arrived in the Czech Republic, to commemorate the 1-year anniversary and the 2-year anniversary of the President's speeches there.

We had representatives from Russia, from the United States, and from around the world come, including Dr. Gary Samore from the White House, one of the principal advisers to the President on these matters, to think about what the long-term benefits can be for the region and for the world.

So I think we've made good progress. I could give other examples, but I think we've made good progress on these grounds. It is important to have an Ambassador there to help convey communica-

tions in both directions on this subject and I am very pleased with where we are on the reset now.

Senator SHAHEEN. Thank you very much.

Senator Casey or Senator Coons, do either of you have any other questions for this panel?

I have a few other questions that we will present in writing for each of you and the record will stay open until close of business on Friday for any further questions from members of the committee.

So hearing no further questions, I will thank you both again for your service and your willingness to continue to do this, and hope we can get swift action from the Senate and close this hearing, and turn the gavel over to Senator Casey.

Senator CASEY [presiding]. We will start our second panel.

And, Mr. Ford, I know that you gave an opening statement before I arrived here. I will present an opening statement, and then we can then go right to questions. Am I correct in saying that you did present?

Ambassador FORD. Yes, Senator, that is correct.

Senator CASEY. I want to make sure. Thank you very much.

**OPENING STATEMENT OF HON. ROBERT P. CASEY, JR., U.S. SENATOR FROM PENNSYLVANIA**

Well, thank you, everyone, for being here. I know we're moving to our second panel on a very busy day, but I want to get right into these critically important issues.

Over the past few days, scores have been killed in Hama, the same location of a devastating attack by government forces in 1982 which killed an estimated 10,000 Syrian civilians.

Despite the sustained assault by government forces, Syrian activists continue to demonstrate in very large numbers, a testament to their courage, their cause, and their desire for the most basic elements of human rights and human dignity.

The horror taking place in Syria today has led me, and I know many others in this body, the United States Senate, to be very clear about the conclusion that we've reached: This is a regime that is not capable of real reform. It has lost all legitimacy.

We must be direct and, I believe, unequivocal in our message to the dictator of Damascus. Bashar al-Assad must step down. The Syrian people should not have to bear the brutality of this regime any longer.

Let's not forget how these demonstrations in fact started. These demonstrations started with children.

On March 6 of this year, the Syrian authorities arrested 15 school children in the city of Dara for spray painting antigovernment slogans. These children were reportedly tortured while they were in custody.

Their parents and members of the community demonstrated and called for their release. The police used force on the parents and community leaders and, within a week, had killed 55 people.

Today, after months of courageous demonstrations—and, of course, that's a dramatic understatement, there is no other way to adequately convey the courage and the valor of these people.

After all of the demonstrations, some estimates indicate that the death toll has reached as high as 2,000, and is at least more than

1,600. Some say, of course, that even 2,000 would be too low an estimate. We don't know for sure. But it is unacceptable for us to stand by any longer and just watch this.

The terrible reach of this regime has directly affected constituents in my home State of Pennsylvania. Dr. Hazem Hallak is a naturalized American citizen from Syria and a respected oncology researcher who lives in Merion Park, PA, just outside of Philadelphia.

In May, his brother Sakher, who was also a doctor, visited the United States to attend a medical conference. Upon his return to Syria, Sakher went missing. His wife contacted the authorities, who confirmed that he was in their custody but would be released shortly.

The next day, Sakher's wife and daughter were interviewed by the authorities who again confirmed that he would be released. Two days later, his body was discovered in a village 20 miles south of Aleppo.

The authorities then denied that he was ever in their custody and claimed that they found his body in a ditch by the side of the road. Sakher's body was subjected to brutal torture. His bones were broken and his body was mutilated in unspeakable ways.

Sakher was not a political activist. He was not involved in the demonstrations. His sole offense appears to have been his trip to the medical conference and his visit with his brother in the United States of America.

We honor Sakher's memory, and the memories of hundreds of others, by calling for democratic change in Syria.

We know that our allies across the Arab League and in Turkey, as I raised during the first panel, have a unique and critical role to play here in pressure the Assad regime.

These countries have economic and diplomatic ties with Syria that the United States does not have. I support their efforts to leverage these relationships for a comprehensive regional approach to this crisis, and I applaud our allies who have already rejected the Assad regime.

In addition to strong messages from Washington and a concerted diplomatic push, more can be done to pressure Syria at international bodies. We need to maintain pressure on Syria at the United Nations Human Rights Council. We should also continue to pursue a resolution at the U.N. Security Council, condemning the Syrian Government's behavior.

On Monday of this week, Germany called for a Security Council meeting on Syria, which I hope will result in a strong resolution. Though some Security Council members remain resistant, especially in the wake of recent violence, it is unacceptable for the United Nations to continue ignoring the courage of the Syrian people and the carnage brought about by the Syrian regime.

We must also continue to pursue efforts to constrict the ability of this regime to conduct business abroad.

I welcome the new European Union sanctions on Syria announced this week, which imposed asset freezes and travel bans on five more military and government officials. We must also be willing to examine expanded sanctions on the banking and energy sectors.

I also want to applaud the courageous work done by our diplomats in Damascus, led by Robert Ford, who is with us today.

Ambassador Ford's recent trip to Hama was a testament to his commitment to representing the interests and the values of the United States. Due to the draconian measures imposed on the media by the Assad regime, Ambassador Ford has been one of the few people who has traveled within Syria and borne witness to the truth of the terrible crimes taking place across that country.

President Obama was right to send Ambassador Ford to Syria last year. I look forward to supporting his confirmation when it comes before the full Senate.

Mr. Ford has shown that an American Ambassador is not a gift to host countries, but a representative who will actively pursue American interests and American values. The most basic American value, the right to democratic representation, is at stake in Syria.

And I know that Ambassador Ford has been a stalwart advocate for this principle of democratic representation while he has served in Damascus.

Ambassador Ford, welcome back to the Senate Foreign Relations Committee. I know this is your second welcome today, but I thank you for your decades of service and the remarkable efforts that you and your team have undertaken in Damascus. And I look forward to the answers you'll provide to our questions.

I wanted to open up by asking for your assessment of the violence, and anything you can tell us about the opposition. I would also like to hear your opinion of how the United States Congress can be most effective and most helpful.

Ambassador FORD. Thank you very much, Senator. It's nice to see you again.

Senator Casey. Thank you.

Ambassador Ford. First if I may, I am very fortunate to work with a small but very dedicated team at the U.S. Embassy in Damascus, both Americans and Syrians, and one of my team is here. She actually interrupted her vacation to help me during these few days of meetings I have in Washington. So I'd like to introduce Joanne Cummings, who is wearing red.

Joanne works on economic and political issues in Damascus. She lives in Damascus without her husband, who was evacuated because of the deteriorating security situation. All of our American staff there live without their families, and it's a really super team, and it is a team effort.

Senator CASEY. Thank you as well on our behalf.

Ambassador FORD. Senator, with respect to the violence, it's getting worse. The Syrian Government's constant brutality, its refusal to allow peaceful marches, its insistence on widespread arrest campaigns, and its atrocious torture—the reports you read about the detention conditions are just ghastly. They are, in turn, fostering more violence.

We saw that in the third-largest city of the country, Homs, 2 weeks ago. We're seeing at this weekend too, I think.

But I want to be clear, I visited Jisr al-Shughour on a government-sponsored trip in June. I heard what they said, and I wandered away from the crowd and talked to some other people. And it's very clear what happened up there.

There was a peaceful protest on a Friday. Syrian security forces shot some of the protesters. At the funeral on Saturday, the next day, the people got quite emotional because they had lost loved ones, and they then attacked and killed a lot of Syrian security people.

That paradigm, that cycle, is repeated over and over again. The cycle starts with Syrian Government violence against peaceful protest.

We need to be very clear. The Syrian Government was saying there are armed groups up in Hama. I went there. I didn't see a single gun. The most dangerous weapon I saw was a slingshot.

We need to be clear about what the nature of the violence is and where it comes from. The responsibility lies with President Assad and his government.

And let me again reiterate the call by the President on July 31, the Secretary yesterday, the Syrian Government needs to stop that slaughter.

Would you like me to discuss briefly, Senator, the opposition?

Senator CASEY. Yes, thank you.

Ambassador FORD. I spent a fair amount of my time getting to know them inside Syria. The Secretary today met a group of Syrian opposition members that are living outside Syria, and I was able to join that meeting as well.

A couple of things I would say about them. It's a diverse group. They're not very well-organized. That is not surprising.

The Syrian Government for decades would not allow any opposition party to exist, much less meet and much less organize. They are trying to do that now. Very frankly, they have a long way to go.

It is important for the Syrian opposition to develop their ideas, Syrian ideas, about how the democratic transition in Syria, which we think is underway. I mean, the street protests, as I said in my opening statement, are growing.

The democratic transition is underway. The Syrian opposition needs to identify how that transition should proceed. That should not be an American responsibility. This is a Syrian issue that Syrians should decide.

How about if I hold there, Senator?

Senator Casey. Thank you very much.

I know that Americans are outraged by this violence but when you open up the newspaper day after day, you see instability and change in a lot of places in the Middle East. In this context, the level of outrage toward the Syrian regime might be more muted.

The Middle East is always a volatile region. You know better than I, but lately it's been that much more difficult. So I think it's difficult sometimes for many Americans to sustain their focus.

But it's my opinion that not only should Mr. Assad step down, but he should stop trying to deliberately mislead the world. His forces engage in acts of violence which are always followed by fraudulent promises of reform, and then this cycle is repeated.

I know that part of the impediment here is developing a broad enough coalition of nations and governments to support us, and I know that we're trying to get an even broader coalition. And one of the challenges we have is engaging Russia and China. And they

are two of the most vocal opponents. I don't know why. I can't understand it. I don't agree with it, but we have to acknowledge it. They're two of the most vocal opponents against any kind of resolution in the Security Council.

What can you tell us about efforts to engage there, and what the latest is?

Ambassador FORD. Senator, there have been intense discussions today up in New York, again, about some kind of U.N. Security Council action. My understanding from colleagues up in New York a couple of hours ago was that the most recent Syrian Government repressive measures in places like d'Azur out in the east and in Hama in the West have had an impact, and that the members of the Security Council who had opposed Security Council action are potentially now more open to some kind of action.

Discussions are underway. My understanding is, even as we speak here, we think it is important, I want to underline this, we think it is important that the United Nations Security Council take action. We think it is important that the international community recognize the courage and the efforts of the Syrian people to effect change, to push for freedom and dignity, and that the international community should support them.

Senator CASEY. I mentioned that sometimes it's hard for Americans to sustain a focus on violence, even violence at this level of brutality, because of the confluence of several events that interfere or prevent our focus from being intensified. One of the challenges we face with Syria is a lack of information because of the Syrian Government's ability to censor or limit information.

I spoke earlier of the estimates of the number killed, which we're never sure is accurate. You obviously have concerns about this but let me ask you, are there ways that we can circumvent the censors that are in place now, or limit the ability of the Syrian Government to prevent the free flow of information?

Ambassador FORD. Senator, one of the big topics that I've had in my discussions with officials of the Syrian Government over the last several months is the importance of allowing in international media. I do not know how many times I have raised that with the Foreign Minister, with the Vice Foreign Minister, with close advisers to President Assad himself.

The Syrians have a refrain, which I hear all the time, which is media coverage is unfair, to which I have told them, well, then you need to have the media come in and look at it and let them draw their own judgment.

I will say that after my last conversations about that, CNN was invited in. National Public Radio, Deb Amos, was invited in. And we got a couple of British news agencies in.

They were still kind of tracked and monitored in the country. They didn't have nearly the kind of freedom that I would have liked to see, that we would have liked to have seen. And I think NPR just got back in again.

But you're right that the censorship is a huge problem. And one of the reasons that I have moved around the country is to get a sense myself of what's going on.

It's terribly frustrating to not really understand. I mean, you can watch YouTube videos, but there is a certain utility to having your own eyes to see things.

I have been encouraging my colleague Ambassadors in Damascus to get out of Damascus and to visit parts of the country. Some are quite active, the French Ambassador, for example.

And I think we then also need to help the Syrian people themselves, the activists, learn how to make the best use of technologies, so that they too can use the Internet to get the word out. And I have to say they're quite ingenious doing this.

In fact, colleagues of mine at the Embassy tell me that the Syrians understand a lot of the Internet G-chat and such things better than some of us do. So there's a lot of ingenuity there, Senator.

But the fundamental problem is that the Syrian Government will not allow the free flow of information, and that should stop.

Senator CASEY. Well, that's one of the ways I would make a determination about the regime's legitimacy. That's one of the measurements. If you're not allowing the free flow of information, I think that, at a minimum, questions arise about the implications of that.

I wanted to return to our earlier discussion about the opposition. I know this is difficult to do, especially considering that you're in the vortex of this, much more so than I am or people here in Washington.

But to the extent that you can step back a little bit and provide a perspective based upon recent events, one of the most significant factors in how the transition took place in Egypt, in my opinion, was the fact that the military showed some measure of forbearance.

And there were a number of people in the ruling elite who also showed some forbearance, or at least were measured in the way they responded. And that allowed a kind of transition which, compared to some other places, we might now be hoping would replicate itself.

In Syria, is there any element within the government at a high level or within senior leadership of the military, where you see some even unrealized potential for forbearance? Someone at the top, in essence, saying, this has gone too far, we've got to at least stop and pause, and recognize a certain boundary? I'm not expecting anyone at the highest levels to agree with me about Mr. Assad's stepping down.

But is there any potential for someone to, at the highest level of civilian or military leadership, to show that kind of forbearance in the near term?

Ambassador FORD. Senator, I'm going to be very frank. I have heard from a number of officials in Damascus messages of good intent.

I have to tell you that what matters is change on the ground, an end to the shooting of peaceful protesters, an end to these sweeps where hundreds of young people are rounded up without any kind of judicial process and held for months, often in barbaric conditions, the release of political prisoners. There are still political prisoners not been released. Change on the ground.

And I have listened to these messages of good intent, and when I come back to them and say, what about changing this and changing this today or tomorrow, I don't get much back.

A few things here and there, Senator, but not very much. And our conclusion is that this regime is unwilling or unable to lead the democratic transition that the Syrian people are demanding now.

And in a sense, unwilling or unable doesn't really matter, because what we are interested in, what the Syrian people are interested in, what the international community is interest in, is that change on the ground, the positive change on the ground.

And the incidents just over the past few days, leading up to Ramadan and then since the start of the month, show that there is no positive change on the ground.

Senator CASEY. I was afraid your answer would be very much the way you just articulated. And I think if anything, that testimony should be "exhibit A" as to why we've got to maintain pressure and think of other ways to impose even greater pressure on the Syrian regime by developing and strengthening alliances through engagement and through efforts in the way of sanctions or other pressure.

Because my sense, and I think you just confirmed it, is that this not a regime that's going to get tired of doing this, unless there is a countervailing force that is pushing for change.

I want to explore some of those other pressure points. There are some commentators, some with a significant degree of experience, who think that we should be turning up more pressure and imposing more economic pressure by way of the energy sector.

I wanted to get your thoughts on that as another possible approach here.

Ambassador FORD. Senator, it's an excellent question.

On the energy sector, we have for years had sanctions against American companies doing business there. And so unilaterally, additional American measures, unilaterally, probably are not going to have that big of an impact.

The big companies that are working in the Syrian energy, petroleum oil and gas sector in Syria right now, are mostly European and Canadian. And so we would look to find ways to work with our partners to enhance those sanctions. And frankly, we have had discussions about that and that's underway.

European and Canadians, too, are watching what's going on in Syria, and I think the Syrian Government's latest actions will help trigger action, frankly speaking.

Senator CASEY. Often a lot of what drives fervor for change is rooted as much in economics as it is in anything else. How would you assess the Syrian economy prior the beginning of this year versus the way it looks now in terms of its significance as an issue in this conflict?

Ambassador FORD. The violence and the unrest in Syria, the lack of stability, is really hurting the Syrian economy. It started off slow, but it is snowballing.

Let me give you just a couple of examples. Tourism represented a growing part of the economy. The tourism sector is completely dead. The hotels in places like Aleppo and Damascus, which nor-

mally would have occupancy rates of 80 to 90 percent, are down to 0 to 10 percent right now. Hotels are laying off staff.

The country is draining slowly but steadily its foreign exchange reserves. Business throughout the economy has slowed dramatically, whether it be production of pharmaceuticals or textiles, whatever it is.

The demand among Syrian consumers has dropped off the table. People, in a sense, are afraid to buy because the times are so unsettled.

And so companies are really hurting. Banks are also hurting. Joanne just did a very good assessment of the financial sector in the way it is suffering because of the current situation.

One of the things that we're trying to do, Senator, and this is I think quite important—Joanne and I both worked in Iraq. We do not want our sanctions to devastate the broader Syrian economy, because in the period after Assad, it will be important for Syria to be a strong country, and a strong economy will be part of that. So we have really worked in the United States Government and with our partners abroad to target sanctions against specific companies and against specific individuals that are involved in the repression, without targeting the broader Syrian economy and making the people of Syria suffer.

It is a different kind of sanction regime from what we have in Iraq, say. It's much more specifically targeted with the goal of sparing the Syrian people themselves great suffering.

Senator CASEY. And I know that's always the challenge, to make such sanctions targeted enough and impactful enough on the regime.

As often happens in these situations, we've seen an out-migration, in this case, most of it or the majority of folks fleeing northwestern Syria into Turkey.

Can you give us any report on that? And a related question, obviously, maybe the bigger question is, how do you assess the role played by the Turkish Government? What role can the Turkish Government play in creating more pressure and more impact on the Syrian regime?

Ambassador FORD. First, Senator, may I just follow up on a little part on that, the economic sanctions you mentioned——

Senator CASEY. Sure.

Ambassador FORD [continuing]. And the challenge of getting targeting that works and has an impact?

We really do spend a lot of time on this, and let me just give you a couple of success stories that may not have made the news here.

One of President Assad's cousins is named Rami Makhlouf. He is very well known in Syria. He is probably the richest man in Syria. He's a very, shall I say, unscrupulous businessman.

And we have targeted him very specifically as well as his companies because we know he helps finance the regime.

He applied for citizenship to Cyprus. He didn't get it, because working with the E.U., we made sure that he couldn't get to Cyprus and he couldn't get Cyprian citizenship.

That's strike one against him. Strike two, one of his biggest companies is called Cham Holding, so we targeted that specifically. It

had a board of directors. We went after a couple of them specifically.

Their board members' term expired at the end of April, and they were too afraid to have another board meeting. So they finally, the government insisted that businessmen come together and have a board meeting in July, and all they were able to do was come up with half of a board and one vice chairman. No one would agree to even be the chairman of Cham Holding.

So the sanctions do bite, maybe not in ways that are always on the headlines. But what we do see is more and more business people, and especially Sunni business people, which is an important pillar of the regime's support, we do see them slowly but surely shifting sides, and that's important.

So I do think our sanctions are having an impact.

With respect then, Senator, to your question about refugees going into Turkey and the Turkish role more generally, a couple of things I would say.

First, we appreciate that the Turks did offer refuge to people fleeing the Government of Syria campaigns in northwestern Syria. People fled in the thousands—we estimate somewhere around 12,000—fled mainly because they were terrified of army and Syrian intelligence service retaliation against them. The army and especially—especially—the intelligence service have a fearsome reputation, and we have seen plenty of videos on Arabic satellite TV of how they beat and torture people, and some of them quite gruesome.

So people fled in real fear. That's what happened in Jisr al-Shughour, the town I visited up in the north in June.

So we appreciate the role that the Turks have played. My understanding now is that some refugees who went to Turkey are beginning to trickle back into Syria. They think that they will be safe.

The Syrian Red Crescent has extended promises that they will watch over people coming back, that there's not mistreatment. I think most of the refugees are still in Turkey; somewhere around 8,000 are still there. So plenty of people are still afraid and don't trust their own government in Syria.

But the Turkish role in this has been, I think, very good, and we appreciate it.

With respect, Senator, to your question more broadly about what can Turkey do, I think Turkey has a very, very important role. And I'm often in touch with my colleague Ambassador Ricciardone up in Ankara.

The Turks have a very deep commercial relationship that they have been building up for years. They had personal relations between the Turkish leadership and the Syrian leadership that they had consciously fostered. They wanted to build influence.

I think it is fair to say that the Turks—even yesterday, President Gul was very critical of the latest Syrian measures.

The Turks have perhaps a unique capability, both to talk to the Syrians on several levels, because over the years they've built those contacts, and also were they to adopt sanctions, for example, I think those, too, would bite.

Senator CASEY. Well, that's something I hope we can continue to foster, because that kind of help in the region could be very significant.

I was in the region last in July of 2010, and our second to last stop was in Beirut in Lebanon. And I could sense, almost feel, the heavy presence of Hezbollah in Lebanon. And I wanted to get your sense about the implications of the unrest and the violence in Syria for Lebanon. How has Hezbollah responded to that?

Ambassador FORD. Senator, when I appeared before the Foreign Relations Committee in March 2010, we spoke a long time about Hezbollah in that hearing, I recall.

We have a real opportunity with change in Syria to see both Iranian influence and Hezbollah influence in the region diminish. That would be a real gain for us.

It would also be a real gain for the Syrian people, since the Iranians are helping right now with the repression in Syria.

With respect to Hezbollah specifically, the Syrian support to Hezbollah has continued. It has not stopped. At the same time, I think the leadership of Hezbollah at first was very outspoken in its support of the Syrian Government. More recently, they have been quiet. And my sense is that they have seen enough Hezbollah flags burned in Syrian protests, especially in places like d'Azur and Hama and Daraa, that they realized that their support for the Syrian Government is not garnering them any long-term friendship with the Syrian people.

Senator CASEY. And can you explain that? Just walk through that in terms of the——

Ambassador FORD. The protesters, and I think Syrians more generally, understand that Iran and Hezbollah are supporting Syrian Government repression against them.

Senator CASEY. And I know that when you were getting out of Damascus, and I think with a lot of valor and a lot of commitment, to bear witness to the truth it had to be in some ways harrowing.

But what did you draw from it mostly? I mean, I know you saw a lot, and you had a better sense of what was happening, as you said, on the ground. But what did you draw from it, other than what has to be the remarkable inspiration provided by these brave people? What else can you tell us about that journey you took?

Ambassador FORD. It was a fascinating experience, Senator. I've had a lot of interesting trips during my time in the Peace Corps, and then in the Foreign Service. But that one would rank up near the top.

I came away with a couple of conclusions, which I shared with the Department of State and also with the media.

First of all, the protesters there are peaceful. As I think I mentioned, the one weapon I saw was a slingshot. These are not gunmen.

When we came up to the first checkpoint, very frankly, the local's checkpoint, not a government checkpoint, we weren't sure they were going to be armed or not, and we were a little nervous.

But the second point I came with was, they are not against foreigners. We told them we were American diplomats. They said, oh, America, great, go ahead, please pass, you know, whatever.

We got kind of lost in Hama. We should have had a map, but we didn't. So we had to stop and ask for directions, and they actually got in the car and took us to where we wanted to go. They were very nice, invited us to lunch, et cetera.

They're not anti-American at all. In fact, I think they appreciated the attention that the United States showed to their cause, and that they were peaceful.

When they asked who I was, and I said I'm the American Ambassador, several of them said, oh, come on, who are you really?

So they didn't believe me until I gave them some business cards.

And the third thing I came away with, Senator, is their incredible commitment. And I get that whenever I meet opposition people in any city in Syria. The commitment they have to change and to freedom and to dignity, they are not going to stop. They underline that over and over, and we have seen that.

We were talking about Egypt a little while ago. Roughly 900 Egyptians died in the first phase of that Egyptian revolution out of a country of 80 million people. Syria has only 23 million people, and nearly 2,000 have died. So the scale of killing in Syria is way beyond what it was in Egypt.

But the people in Hama and elsewhere are quite committed to change. And I don't think they're going to stop.

And so I think we owe it to them to remain supportive and to try to build that support wisely, carefully, but to build that support.

Senator CASEY. And I know we have to wrap up, and we've covered a good bit, not nearly enough.

And I'm sure I'll have questions for the record. We'll try not to overload you with too many written questions. You've got work to do, and we don't want to burden you with that. But I'll leave the record open until Friday for other members to submit questions or for witnesses to amplify their testimony or their responses.

I'll ask in conclusion one broad question, but I think an important one. I think I know what your message to the American people is about solidarity and about focus on this horror that we're seeing. But what specifically would you or the administration hope that the Congress would do by way of action—legislative or otherwise—that would be constructive in helping, not just show solidarity, but to continue the focus that should be brought to bear on what these brave citizens of Syria are trying to accomplish?

Ambassador FORD. Senator, I've been working in the Middle East since 1980, when I went out as a Peace Corps Volunteer, and I really liked the President's speech on the Arab spring, the speech that he gave on May 19th, because I think he laid out for the American people why change in the Arab world matters for us and what it means for our own national security.

And the point that the President stressed that I really appreciated was that the democratic transitions underway from Morocco to the Persian Gulf do matter to us. We have big interest in that part of the world. And it can be positive change, and we should be supporting democratic transitions throughout the region.

And there may be times when our assistance is needed directly and our assistance is only needed indirectly, but we should look to be supportive.

What I would hope from the Congress is that it works with the administration to make sure that resources are available when we need them to support those transitions.

I'm going to be very frank again, Senator, if you don't mind. I was in Algeria during the civil war there in the mid 1990s. There was a very brave Algerian opposition at the time, and we had nothing really that we could offer them. There was no access to the Democratic Institute and the kinds of programs they do, or the Republican Institute.

Those kinds of programs actually do matter a lot, and we work with civil society and we work with political parties. Those programs do help, and we have clawed and scratched for gains in places like Iraq, and the resources that we commit help.

It's still up to the local people, whether it be in Iraq, or Syria, or Egypt, or whatever, but we can help. And I hope we, the American people, will understand the value to our national security of supporting those democratic transitions.

Senator CASEY. We want to thank you for your testimony, and express our gratitude and commendation on a much larger scale for your commitment on the ground, which is a noteworthy and very significant act of public service.

We appreciate that, and we'll work with you. And I know that's a bipartisan sentiment in a town bipartisanship is all too rare.

Ambassador, thank you very much for your testimony, and we're adjourned.

Ambassador FORD. Thank you, Senator.

[Whereupon, at 4:41 p.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF ROBERT FORD TO QUESTIONS SUBMITTED BY THE FOLLOWING SENATORS

#### QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* What is the practical impact of the U.N. Security Council decision to condemn "widespread violations of human rights and the use of force against civilians by the Syrian authorities?" The Security Council also called on the Syrian authorities to allow aid agencies, which have been prevented from entering the country, "unhindered access" for humanitarian relief. How should the United States respond if the Syrian Government ignores this edict?

Answer. We assess that any U.N. Security Council action condemning the Syrian authorities' widespread and gross violations of human rights would have a practical impact with the regime as well as the opposition in Syria. We cannot overstate the importance of international solidarity to isolate the Assad regime and signal global support for the Syrian people. Human rights activists and oppositionists often tell us that many Syrians are looking for a unified international response. While the UNSC Presidential Statement was helpful, we believe a U.N. Security Council resolution will go further to increase domestic and international pressure on the regime to cease its security crackdown and take steps such as allowing humanitarian aid agencies into Syria. I believe the United States should continue to pressure the regime in various and creative ways to impact the regime's inner coterie and undermine the regime's remaining pillars of support inside Syria. Of course, we must be careful to do this in such a way so that our actions have minimal effects on the Syrian public—we are targeting the Assad regime, not the Syrian people.

*Question.* What steps can the international community take to put further pressure on the Assad regime to refrain from using violence against its own population? What role do you see for the United States and specifically the U.S. mission in Syria in such an initiative?

Answer. We believe that action taken by the United Nations Security Council may be an important factor that can impact the regime's calculus on using violence. The United States continues to lead the international community and work multilaterally to highlight the regime's brutality and unremitting human rights violations in order to force the Assad regime to step aside. We also will look for ways to increase bilateral pressure through our bilateral sanctions.

In this regard, regional outreach is critical. I meet regularly with the ambassadors from other key nations, either to influence their assessments and strategies or, if we are in agreement, to coordinate our approaches. It is also important for the U.S. Government to work in concert with our allies in order for targeted sanctions to have greater effect. I do much of this coordination in Damascus. Given that most Syrian officials have far more assets in the EU, Turkey, and the Arab Gulf than they do in the United States, working with our allies is critical for sanctions' success. If confirmed, I will continue to work with our EU allies and partners in the region to do everything possible to bring an immediate end to the brutal violence the Assad regime is perpetrating against peaceful protesters.

Furthermore, the staff members of the U.S. Embassy in Damascus continue to meet with activists, observers, and oppositionists in support of a peaceful transition to a pluralistic and inclusive democracy. We will also speak out publicly, whether directly to the Arabic media or through the Embassy Facebook site.

*Question.* How effective have the intensification of sanctions been in the course of the last few months, particularly those that target individuals within the al-Assad regime? What, if anything, can be done to render them more effective?

Answer. The effects of our sanctions will become more apparent as time goes on. We have begun to see prominent business figures and regime supporters express concern over sanctions. We believe the targeted nature of the sanctions will allow many regime supporters to rethink their support of the ongoing brutality. We will continue to reach out to all possible partners and work with our allies on targeted sanctions and diplomatic measures at the U.N. to increase pressure on the Assad regime and press for the space for a Syrian-led democratic transition. I meet regularly with the ambassadors from other key states either to influence their assessments and strategies or, if we are in agreement, to coordinate our approaches. The more countries implementing such targeted sanctions, the more effective the sanctions will be. If confirmed I will make the sanctions as effective as possible.

*Question.* Which international actors do you see as having the most leverage over the Assad regime? How can the United States work with them to try to broker an end to the violence? How is the ongoing violence affecting Syria's relationships with other governments in the region?

Answer. The Assad regime has shown its willingness to turn on its allies in the face of criticism; the most obvious example is that of Turkey. However, we still assess that the Turkish Government does have leverage over the Assad regime and is greatly respected by the Syrian street as well. Unfortunately, the regime has not listened thus far to calls by the Turkish leadership for the Assad regime to stop its brutal crackdown. The Arab League and Saudi Arabia in particular should also be able to leverage their regional and cultural ties to help pressure the Assad regime, especially by influence regime supporters over whom they yield influence. We are in consistent contact with the Arab League, EU nations, and the rest of the international community, and at the ambassadorial level we often meet to discuss how to better coordinate our efforts. I believe that the ongoing violence is alienating Syria's relationship with other governments. With the exception of Iran, we are seeing many more in the international community voice increasing frustration with the regime's brutality .

*Question.* In October, 2010, Issa Al-Aweel was arrested in Syria. A Christian born in Latakia, Al Aweel is a U.S. Green Card holder with Syrian citizenship and a Massachusetts resident. It is my understanding that, since his arrest, Mr. Al Aweel has been held in prolonged detention without a hearing.

- Please update the committee on Mr. Al Aweel's status and whereabouts. What steps are being taken to secure his release and safe passage home to Boston?

Answer. Because Mr. Al Aweel is not a U.S. citizen, the Vienna Convention on Consular Relations does not require the Government of Syria to provide notification to the United States of his arrest nor provide access to him while he is detained. The Embassy's understanding, based upon discussions with the family, is that Mr. Al Aweel may have been detained shortly after his arrival in Syria in relation to the Syrian requirement that male Syrian citizens over the age of 18 complete compulsory military service. The U.S. Embassy provided Mr. Al Aweel's family with a

list of private attorneys who might be able to provide legal assistance to Mr. Al Aweel. The Embassy also advised the family that they may wish to contact the Syrian Embassy in Washington, DC, directly, since Mr. Al Aweel is a Syrian citizen. The U.S. Embassy offered to maintain contact with whichever attorney they selected. The U.S. Embassy has not heard yet from the family concerning any additional steps they may have taken concerning Mr. Al Aweel, and stands ready to provide whatever limited assistance is possible.

*Question.* How has the United States reached out to countries hosting refugees fleeing the conflict in Syria? How has the United States ensured that refugees and asylees are well-treated and what humanitarian aid has been provided?

Answer. The brutal actions of the Syrian Government produced an international crisis which has resulted in significant refugee flows and threatened regional stability. This crisis requires a unified response from the international community condemning the atrocities taking place and calling for an end to the violence. We stand ready to provide assistance to nations hosting Syrian refugees, as required. Embassy Damascus is in constant contact with UNHCR and UNRWA, and our Embassies in Lebanon, Jordan, and Turkey are in touch with the respective governments hosting refugees. We have offered our assistance to the Turkish Government to provide humanitarian aid to the thousands of Syrian refugees in Turkey. To date, the Turkish Government has informed us that they are able to handle the situation themselves, but they are aware that we stand ready to help. Furthermore, we have encouraged the Government of Lebanon to protect Syrian refugees that have fled into Lebanon and avoid taking positions that would align themselves with the Assad's regime and its ongoing crackdown.

*Question.* I am a strong supporter of your candidacy to be Ambassador to Syria. I believe that your visit on July 7 to Hama was an important demonstration of United States support for the Syrian people and likely saved Syrian lives. I invite you to explain why it is important for the United States to have an ambassador in a country in which a government is cracking down on its people so brutally. How do you respond to those who say we should recall our Ambassador?

Answer. It is a privilege for me and my team to serve in Syria. I see it as an integral part of my mission to give the Syrian people an ear and a voice. My presence is one of the most effective tools of pressure we have on the Syrian Government. I convey our tough messages to the Assad regime and am also in constant contact with the Syrian opposition. If confirmed, I would continue to fulfill these roles for as long as necessary .

By maintaining a high-level presence we are able to support the demands of the Syrian people and promote respect for their basic human dignity. As I mentioned in my prepared statement, my presence helps draw attention to the legitimate grievances of the peaceful protestors so that the international community and, more importantly, the Syrian regime pays attention. The Syrian people want to be heard. My visit to Hama showed that a high-ranking U.S. official can help them be heard.

Regional outreach is critical. I meet regularly with the ambassadors from other key nations, either to influence their assessments and strategies or, if we are in agreement, to coordinate our approaches. It is also important for the U.S. Government to work in concert with our allies in order for targeted sanctions to have greater effect. I do much of this coordination in Damascus. Given that most Syrian officials have far more assets in the EU, Turkey, and the Arab Gulf than they do in the United States, working with our allies is critical for the sanctions' success. I personally recommended a series of diplomatic initiatives with partner countries, as well as specific steps we and partners could take inside of Syria to weaken the Assad government and compel it to change its repressive policies. Some of this has involved my convincing other countries' ambassadors to make particular recommendations to their own capitals. For example, the Turks can play an extremely important role, and I regularly exchange ideas with the Turkish Ambassador in Damascus who has direct access to the senior Turkish leadership. It is important that the Turks and we first agree in our assessments of what is happening on the ground, and then decide how best to press the Syrian Government.

I have also been able to encourage and work with the Syrian opposition. Syrians have been denied the opportunity to participate in politics for 40 years, and the Syrian Government still refuses to allow them the space and security to openly organize. In such a short period of time, however, they have made much progress. We support calls by the Syrian opposition to unite around the principle of a representative, inclusive, and pluralistic government that respects the rights of all of Syria's citizens. Furthermore, by supporting a pluralistic and inclusive opposition we aim to prevent sectarian violence. More Syrians are joining the opposition despite the

risk of government retaliation. Indeed, the opposition's ranks now include Alawi, Druze, and Christian Syrians, as well as businessmen, merchants, and even military servicemen.

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QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* What are you seeing in Damascus about how this regime is functioning and perhaps more importantly, how are different elements of Syrian society reacting? How close is President Assad to actions of his regime?

Answer. In Damascus itself, the regime is functioning more or less normally, although there are more security elements deployed in restive neighborhoods, such as Medan and Rukn ad-Din. If a demonstration erupts in Damascus—and there are now usually one or two in the evenings—these security elements intervene immediately, beating and arresting protesters. In central Damascus, life is normal although shops and restaurants do less business than they did at the start of the year. The merchant class is very unhappy about the economic situation and scared about the future. Many Damascenes tell us that the mood of Ramadan this year is much less festive than in years past.

Many in the Damascus Christian community fear that an Islamic fundamentalist government would follow if the current regime falls. They, along with many in the Damascus Allawi community, remain generally supportive of the regime, afraid that the next government will persecute minorities and thus they hold fast to the Assad regime. The regime's shocking brutality over the past 5 months and opposition figures' outreach to these communities is eroding that support, especially as the regime has not followed up on promises, like ending the emergency law, and thus there has been no real improvement on the ground. What the Secretary has said still holds true—Syrian Government actions, not words, are what matter.

Ultimately, President Assad is the head of state and he is responsible for the actions of those beneath him. We do not know if there were times when elements of the security forces stepped outside the boundaries of their orders. However, we do know that, at the end of the day, Assad is responsible. President Assad is the one who has created an environment in which violence, repression, and human rights violations can occur without anyone being held to account.

*Question.* How do you see this playing out? Particularly if it draws out for another 6 months?

Answer. The breadth and endurance of the street protests shows that a transition is underway in Syria, and I strongly doubt that the Syrian people will go back to where they were before all of this started. Assad's reputation and legitimacy are permanently destroyed for most Syrians, even among many who fear Islamic fundamentalists. Who or what will replace Bashar Assad is unclear, although the Syrian internal opposition is working to develop a transition plan. With regard to a timetable for Syria's transition to democracy, I cannot say for sure. Day after day for months now, the Syrian people have taken to the streets peacefully demanding an end to the violence and a change of government. They have organized themselves, they have acted as journalists to ensure the entire world is able to witness what is taking place there, and they have refused to be intimidated. They have shown intense resolve and so I am confident that with the continued support and pressure of the international community, they will see this transition through. The regime's use of Allawi-dominated security units in residential areas has boosted sectarian tensions and at times sparked incidents of sectarian violence. If the struggle on the streets continues for a long time, the risk of broad sectarian violence will rise. For this reason, the United States is boosting unilateral pressure on the Assad regime to stop its repression, and we are working closely with foreign partners to boost international pressure on the regime as well.

*Question.* How do you balance support for the opposition (would you call it a unified movement yet?) with our longstanding concerns about terrorism, proliferation, and regional security?

Answer. The Assad regime, not the Syrian people demonstrating for democracy, is responsible for fomenting regional instability, supporting terrorist organizations, and attempting to develop nuclear bombs. The Assad regime has denied the people of Syria the opportunity to participate in politics for 40 years, and it continues to deny them the space and security to openly organize or work politically. Frequent government harassment slows development of a coordinated and strong opposition. My Embassy team and I have encouraged the Syrian opposition to unite around the principle of a representative, inclusive, and pluralistic government that respects the

rights of all of Syria's citizens equally. We have underlined consistently to the opposition that we oppose political violence and they have in response stressed to us their goal of keeping the opposition to the Assad regime peaceful. Meanwhile, we also are pressing the Syrian Government to allow the opposition to meet and organize. We have had some success, such as the June 27 opposition conference held in Damascus. Our support has to be done carefully, however, as the Syrian Government propaganda machine frequently blames American intervention for the country's problems, and this point plays well with those still support the Assad regime. That being said, there is absolutely nothing being done in support of the Syrian opposition that goes against the administration's concerns and policies with regard to terrorism, proliferation, and regional security.

*Question.* Describe the dynamics in neighboring countries as this violent repression goes on; with the recently unveiled Hariri indictments, the Turkish Military Staff resignations as we discussed with Ambassador Ricciardone, et cetera? How has Hezbollah responded? Hamas? Our Israeli friends?

Answer. We are closely monitoring developments in Lebanon, which, thus far, remains stable despite the unrest in Syria. We have encouraged the Government of Lebanon to protect Syrian refugees that have fled into Lebanon and avoid taking positions that would align themselves with Assad's regime and its ongoing crackdown. Lebanon retains a complex and unbalanced relationship with Syria, which now tests Lebanon's ability to maintain its independence and good standing in the international community. We have received reports of Syrian protestors burning Hezbollah (and Iranian) flags. Frankly, we are not surprised that demonstrators are angered by Hezbollah's apparent support for the Assad regime's brutal use of force and violence against its own citizens. And we have also seen demonstrations by the Lebanese people in support of the Syrian protestors.

Prime Minister Netanyahu has said that Israel will not intervene in the unrest in Syria and that the Syrian people "deserve a better future." Clearly Turkey is concerned about what is taking place in Syria—they are neighbors and have spoken out forcefully against the violence. With regard to the recent military resignations in Turkey, our military ties to Turkey are longstanding and robust. Turkey remains a strong U.S. ally. A change in personnel will not affect our longstanding ties and deep tradition of military cooperation. Turkey has a long border and many ties to Syria; they have significant interests in Syria. While the Turkish Government wants to pursue its own foreign policy as a sovereign state, it also understands the utility of coordinating with the United States and the EU.

*Question.* Some have suggested that EU oil sanctions on Syria, and Sytrol in particular, would have a significant impact. An op-ed in the Huffington Post yesterday stated: "An EU ban on commercial activity by a handful of Syrian oil companies could deprive the Assad regime of the foreign exchange they critically need to fund the repression of protests. If the regime ran out of money to pay its security forces and there was a run on the Syrian pound, loss of business confidence in the Assads would accelerate. Brussels, unusually, is in a position to make a major unilateral contribution and be on the right side of history in the Arab Spring."

- (a) What is your assessment of the effects of such an action?
- (b) Are there further unilateral efforts that might have teeth?
- (c) What more can be done to broaden the list of participants in multilateral sanctioning efforts?

Answer (a). EU sanctions on the Syrian oil sector, or on the exclusive marketer of Syrian crude oil, Sytrol, would have an impact on the Assad regime. According to the Energy Information Administration, Syria currently exports 117,000 barrels per day (bpd) of crude oil. The majority of these exports are purchased by refineries in EU countries pursuant to long-term contracts. EU sanctions would make it difficult for Sytrol to market this oil to other refineries and would likely result in revenue losses as the company sought out new purchasers in countries not participating in an EU sanctions regime. Sanctions would constrict demand for Syrian crude oil and would likely further reduce what Sytrol is able to charge. The impact on government revenues would be substantial, and this at a time already of significant economic stress. We can expect that the Syrian Government would claim that Western pressure is ruining Syria's economy and hurting the Syrian population, and we will need to craft and target our own public messaging carefully. We also will need to encourage prominent Syrians to explain the utility of energy sector sanctions to a largely uncomprehending Syrian public.

Answer (b). The oil sector is Syria's largest export sector and a significant source of Syrian Government revenues. There are few other export categories that would have as significant of an impact.

Answer (c). We will continue to reach out to all possible partners and work with our allies on targeted sanctions and diplomatic measures at the U.N. to increase pressure on the Assad regime and press for the space for a Syrian-led democratic transition. I meet regularly with the ambassadors from other key states either to influence their assessments and strategies or, if we are in agreement, to coordinate our approaches.

What is taking place in Syria is an international crisis which has resulted in significant refugee flows and threatened regional stability. This crisis requires a unified response from the international community condemning the atrocities taking place and calling for an end to the violence.

*Question.* You indicated that these protestors are aware that Iran and Hezbollah are backing the government in their repressive tactics, and that Hezbollah flags are being burned. What is the impact within Lebanon of the activity?

Answer. We are aware of these reports. It is not surprising that demonstrators are angered by Hezbollah's apparent support for the Assad regime's brutal use of force against its own citizens. We are closely monitoring developments in Lebanon, which, thus far, remains stable despite the unrest in Syria. We have encouraged the Government of Lebanon to protect Syrian refugees that have fled into Lebanon and avoid taking positions that would align themselves with Assad's regime and its ongoing crackdown. Lebanon's unbalanced relationship with Syria is testing Lebanon's ability to maintain its independence and good standing in the international community. For example, Lebanon agreed to the U.N. Security Council Presidential Statement condemning the Syrian regime's use of violence against demonstrators but later disassociated itself from the statement. We will continue to encourage Lebanon to meet its international obligations and work toward a politically independent Lebanon.

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## RESPONSES OF ROBERT FORD TO QUESTIONS SUBMITTED BY THE FOLLOWING SENATORS

### QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* There is growing consensus among experts that Assad's downfall depends on losing support from the military. What actions can the United States take to siphon support from the military? At the same time, what actions are you taking to persuade Assad and other senior government officials to embrace reform? What steps have you recommended to the State Department and White House? Is the United States working with the EU to formulate additional sanctions, such as a ban on the purchase of Syrian oil? What role are other countries and leaders playing in this dialogue, such as Prime Minister Erdogan in Turkey?

Answer. It is very important for the Syrian people to be the leaders and the drivers of the transition currently underway in Syria. The United States has taken numerous steps to help move this process forward, including coordinating international support for action at the United Nations and coordinating with partners to target regime finances through sanctioning individuals who help the Assad circle as well as government entities and private companies involved in the repression or the financing of this repression. These designations have included commanders—but not the rank and file soldiers—of elements of the Syrian military and intelligence services.We are in conversations with our allies to explore additional targeted economic sanctions, including in the energy and financial sectors, to deny the regime resources to continue its brutality against the Syrian people.

The United States also led an international effort that resulted in a unanimous United Nations Security Council Presidential Statement condemning the abuses of the Syrian Government. The United Nations Human Rights Council also issued a statement condemning the regime atrocities. We are working multilaterally to put pressure on the Assad regime by isolating it and depriving it of resources to continue its brutal repression.

I personally recommended a series of diplomatic initiatives with partner countries, as well as specific steps we and partners could take inside Syria to weaken the Assad government and compel it to change its repressive policies. Some of this has involved my convincing other states' ambassadors to make particular recommendations to their own capitals. The Turks could play an extremely important role, and I regularly exchange ideas with the Turkish Ambassador in Damascus who has direct access to the senior Turkish leadership. It was important that the Turks and we first agree in our assessments of what is happening on the ground, and then decide how best to press the Syrian Government.

*Question.* Assad continues to retain some support from minority groups that are concerned about sectarian violence post-Assad. These groups are concerned that their situation will degenerate in the turmoil of a transition. How are you working (unilaterally or multilaterally) to reassure minorities fearful of a transition?

Answer. The U.S. Government is reaching out to the Syrian opposition and encouraging it to ensure that the freedoms and dignities of all ethnic and religious groups in Syria are respected and to underscore the opposition's commitment to this end. My team and I have encouraged the opposition to reach out to Syrian minority leaders to reassure them that a democratic Syria would not retaliate against minorities, and we have had positive reactions from elements of those minorities.

We also are working to support the free flow of information, both inside of Syria so that Syrian citizens can obtain a true picture of what is taking place, and outside of Syria so that the world can bear witness to the Assad regime's atrocities, especially the fact that it is the Assad regime itself that is stoking many sectarian fears. Last, Syria has a long history of peaceful coexistence among its various ethnic and religious groups, and the United States is confident this tradition will outlive the Assad regime.

*Question.* What can you tell us about your meetings with civil society and opposition figures? Have you been able to identify credible leadership structures, and what are the defined goals and strategies for consolidating a democratic state should Assad fall? What is the capacity and readiness of the opposition to guide a democratic transition in post-Assad Syria, and how are you working to build this capacity in the interim? Is there a need or a role for enhanced U.S. democracy assistance?

Answer. Syrians have been denied the opportunity to participate in politics for 40 years, and the Syrian Government continues to deny them the space and security to openly organize. The Syrian opposition has made some progress, but it has far to go. Frequent government harassment slows development of a coordinated and strong opposition. We continue to encourage all members of the Syrian opposition to unite around the principle of a representative, inclusive, and pluralistic government that respects the rights of all of Syria's citizens. We also are pressing the Syrian Government to allow the opposition to meet, and we have had some success, such as the June 27 opposition conference held in Damascus. Our support has to be done carefully, however, as the Syrian Government propaganda machine frequently blames American intervention for the country's problems, and this point plays well with those who still support the Assad regime.

The United States is encouraging the development of a robust civil society in Syria. We are listening to a range of Syrian voices both inside and outside the country. It is important that the Syrian people decide for themselves what will happen inside Syria. The opposition is slowly developing into a substantive and credible force. Additional information can be provided through briefings.

*Question.* Over the weekend, as many as 121 people were killed in Syria as a result of the military crackdown on protesters, the majority in Hama. These events are eerily reminiscent of the 1982 crackdown on Hama, during which tens of thousands of Syrians were killed by President Assad's father to retain control and repress dissent. What is the United States doing to prevent a repeat of the 1982 massacre and subsequent stamping out of democratic aspirations in Syria? How can the United States reassure protesters of its support, and prevent Assad from committing mass atrocities to retain control?

Answer. I traveled to Hama in order to relay to the people of Hama and to the Syrian people that the United States supports the Syrian people and demands that the regime immediately stop its violent repression of peaceful protesters. My travel to Hama helped draw international attention to the efforts of the Syrian people to effect peaceful change in their own country. They have a right to hold peaceful demonstrations and to demand that their fundamental rights be respected. There is no going back to the status quo. Assad's regime cannot continue to use torture and killing to break the will of the Syrian people. Try as he might, Assad can't stop change from coming to Syria. I have spoken out vigorously to the Arabic and Western media about the recent brutal government actions in Hama and elsewhere. I have helped design a set of new sanctions that the administration is readying. Even as the regime's security forces killed dozens of people in Hama, the protests continued throughout Syria. The people of Syria have shown that they are no longer afraid and will not be cowed by the regime's brutality.

QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

*Question.* In your opening statement, you mention that the Syrian opposition "is slowly becoming an effective, broad-based opposition." What is the U.S. Embassy doing to support and engage the opposition to help them become a more effective political entity?

Answer. Syrians have been denied the opportunity to participate in politics for 40 years, and the Syrian Government is still not allowing them the space and security to openly organize. In such a short period of time, however, they have made some progress. We are encouraging all of the various players in the Syrian opposition to unite around the principle of a representative, inclusive, and pluralistic government that respects the rights of all of Syria's citizens. We also are pressing the Syrian Government to allow the opposition to meet, and we have had some success, such as the June 27 opposition conference held in Damascus. The regime's reflex, however, is to repress and arrest. Our support has to be done carefully, as the Syrian Government propaganda machine frequently blames American intervention for the country's problems, and this government line plays well with those still supporting the Assad regime.

The United States is encouraging the development of a robust civil society in Syria, as we do in all countries. The United States is also listening to a range of Syrian voices both inside and outside the country. It is important that the Syrian people decide what will happen inside of Syria.

*Question.* In your opening statement, you say, "It is time for us to start thinking about the day after Assad." In your opinion, what more should the United States be doing to prepare for the "day after Assad?" What plans are in place to prepare for this outcome?

Answer. The best way we can help now and in the future is by supporting the Syrian people's right to freedom and dignity and to work with the international community to press the Syrian Government to allow space inside of Syria for the opposition to work. The United States remains committed to seeing violence end. The Syrian people will decide what a democratic transition will look like.

*Question.* How much influence might countries like Turkey, Russia, and Saudi Arabia have on the situation in Syria? What steps is the U.S. Government taking to engage these countries on Syria?

Answer. Syria's neighbors and major trading partners can have a significant impact on changing the behavior of the Assad regime. We will continue to reach out to all possible partners and work with our allies on targeted sanctions and diplomatic measures at the U.N. in order to increase pressure on the Assad regime and press for the space for a Syrian-led democratic transition. I meet regularly with the ambassadors from other key states either to influence their assessments and strategies or, if we are in agreement, to coordinate our approaches.

What is taking place in Syria is an international crisis which has resulted in significant refugee flows and threatened regional stability. This crisis requires a unified response from the international community condemning the atrocities taking place and calling for an end to the violence.

It cannot be stressed enough, however, that the greatest influence on Syria is the influence that the Syrian people have on their own country.

*Question.* What is the regional impact of the ongoing crackdowns in Syria? In particular, what is the impact on stability with regard to Lebanon, as well as Turkey, Jordan, and Israel?

Answer. The regime's violence against its own people has resulted in over 12,000 refugees fleeing Syria to other neighboring countries and over 30,000 Syrians internally displaced by the violence. The continuing abuses by the Syrian Government will inevitably lead to greater instability in the region. We do believe that Assad's regime could try to foment instability in the region in an effort to retain power and distract the international community. This has already taken place. For example, on June 5, 2011, pro-Palestinian protestors supported by Assad's regime attempted to enter parts of the Golan Heights, which led to at least 23 deaths. It is important for us to work with Syria's neighbors and act together to stop the instability outside of Syria and to help the Syrian people gain the dignity and freedom they deserve.

*Question.* Have you found that your presence in Damascus has had a greater impact than the U.S. Government could have with a lower-ranking official leading Embassy operations?

Answer. I have been able to help secure the release of U.S. citizens and Syrian political prisoners. We have been able press the Syrian Government to allow some

limited access to international media, such as CNN and NPR. I have also been able to encourage and work with the Syrian opposition.

I have been trying to draw the attention of the Syrian regime and the attention of the international community to the legitimate grievances the Syrian people have with their government. The Syrian people want to be heard, and a high ranking U.S. official can help them be heard. I believe that it is in our best interest as well as the Syrian's people's best interest to keep a high-ranking U.S. official inside of Syria so that we can have the strongest possible impact on change in Syria. If confirmed, I hope to be able to continue this work.

*Question.* What is your assessment of international sanctions on Syria? Are they having an effect on Syria's Government and its key leaders?

Answer. The sanctions against Assad's regime are causing economic impacts and damaging parts of regime, especially the regime's source of funding. Let me share some success stories. One of President Assad's cousins, Rami Makhlouf, is very well known in Syria and is probably the richest man in the country. He is a very unscrupulous businessman and a financial supporter of the regime. We have targeted him very specifically, as well as his companies, because we know he helps finance the regime. By working with the EU, we made sure that he could not get to Cyprus and he could not get Cypriot citizenship.

Furthermore, Cham Holding is one of Makhlouf's biggest companies, so we targeted it specifically. We targeted certain individuals on its board of directors. When the board members' terms expired at the end of April, they were too afraid of being individually designated by our sanctions and they refused to hold another board meeting. The government finally insisted that businessmen come together and have a board meeting in July. At the conclusion of the meeting, they were only able to come up with half of a board and one vice-chairman, but no one agreed to be the chairman of Cham Holding.

U.S. sanctions do bite, but it is important that it is not just our bite. We are coordinating sanctions and encouraging other countries to use targeted sanctions against Assad's regime. If the violence continues, we will expand our use of targeted sanctions on banks, companies, and individuals who support Assad's regime. The United States will continue to seek ways to increase pressure on Assad and his regime while simultaneously attempting to shield the Syrian people from economic harm.

*Question.* In your opinion, should the situation in Syria be referred to the International Criminal Court? Should President Assad be indicted on charges of committing crimes against humanity?

Answer. The killing and torture of peaceful demonstrators is unacceptable and must be stopped. The U.S. Government has expressed our disgust with the ongoing violence and has called for a democratic transition in Syria that will bring freedom and dignity to the Syrian people. We are exploring options with respect to the International Criminal Court.

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QUESTIONS SUBMITTED BY SENATOR JAMES E. RISCH

*Question.* While Secretary Clinton has recently declared that Assad has no legitimacy to rule, the administration still has not called for his departure. While the administration called for President Mubarak's departure in Egypt, it has not called for Assad's departure. When can we anticipate the administration call for Assad's departure?

Answer. The administration believes that it is up to the Syrian people to decide what happens inside of Syria. We have for many years vigorously condemned Syrian human rights abuses and, since the intensification of the government's repression in late March, we have spoken out forcefully and condemned the Assad regime's shootings of peaceful demonstrators and the mass arrest campaigns. As the Syrian protest movement grew stronger, we declared publicly that Assad had lost his legitimacy. Each country is different, and therefore our policy toward Syria cannot be a replica of our policy toward Egypt, Libya, or anywhere else. We have had a longstanding partnership with Egypt, while we have long been adversaries of Syria. As we have less unilateral leverage in Syria, we have worked closely with other partners to boost not just American pressure but also international pressure on the Assad regime.

We have made clear our view that Assad cannot lead a democratic transition, that we have no American interest in the continuation of his government, and that his government will be left in the past as the democratic transition moves forward. We

have also stressed that the Syrian people, not foreign states, will decide what will happen in Syria and we will be there to support them.

President Assad must stop the killings now, remove his security forces from residential streets, release political prisoners and detainees, and permit access to the U.N. Human Rights Council's fact-finding mission. The international community has the responsibility to speak out against violence toward peaceful protestors and threats to international peace and security. We have done so and will continue to do so.

*Question.* What message do you believe is sent to the Syrian people by not calling for his departure? Do you believe there should be a role for any member of the Assad family in Syria's future?

Answer. The message we are sending to the Syrian people is that this movement is a Syrian movement, and that the United States and the international community stand behind them in their aspiration for freedom, democracy, and peace. We are working hard to get this message out through our Embassy outreach and programming, public statements, and work at the various multilateral organizations. The Syrian public's reactions to my visit to Hama in July demonstrated that it understands that we support immediate political change and an end to repression in Syria. As to whether or not there is any role for a member of the Assad family in Syria's future that is up to the Syrian people. We have stated publicly that we do not believe Assad will implement reforms, that his regime will soon be part of the past and that we have no interest in the regime's continuation. What we are advocating for is a peaceful transition to democracy where all Syrians are free to choose leaders who are responsive to their demands. Most Syrians are, however, suspicious of American intent in Syria because of our close ties to Israel, and therefore we also stress that Syrians alone must decide Syria's political future.

*Question.* Can you think of a symbolic action the United States might realistically take that would more clearly demonstrate our break with Assad and his clan, and would more clearly show that we want him out, besides recalling our Ambassador?

Answer. We have taken, and continue to take, concrete steps to demonstrate to the Assad regime the cost his government will pay for the atrocities being committed. For the first time ever, the Obama administration in May 2011 specifically sanctioned Bashar Assad and his brother Maher. The administration extended sanctions to other members of his family, members of the Syrian Government, private businessmen who have bankrolled the regime, and corrupt government institutions, among others. We have condemned Assad at the United Nations as well as at the Office of the High Commissioner for Human Rights. We will continue taking steps to pressure Assad into ending the bloodshed and this is where I believe our focus should be—on concrete actions, not on symbolic measures. Visibly standing up to the Assad regime, as I did when I went to Hama, and mobilizing international support in an unprecedented fashion against the Assad regime, have shown the Syrian public that for us Assad's regime soon will be in the past. We have also kept the focus throughout on the Syrian people being in the lead in this transition so that the regime cannot justify its repression by saying it is standing up to an "American-Zionist conspiracy."

*Question.* In the wake of your visit to Hama, which was one of the most effective actions you have taken while in Syria, how much freedom of movement do you now have in Syria?

Answer. The Syrian Government has attempted to put in place travel restrictions on me and other diplomats. These travel restrictions were in place prior to my travel to Hama and are still in place today. Movement is not easy, frankly, and there are new security "issues" in the wake of my Hama visit. Regardless of these restrictions, I will continue to move around the country as necessary and meet with Syrians from all walks of life and to show our support for respect of the Syrian people's right to express themselves freely, march peacefully, and organize themselves politically.

*Question.* I assume your every movement is covered by the Syrian secret police and every visitor to the Embassy is noted by them, with this type of surveillance how effectively can you engage with the opposition? Has it become too dangerous for them to meet with you?

Answer. In spite of the various methods used by the Syrian Government to intimidate democracy advocates in Syria and members of our mission in Damascus, we regularly talk to and meet members of the opposition. We and they are careful obviously. That said, the reductions in our mission staff because of security considerations more than Syrian Government intelligence service actions have hindered our

contacts. Nonetheless, the mission is in touch with dozens of different Syrians weekly. The United States is listening to a range of Syrian voices both inside and outside the country. The Syrian people decide what will happen inside of Syria, but we seek to understand what government constraints are most noxious and then weigh in with the Syrian authorities, often in coordination with other countries' ambassadors, to extract space for the opposition and activists to work. If I am confirmed, I will be able to continue this important work.

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QUESTIONS SUBMITTED BY SENATOR MARCO RUBIO

I commend your initiative in visiting Hama to demonstrate American support for the Syrian people's demands for an end of the Assad regime and a more democratic future, and the President's decision to extend U.S. sanctions against President Assad and other senior Syrian officials for their role in suppressing peaceful demonstrations in Syria.

*Question.* What else could we do to lead our friends in Europe, Turkey, and the Arab Gulf in adopting strict economic sanctions and visa restrictions against Syrian officials?

- How soon could the Syrian regime replace these relations with Chinese and Russian connections?

Answer. The United States has led the international community and forcefully spoken out against the abuses of the Assad regime from the start of this crisis. We believe that by working with our allies targeted sanctions will have the greatest impact. It is important for the U.S. Government keep up the coordination with our allies in order for targeted sanctions to have greater effect. I do some of this coordination in Damascus. Given that most Syrian officials have more assets in the EU, Turkey, and the Arab Gulf than in the United States, working with our allies is critical for sanctions regime success. To date the EU has sanctioned 35 Syrian entities and individuals, in addition to imposing travel bans on those individuals and embargos on sales of arms and equipment that can be used to suppress demonstrations. We continue to encourage Turkey and the Arab States to take all steps possible to bring an immediate end to the Assad regime's repression. For example, we are discussing with our partners sanctions in the oil and gas sector and additional sanctions on Syrian businesses and individuals involved in helping the government repress its people.

In addition, what is taking place in Syria is an international crisis which has resulted in massive refugee flows and threatened regional stability. Such a crisis requires a unified response from the international community condemning the atrocities taking place and calling for an end to the violence.

We will continue working with all nations, including Russia and China, in an effort to isolate the Assad regime and clearly articulate the international community's condemnation of its actions and decisions. Russia and China's decision to allow the U.N. Security Council to adopt a Presidential statement was a positive sign.

*Question.* How much freedom of movement is the Syrian Government granting you after your visit to Hama?

Answer. The Syrian Government has put in place travel restrictions on all diplomats serving in Damascus. These travel restrictions were in place prior to my travel to Hama and are still in place today. Regardless of these restrictions, I will continue to move around the country as necessary and meet with Syrians from all walks of life. Such movements could cause additional friction with the Syrian authorities.

Statement: The Assad regime's use of the army to murder hundreds of unarmed demonstrators proves that Bashar is no reformist but rather a continuation of his father's reign of terror.

*Question.* To what extent has the regime sought to play out ethnic and religious differences to suppress the demonstrations? Are there any indications that the regime has reinforced or accelerated efforts to fuel sectarian strife as protests have grown in organization and size?

Answer. Syria has a unique history of peaceful coexistence between religious communities that long predates the Assad regime and the Baath Party system. Syrians have a proud and strong national identity and the opposition has made clear its intention to preserve it. The Syrian regime, unfortunately, is cynically manipulating sectarian tensions in an effort to divide the Syrian people. Its use of predominantly

Alawi gangsters (called "shabeeha") to repress some demonstrations and make arrests has aggravated sectarian tensions in cities like Homs and Lattakia.

Despite the regime's actions, minority participation in the opposition is growing. As the regime's violence and oppression continues to create divisions and exacerbate economic conditions, more Syrians will eventually view the regime as the source of the problem, rather than a guarantor of stability.

Statement: The President justified the NATO military effort in Libya on Qadhafi's threats to slaughter thousands of innocent Libyans. In Syria, we are actually seeing such massacres, now at about 2,000 people and climbing very fast.

*Question.* How do you explain the administration's hesitation to clearly call for Assad's departure? When would the President clearly and unmistakably call for Assad to step down from power? What are you hearing from Syrians regarding our hesitation to definitely call for Assad to step down and for the Assad family to have zero role in Syria's future?

Answer. The administration believes that it is the right of the Syrian people to decide what happens inside of Syria. We have for many years vigorously condemned Syrian human rights abuses and since the intensification of the government's repression in late March we have spoken out forcefully against the shootings of peaceful demonstrators and the mass arrest campaigns. As the Syrian protest movement grew stronger, we then declared publicly that Assad has lost his legitimacy.

The President will decide if and when to call for Assad to step down. We already have publicly declared that he cannot lead a democratic transition, that we have no American interest in the continuation of his government, and that his government will be left in the past as the democratic transition moves forward. We also stress that the Syrian people, not foreign states, will decide what will happen in Syria and we will be there to support them.

Syrian opposition members have asked the U.S. Government to call on Assad to depart Syria, but at the same time they have clearly stated that they do not want foreign military intervention. President Assad must stop the slaughter now, remove his security forces from the streets, release political prisoners and detainees, and permit access to the U.N. Human Rights Council's fact finding mission. He must stop the massive campaign of arrest, torture, and intimidation. The international community has the responsibility to speak out against violence toward peaceful protestors and threats to international peace and security. We have done so and will continue to do so.

*Question.* Can you think of a symbolic action the United States might realistically take that would more clearly demonstrate our break with Assad and his clan, and would more clearly show that we want him out?

Answer. We have taken real actions, which are far more important than symbolic ones, in order to demonstrate our break with the Assad regime. This administration for the first time designated Bashar al-Assad and his brother Maher under our sanctions regime, and we carefully coordinated this with international partners for maximum effect. American officials have been forceful in recent weeks stating that Assad has lost his legitimacy. In addition, the administration issues a new Executive order designating those complicit in violating the human rights of the Syrian people and sought and obtained a U.N. Security Council Presidential Statement condemning the actions of the regime, as well as the U.N. Human Rights Council's authorization of a fact-finding mission to Syria—all concrete steps to pressure the Assad regime. The Assad regime's time is limited—a democratic transition is underway and it cannot be stopped. It is time for the Syrian people to be free and live their lives with dignity.

*Question.* According to news reports in late April, an American diplomat was detained, hooded, and "roughed up" despite his diplomatic immunity. How did the United States respond to this?

Answer. It is true that one accredited Embassy personnel was detained and later released by Syrian authorities. He was briefly blindfolded but not physically abused. We protested this action with senior officials in Damascus and Washington. The Syrian Foreign Minister told me it would not happen again, and it has not. It is important that the Syrian Government allows the free flow of information so that the international community and the Syrian people can receive independent verification of events on the ground. Lifting the bar on visits by more foreign journalists would be welcome, and I am working hard to do just that.

*Question.* What can the United States do to prevent Assad from provoking sectarian violence?

Answer. We must remember that Syria has a long history of people from various ethnic and religious groups living and working side by side in peace. We are confident that this tradition will continue long after Assad is gone. Where we have seen attempts by the regime to incite religious and ethnic tensions, the Syrian people have quickly spoken out against such incitement and in favor of a united Syria. We have sought to highlight instances where the Syrian authorities have stirred sectarian fears, as we did publicly in Embassy press comments after the start of the latest Hama fighting and in my public testimony in front of the Senate Foreign Relations Committee. Furthermore, by supporting a pluralistic and inclusive opposition we can help prevent sectarian violence.

*Question.* What can we do to reassure Christians, Druze, Kurds, and Alawites that they will not be targeted if a Sunni-led government wins power, or persuade Sunni groups to offer many more and more persuasive reassurances?

Answer. Syria has a long history of being a secular society and it will continue to be one once Assad is no longer in power. By supporting a broad and inclusive opposition we can help assure that Syria will always be a country that respects religious rights and beliefs. My team and I have encouraged the opposition to reach out to Syrian minority leaders to reassure them that a democratic Syria would not retaliate against minorities, and we have had positive reactions from elements of those minorities.

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QUESTIONS SUBMITTED BY SENATOR MIKE LEE

*Question.* Ambassador Ford, thank you for your willingness to serve in Syria, a nation that is in turmoil. In light of the recent violence and attacks on the U.S. Embassy in Damascus, do you feel it is safe and prudent to have a U.S. Ambassador stationed in Syria? Please share a few of the specific benefits you have observed of having a U.S. Ambassador present in Syria.

Answer. It is a privilege for me and my team to serve in Syria. While there are risks associated with my service in Syria, we assess the risk to be manageable. I travel with a security detail and strongly believe that the benefits to having an ambassador in Damascus far outweigh the mitigated risks. I see it as an integral part of my mission to give the Syrian people an ear and a voice. My presence is one of the most effective tools of pressure we have on the Syrian Government. The Syrian Government's unhappiness with much of my work, which we see reflected in angry government-controlled media coverage, shows that my work is getting their attention and resonating with segments of Syrian society. I convey our tough messages to the government, and am also in constant contact with the Syrian opposition. If confirmed, I would continue to fulfill these roles into the future.

By maintaining a high-level presence, we are able to support the demands of the Syrian people and promote respect for their basic human dignity. As I mentioned in my prepared statement, my presence helps draw attention to the legitimate grievances of the peaceful protestors so that the international community and, more importantly, the Syrian regime pays attention. The Syrian people want to be heard. My visit to Hama showed that a high-ranking U.S. official can help them be heard.

Regional outreach is critical. I meet regularly with the ambassadors from other key nations, either to influence their assessments and strategies or, if we are in agreement, to coordinate our approaches. It is important, for example, that the U.S. Government to work in concert with our allies in order for targeted sanctions to have greater effect. I do much of this coordination in Damascus. Given that most Syrian officials have far more assets in the EU, Turkey, and the Arab Gulf than they do in the United States, working with our allies is critical for the sanctions' success. I personally recommended a series of diplomatic initiatives with partner countries, as well as specific steps we and partners could take inside of Syria to weaken the Assad government and compel it to change its repressive policies. Some of this has involved my coordinating with other countries' ambassadors on particular recommendations to their own capitals. For example, Turkey plays an extremely important role, and I regularly exchange ideas with the Turkish Ambassador in Damascus who has direct access to the senior Turkish leadership. It remains important for us to consult with the Turks on what is happening on the ground, and then decide how best to press the Syrian Government.

I have also been able to encourage and work with the Syrian opposition. Syrians have been denied the opportunity to participate in politics for 40 years, and the Syrian Government still refuses to allow them the space and security to openly organize. In such a short period of time, however, they have made some progress. We encourage all of the various players in the Syrian opposition to unite around the

principle of a representative, inclusive, and pluralistic government that respects the rights of all of Syria's citizens equally. Furthermore, by supporting a pluralistic and inclusive opposition we aim to prevent sectarian violence. More Syrians are joining the opposition despite the risk of government retaliation. Indeed, the opposition's ranks now include Alawi, Druze, and Christian Syrians, as well as businessmen, merchants, and even military servicemen.

Additionally, I have been able to help secure the release of U.S. citizens and Syrian political prisoners. We have been able press the Syrian Government to allow some limited access to international media, including CNN and NPR.

*Question.* In light of recent events in Syria, would you classify the Obama administration's strategy of engaging the Assad regime a success or failure? Please explain.

Answer. Having an ambassador in Damascus has been a success even if we have not achieved all that we had hoped for. It is important that high-level members of the regime fully understand the position of the United States before they act. On some occasions, including the government's release of several detained Americans, and the government's allowing an opposition conference in late June, they have responded to our discussions. Obviously, we are entirely dissatisfied with the government's brutal handling of the protests which is why the President and the Secretary have urged that Assad step aside. In this time of upheaval, it is doubly important that we have the ability to coordinate our efforts throughout the region, and to provide Washington policymakers with a clear and detailed picture of what is happening in the country. This is particularly helpful given that the Assad regime has restricted international media and human rights monitors.

*Question.* Moving forward, how do we responsibly communicate with a Syrian Government that, as Secretary Clinton has stated, "has lost all legitimacy?"

Answer. What the United States supports is a Syria that is democratic, just, and inclusive. We will support this outcome by pressuring President Assad to get out of the way of this transition and by standing up for the universal rights of the Syrian people. We have two goals in communicating with the Syrian Government going forward. First, we will deliver one clear and consistent message: Assad's calls for dialogue and reform ring hollow, he refuses to lead a genuine democratic transition and he should step aside. We have another goal which is to bring more and more of the international community to join us in sending that message. We have had success with EU states, Canada, Japan and a few others. One of my efforts in Damascus is to explain our perception of events on the ground in Syria to other ambassadors and visiting journalists and help bring them to share our understanding of the way forward and how other countries can help communicate that to Syrians as well.

It is up to the Syrian people to choose their own leaders, not foreigners. Our role is to support them. After a growing chorus of condemnations from all corners of the region and globe, Assad can have no doubt that he faces great isolation both at home and abroad.

*Question.* Compare the regime of Bashar al-Assad to that of Syria's neighbors in the region. Do you feel that Assad's regime is a greater threat to security in the region than Qadaffi's regime in Libya? Why or why not?

Answer. No two countries in the region are the same, and the violence in Syria and Libya has manifested itself in different ways. Without a doubt both Assad and Qadaffi are brutal dictators that continue to threaten international peace and security. So, while the objectives of protecting civilians and supporting universal rights are similar in these two countries, we do not believe the same means employed in Libya would work at the current time in Syria. Therefore, we are actively pursuing a range of nonmilitary options to increase pressure on the Syrian regime.

The Assad regime's violence against its own people has resulted in over 2,000 deaths, 12,000 refugees fleeing Syria to neighboring countries, and over 30,000 Syrians internally displaced by the violence. The continuing abuses by the Syrian Government will inevitably lead to greater instability in the region. We do believe that Assad's regime could try to foment instability in the region in an effort to retain power and distract the international community. In fact, this has already taken place. For example, on June 5, 2011, pro-Syrian protestors supported by the Assad regime attempted to enter parts of the Golan Heights, which led to at least 23 deaths. It is important for us to work with Syria's neighbors and act together to stop the instability outside its borders and to help the Syrian people gain the dignity and freedom they deserve. Moreover, Syria's longstanding support to terrorist groups, such as Hezbollah and Hamas, harms stability in Lebanon and harms efforts to reach an agreement between Israel and the Palestinians. In addition, Syrian sup-

port for extremist networks in Iraq over the past 7 years has lead to the deaths of thousands of U.S. and Iraqi servicemen and Iraqi civilians. The Syrian Government is, therefore, a major source of instability in the region, and American interests, and those of the Syrian people, will be better served when Assad steps aside.

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## RESPONSES OF FRANCIS RICCIARDONE TO QUESTIONS SUBMITTED BY THE FOLLOWING SENATORS

### QUESTIONS SUBMITTED BY SENATOR BARBARA BOXER

*Question.* Can you assure members of the Foreign Relations Committee that you will oppose any "historical commission" or similar group that studies, examines, researches, debates, or otherwise calls into question the fact of the Armenian Genocide?

Answer. The President has said that a full, frank, and just acknowledgement of the facts is in all our interests. In his April 23, 2011, statement, he noted that history teaches us that our nations are stronger and our cause is more just when we appropriately recognize painful pasts and work to rebuild bridges of understanding toward a better tomorrow. With this in mind, the administration strongly supports efforts by the Turkish and Armenian peoples to work through their painful history in a way that is honest, open, and constructive. The U.S. Government supports the efforts of individuals in Armenia and Turkey to foster a dialogue that acknowledges their history, sponsoring programs that foster contacts between the Armenian and Turkish peoples. If confirmed, I will continue to abide by the policies of the administration.

*Question.* President Barack Obama has said repeatedly that he has "consistently stated my own view of what occurred in 1915." President Obama's personal views are clearly laid out in a number of public comments and statements including:

(1) "Nearly 2 million Armenians were deported during the Armenian Genocide, which was carried out by the Ottoman Empire from 1915 to 1923, and approximately 1.5 million of those deported were killed." (Senator Obama, Question for the Record to Ambassador-designate Marie Yovanovitch, June 19, 2008.)

(2) "The occurrence of the Armenian genocide is a widely documented fact supported by an overwhelming collection of historical evidence." (Senator Obama, statement commemorating the Armenian Genocide, April 28, 2008.)

(3) "[T]he Armenian Genocide is not an allegation, a personal opinion, or a point of view, but rather a widely documented fact supported by an overwhelming body of historical evidence." (Barack Obama on the importance of U.S.-Armenia relations, January 19, 2008.)

- Do you dispute or disagree with any of the above statements? If so, which statements and why?

Answer. In his April 23 Armenian Remembrance Day statement, the President solemnly remembered as historical fact that 1.5 million Armenians were massacred or marched to their deaths from 1915–1923. The President has also said that the achievement of a full, frank, and just acknowledgement of the facts of what occurred in 1915 is in all our interests. The President noted that the best way to advance that goal is for the Armenian and Turkish people to address the facts of the past as a part of their efforts to move forward. He strongly supports the efforts of Turkey and Armenia to normalize their bilateral relations.

My responsibility as an American diplomat is to represent the views of the U.S. Government, on this and all subjects. We strongly support efforts by the Turkish and Armenian peoples to work through their painful history in a way that is honest, open, and constructive. We continue to encourage Turkey to engage productively with Armenia on the normalization protocols and clear the way to open its shared border, reinstitute transportation, communication, and utility links between the two countries, and establish diplomatic relations.

*Question.* At a press breakfast on April 13, 2011, you quoted Secretary of State Clinton stating that, "the United States will stand with those who seek to advance the cause of democracy and human rights wherever they may live." If confirmed, will you take part in April 24 observances organized in Turkey by civil society groups that openly call for a truthful and just resolution of the Armenian Genocide?

Answer. The United States strongly support efforts by the Turkish and Armenian peoples to work through their painful history in a way that is honest, open, and constructive. We continue to encourage Turkey to engage productively with Armenia on the normalization protocols and clear the way to open its shared border, reinstitute

transportation, communication, and utility links between the two countries, and establish diplomatic relations. I would participate in any event whose spirit and intent was consistent with the views of the U.S. Government and supported the reconciliation of the Turkish and Armenian peoples.

*Question.* On June 20, 2011, the House Foreign Affairs Committee voted 43–1 to approve an amendment to the FY 2012 State Department Authorization bill expressing the Sense of Congress that the Secretary of State should urge Turkey to return Christian churches and other religious properties. How will you work to secure the Turkish Government's return of Christian churches and other religious properties to their rightful owners?

Answer. We continue to raise our concerns regarding the restoration of confiscated religious property to minority communities with Turkish authorities at the highest levels. The Government of Turkey's decision to return the Buyukada orphanage to the Ecumanical Patriarchate and, more recently, a church and cemetery to Kimisis Greek Orthodox Foundation on Bozcaada, are positive moves. I believe the Government of Turkey understands the importance of this issue and has determined that it must do more to protect the religious freedoms of all its citizens. There are some legal obstacles that must be overcome, but I am hopeful that as Turkey writes a new constitution, these issues will be addressed.

*Question.* As Ambassador to Turkey, what steps have you taken—in addition to meeting with religious leaders—to address the alarming finding in the U.S. Commission on International Religious Freedom Annual Report 2011 that: "The Turkish Government continues to impose serious limitations on freedom of religion or belief, thereby threatening the continued vitality and survival of minority religious communities in Turkey"?

Answer. We continue to stress the importance of religious freedom in Turkey at the highest levels of the Turkish Government. We also continue to raise our concerns regarding the restoration of previously confiscated property to religious minority communities with Turkish authorities at the highest levels.

The Government of Turkey's recent decision to extend citizenship to 12 Orthodox metropolitans [one step below Patriarch in the Orthodox hierarchy with regional ecclesiastic responsibilities], which widens the pool of candidates eligible to serve as the next Ecumenical Patriarch was a positive development, as was the decision to return the Buyukada orphanage to the Patriarchate and more recently a church and cemetery to Kimisis Greek Orthodox Foundation on Bozcaada. It has also given permission for Christians to perform religious ceremonies in sites where previously this was prohibited, such as the Armenian church on Akdamar Island, and the Greek Orthodox monastery at Sumela in Trabzon. An Armenian church in Iskenderun will reopen soon. Given these and other positive steps, I believe the Government of Turkey appreciates our concerns on these issues and has itself determined that it must do more to protect the religious freedom of all its citizens. In some circumstances, legal obstacles must be overcome. Turkey's efforts to reform its constitution creates an opportunity to address the issue of legal protections of citizens' freedoms, including religious freedom.

*Question.* Will you commit to meeting with the Armenian American, Greek American, Assyrian American, and Kurdish American communities on a regular basis?

Answer. If confirmed, I will continue to warmly welcome to our Embassy and consulates in Turkey Americans of all origins who have an interest in the policies of the administration on Turkey. Likewise, I will be very pleased to meet with such fellow citizens on my visits back to the United States. In January 2011, following my recess appointment and before leaving the United States to assume my office, I met with a number of diaspora groups, including the American Hellenic Institute (AHI) and the American Hellenic Educational Progressive Association (AHEPA). In April, I was privileged to host the Archons of the Ecumenical Patriarchate at my official residence in Ankara. I have met with leaders and members of the Armenian, Greek, Assyrian, and Kurdish communities in Turkey, and our officers from the Embassy in Ankara and our consulates in Istanbul and Adana have done likewise, responding to the concerns of their diasporas about their welfare.

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QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* Human Rights/Freedom of Expression.—There has been much concern over Prime Minister Erdogan's authoritarian tendencies, particularly in terms of freedom of expression and media freedom. On her recent trip to Istanbul, Secretary of State Clinton stated that backsliding in this area was "inconsistent with all the

other advances that Turkey has made." This was also one of the first issues you raised when you first arrived in Turkey, prompting sharp rebukes from the Prime Minister and other Turkish officials. Moreover, in recent years the AKP has seemed to abandon its commitment to EU-inspired reforms. After the AKP's resounding victory in the recent parliamentary elections, do you think that the Turkish leadership will return to its reformist agenda and help consolidate democracy in Turkey?

Answer. The June 12 parliamentary elections were an opportunity for the Turkish people to reaffirm their commitment to democratic processes and choose their leadership. The next major test for democracy in Turkey is whether and how to proceed with reform of their constitution. We will follow closely that process and urge that Turkish political leaders, courts, and civil society continue to work through issues tied to constitutional reform in a manner that reflects a commitment to universal values of democracy and the rule of law. The United States supports a transparent and inclusive constitutional reform process to strengthen Turkey's democracy and its respect for universal rights, including freedom of expression and other fundamental freedoms, human rights, and the protection of minorities.

*Question.* Religious Property.—The U.S. House Foreign Affairs Committee voted 43 to 1 on July 20, 2011 to call on Secretary Clinton to urge Turkey to return Christian churches and other religious properties. How will you work to secure the Turkish Government's return of Christian churches and other religious properties to their rightful Armenian, Greek, Assyrian, Pontian, Syriac and other Christian church and lay owners?

Answer. We continue to raise our concerns regarding the restoration of confiscated religious property to minority communities with Turkish authorities at the highest levels. The Government of Turkey's recent decision to extend citizenship to a dozen Orthodox metropolitans [one step below Patriarch in the Orthodox hierarchy with regional ecclesiastic responsibilities], which widens the pool of candidates eligible to serve as the next Ecumenical Patriarch, was a positive move, as were the decisions to return the Buyukada orphanage to the Patriarchate and more recently a church and cemetery to Kimisis Greek Orthodox Foundation on Bozcaada. I believe the Government of Turkey understands the importance of this issue and wants to see continued progress. There are some legal obstacles that must be overcome, and I am hopeful that as Turkey writes a new constitution, these issues will be addressed.

*Question.* To the best of your knowledge, approximately how many of the more than 2,000 Christian churches functioning prior to 1915 on the territory of present-day Turkey are still operating today as churches?

Answer. Most of the Christian churches functioning prior to 1915 are no longer operating as churches. Christian community contacts in Turkey report that a total of 200–250 churches that date to 1915 and before offer Christian worship services at least once a year. Many churches do not offer services every week due to insufficient clergy or local Christian populations. Some churches of significance operate as museums, others have been converted into mosques or put to other uses. Still others have fallen into disrepair or may have been totally destroyed.

*Question.* Cyprus.—With respect to Cyprus—the parties are currently engaged in intense talks, facilitated by U.N. Secretary General Ban Ki-moon—in a concerted effort to resolve the Cyprus question before Cyprus assumes the presidency of the EU. The Cyprus situation, however, remains intractable so long as Turkey refuses to remove its troops from Cypriot soil and to permit the parties to achieve a workable agreement. What is Prime Minister Erdogan's position on Cyprus? What impact will the rift between the Erdogan government and the Turkish military have on current negotiations given the military's well-known objection to withdrawal from the island?

Answer. The Government of Turkey and Turkish Prime Minister Erdogan support the reunification of Cyprus in a bizonal, bicommunal federation. The United States has long encouraged the Government of Turkey to support the Cypriot-led negotiations under the auspices of the U.N. Good Offices Mission to reach a comprehensive settlement.

U.N. Secretary General Ban Ki-moon convened Turkish-Cypriot and Greek-Cypriot leaders on July 7 where the parties agreed to intensify their efforts to reach convergence on all core issues. The resolution of outstanding issues, including the removal of Turkish troops, is most likely to occur in the context of comprehensive settlement negotiations.

The recent resignation of senior military officials is an internal Turkish matter. We do not see this development as significantly impacting the negotiation process.

*Question.* Iran.—I am very concerned about Iran's continuing efforts to acquire nuclear capacity and with respect to Turkey I remain concerned with Iran's use of foreign bank branches to circumvent sanctions. Open source reporting has raised concerns about Turkish banks, specifically about Turkish branches of Iran's Bank Mellat. News sources also recently reported that Indian refiners will pay Iran for crude oil bought from the Persian Gulf nation through a Turkish bank. Are you concerned that Turkish banks and foreign bank branches in Turkey are being used as conduits for Iran to conduct international transactions? As Ambassador, what steps have you taken to educate, inform Turkish officials and banks about the U.S. sanctions laws on Iran and to secure their compliance?

Answer. The Turkish leadership has made very clear its opposition to a nuclear-armed Iran and has affirmed both publicly and privately its commitment to implement all UNSCR sanctions against Iran. We are engaging vigorously with both the Turkish Government and the Turkish private sector to ensure that CISADA sanctions are both understood and implemented. Turkey has been a strong partner on nonproliferation, and if confirmed, I will continue to work to maintain close cooperation on these issues and work with the Government of Turkey to share international best practices in implementation of the U.N. sanctions.

*Question.* Turkish Blockage of Armenia.—In March 2009, Assistant Secretary of State Phil Gordon, in response to a question I asked at his confirmation hearing before the Foreign Relations Committee, expressed his hope that the Turkey-Armenia border would be opened by October 2009. Today, nearly 2 years later, Turkey has refused to end its blockade of landlocked Armenia. In the past year, what adjustments has the executive branch made to its approach and policies to accomplish our repeatedly stated interest in seeing Turkey open this border? What progress can you report on this issue?

- Do you consider the Turkish blockade of Armenia a violation of international law?
- Do you believe that Turkey's nearly 20 year strategy of blockading Armenia has been effective?

Answer. We strongly believe an open border between Turkey and Armenia is in the best interests of both countries. We continue to encourage Turkey to engage productively with Armenia on the normalization protocols and clear the way to open its shared border, reinstitute transportation, communication, and utility links between the two countries, and establish diplomatic relations.

Over the last decade, the United States has provided approximately $3.5 million to support activities aimed at strengthening relations between the people of Armenia and Turkey. These include initiatives to increase people-to-people connections such as research projects, conferences, documentary production, and exchange and partnership programs, with the goal of increasing cross-border dialogue and cooperation. These programs are focused on bringing together Armenian and Turkish NGOs, think tank researchers, academics, and business leaders at the grassroots level by creating opportunities for them to work together on common projects that will benefit both countries. If I am confirmed, I will continue to promote not only government-to-government discussions, but also people-to-people cultural and economic contacts and partnerships, as well as other cross-border and regional initiatives.

*Question.* United State Record on the Armenian Geneocide.—Former Senators Barack Obama, Joseph Biden, and Hillary Clinton each acknowledged the fact of the Armenian Genocide during their tenure as Senator. The history of the Armenian Genocide is also well documented by our own diplomats. Yet, this administration and prior administrations continue this inarticulate word dance. Do you agree with the administration's wordsmithing policy?

What do you think would happen if you articulated the historical truth and referred to the genocide of the Armenian people as genocide? What, in your estimation, would be the Turkish Government's most likely reaction to an open and honest recognition by the United States of the Armenian Genocide?

Answer. In his April 23 Armenian Remembrance Day statement, the President solemnly remembered as historical fact that 1.5 million Armenians were massacred or marched to their deaths from 1915–1923, and has also said that the achievement of a full, frank, and just acknowledgement of the facts of what occurred in 1915 is in all our interests. The President also noted that the best way to advance that goal is for the Armenian and Turkish people to address the facts of the past as a part of their efforts to move forward. He strongly supports the efforts of Turkey and Armenia to normalize their bilateral relations.

My responsibility as an American diplomat is to represent the views of the U.S. Government, on this and all subjects. The horrific events of 1915 were atrocities that we and the world must never forget, so that they are never repeated. We strongly support efforts by the Turkish and Armenian peoples to work through their painful history in a way that is honest, open, and constructive. We continue to encourage Turkey to engage productively with Armenia on the normalization protocols and clear the way to open its shared border, reinstitute transportation, communication, and utility links between the two countries, and establish diplomatic relations.

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QUESTIONS SUBMITTED BY SENATOR BEN CARDIN

*Question.* Turkey maintains effective control over occupied northern Cyprus, maintaining tens of thousands of Turkish troops on Cypriot soil in violation of that country's sovereignty and numerous principles enshrined in the Helsinki Final Act. What is the United States doing to press Ankara to withdraw its troops from Cyprus consistent with numerous U.N. resolutions adopted since the 1974 invasion?

Answer. Talks between the Turkish Cypriot and Greek Cypriot communities to reunify the island as a bizonal, bicommunal federation have been ongoing for nearly 3 years. The United States has long encouraged the Government of Turkey to support the reunification of Cyprus in a bizonal, bicommunal federation. The administration believes such an outcome is in the interest not only of Cyprus, but of Turkey, Greece, and the region.

U.N. Secretary General Ban Ki-moon convened Turkish-Cypriot and Greek-Cypriot leaders on July 7 where the parties agreed to intensify their efforts to reach convergence on all core issues. The resolution of outstanding issues, including the removal of Turkish troops, is most likely to occur in the context of comprehensive settlement negotiations.

If confirmed, I will continue to engage Turkey on this vital issue.

*Question.* Today, indigenous Turkish Cypriots are outnumbered by settlers from Turkey. Please address this matter and relevant policies of the Government of Turkey that permit and promote this movement.

Answer. Issues of citizenship and residency are being addressed through the U.N.-facilitated reunification talks—the best format to address these and all other issues related to a comprehensive solution to the Cyprus problem.

Turkey at present has no official policy on resettlement. Following the events of 1974, some Turkish nationals migrated to Cyprus. Many have since been granted citizenship by the "Turkish Republic of Northern Cyprus."

There is a shortage of commonly agreed statistics on how many people are living in the Turkish Cypriot community. The 2006 census undertaken by the Turkish Cypriot authorities put the number of "TRNC citizens" at more than half of the total population in the north, but some observers, on both sides of the "Green Line", question these statistics. The Greek Cypriot and Turkish Cypriot communities are each currently undertaking a census expected to be completed by the end of the year within the framework of the reunification talks. It is hoped that this work will help clarify these issues as part of a comprehensive settlement of the Cyprus problem.

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QUESTIONS SUBMITTED BY SENATOR ROBERT P. CASEY, JR.

*Question.* I have serious concerns about Turkey's commitment to religious freedom, including limitations on the rights of Christians to practice their faith freely and the destruction of Christian religious heritage sites and churches. The U.S. Commission on International Religious Freedom (USCIRF) has placed Turkey on its "watch list" for the last 3 years. Moreover, Bartholomew I, the Ecumenical Christian Orthodox Patriarch, has reported that Turkey's Christians are treated as second-class citizens.

- What steps is the United States taking to address these serious concerns over the rights of religious minorities in Turkey, including Orthodox Christians?

Answer. We continue to stress the importance of religious freedom in Turkey at the highest levels of the Turkish Government. We also continue to raise our concerns regarding the restoration of previously confiscated property to religious minority communities with Turkish authorities at the highest levels. I understand that the current Government of Turkey has not engaged in the destruction or confiscation of religious sites. The Government of Turkey's recent decision to extend citizenship to 12 Orthodox metropolitans [one step below Patriarch in the Orthodox hierarchy with regional ecclesiastic responsibilities], which widens the pool of can-

didates eligible to serve as the next Ecumenical Patriarch was a positive development, as was the decision to return the Buyukada orphanage to the Patriarchate and more recently a church and cemetery to Kimisis Greek Orthodox Foundation on Bozcaada. It has also given permission for Christians to perform religious ceremonies in sites where previously this was prohibited, such as the Armenian church on Akdamar Island, and the Greek Orthodox monastery at Sumela in Trabzon. An Armenian church in Iskenderun will reopen soon. Given these and other positive steps, I believe the Government of Turkey understands our concerns on these issues and has itself determined that it must do more to protect the religious freedoms of all its citizens. In some circumstances, legal obstacles must be overcome. Turkey's efforts to reform its constitution creates an opportunity to address the issue of legal protections of citizens' freedoms, including religious freedom.

*Question.* Cyprus's strategic location and shared tradition of democratic values makes it an important U.S. ally in the region. While it is important for the United States to take a balanced approach toward the Greek-Cypriots and Turkish-Cypriots in the ongoing settlement negotiations, more can be done to help Turkey understand that its ongoing troop presence in northern Cyprus is a hindrance to any final unification agreement.

- How is the United States engaging with Turkey to urge an end to the Turkish troop presence in northern Cyprus in order to help promote a fair and lasting peace settlement in Cyprus?

Answer. Talks between the Turkish-Cypriot and Greek-Cypriot communities to reunify the island as a bizonal, bicommunal federation have been ongoing for nearly 3 years. The United States has long encouraged the Government of Turkey to support the reunification of Cyprus on this basis. The administration believes such an outcome is in the interest not only of Cyprus, but of Turkey, Greece, and the region.

U.N. Secretary General Ban Ki-moon convened Turkish-Cypriot and Greek-Cypriot leaders on July 7 where the parties agreed to intensify their efforts to reach convergence on all core issues. The resolution of outstanding issues, including the removal of Turkish troops, is most likely to occur in the context of comprehensive settlement negotiations.

If confirmed, I will continue to engage Turkey on this vital issue.

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QUESTIONS SUBMITTED BY SENATOR JEANNE SHAHEEN

*Question.* Cyprus.—Prior to and during his recent visit to Cyprus, Prime Minister Erdogan stated that returning territories would not be part of reunification talks, nor would removal of 40,000 Turkish troops. Additionally, he stated his support for freezing relations with the European Union if Cyprus assumes the EU presidency.

- Do you believe the Turkish Government is willing to productively engage in talks based on a bizonal, bicommunal Cyprus?
- What steps have you taken to promote U.S. policy toward Cyprus, and to push the Turkish Government toward satisfactory talks?

Answer. The administration strongly supports the Cypriot-led negotiations under the auspices of the U.N. Good Offices Mission to reach a comprehensive settlement reunifying the island as a bizonal, bicommunal federation. We believe that direct talks between the two sides is the best way to reach a just and lasting settlement. We are prepared to be helpful in any way that both parties desire, but the negotiations must be Cypriot-led to achieve an outcome satisfactory to both sides.

We would like to see a settlement reached sooner rather than later, but we recognize just how difficult the process is. We are encouraged that the personal intervention of U.N. Secretary General Ban Ki-moon in June compelled both sides to intensify talks and we remain hopeful that a solution may be reached.

We continue to urge both parties on Cyprus to make the tough compromises necessary for a solution. We also regularly underscore with our Greek and Turkish interlocutors the importance of the reunification negotiations and emphasize that everybody benefits from a settlement: Greece, Turkey, and Cyprus.

*Question.* Iran.—What role do you see for Turkey with regard to Iran's nuclear program? Noting prior differences with Turkey on sanctions and enrichment plans, how should we move forward with Turkey to ensure that Iran does not develop a nuclear weapon?

Answer. Turkey shares our goal of preventing a nuclear-armed Iran. While Turkey has a long history of cultural, political, and economic ties to Iran, as well as a long common border and shared populations, Turkey strongly supports the efforts of the international community to encourage Iran to engage with the P5+1 toward

a diplomatic resolution of concerns about Iran's nuclear program. The Turkish Government and private sector have been cooperative in addressing specific concerns on various export control and sanctions issues. We will continue to encourage Turkey, as we encourage all states, to impress upon Iran the importance of complying with its international nuclear obligations as part of the necessary path to resolving all concerns with Iran's nuclear program.

*Question.* Has Turkey, in your view, adequately enforced Iranian sanctions? If not, what steps do you intend to take to push for increased enforcement?

Answer. The Turkish leadership has made very clear its opposition to a nuclear-armed Iran and has stated both publicly and privately that it will fully implement all UNSCR sanctions against Iran. We are also engaging vigorously with both the Turkish Government and the Turkish private sector to ensure that CISADA sanctions are both understood and implemented. Turkey has been a strong partner on nonproliferation and if confirmed, I will continue to work to maintain close cooperation on these issues and work with the Government of Turkey to share international best practices in implementation of the U.N. sanctions.

*Question.* European Union.—Do you believe Turkey can still find a path forward for eventual EU membership? What do you believe are the most important unresolved issues in Turkey and in Europe for Turkey in the European Union?

Answer. The United States believes that Turkey's full accession into the European Union would benefit both the EU and Turkey, and we have made this clear to the EU, its members, and Turkey. As the President has said, "the most important thing we can do with Turkey is to continue to engage, continue to hold out the advantages for them of integration with the West, while still respecting their own unique qualities."

Ultimately, the decision rests with both the EU and with Turkey to move forward with the accession process, which entails progress on the remaining 20 chapters in the Acquis Comunitaire process.

To advance this process forward, the administration continues to encourage and support the Turkish Government and civil society as they strive to implement reforms, particularly involving democracy, human rights, and rule of law. Turks themselves want to see a more democratic Turkey and the Turkish Government continues to pledge its commitment to the EU accession process.

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QUESTIONS SUBMITTED BY SENATOR MARCO RUBIO

*Question.* According to the 2011 State Department Trafficking in Persons Report, Turkey is a Tier 2 source, destination, and transit country for men, women, and children subjected to sex trafficking and forced labor. The report notes that human trafficking in Turkey affects women and children from Eastern Europe and former Soviet Union States, but also Turkish women who are subject to trafficking within their own country. At the same time, Turkey has taken positive measures, such as providing grants for the operation of its national IOM antitrafficking hotline.

- If confirmed, what would be your strategy to encourage the Turkish Government to aggressively combat trafficking within Turkey, including trafficking affecting its own citizens?
- How will you encourage the justice system in Turkey to use their antitrafficking laws properly and provide proper punishment of traffickers?

Answer. We recognize that trafficking cases are inherently difficult to prosecute and we all must improve efforts to uncover victims of forced labor and sex trafficking. No country has established a truly comprehensive response to the crime of human trafficking, and the United States and Turkey share common challenges in addressing and making progress in combating TIP.

We were pleased to note in the Department's 2011 Trafficking in Persons (TIP) Report that the government improved its recognition of forced labor and domestic trafficking and provided grants for the operation of its national IOM antitrafficking hotline. The Turkish Penal Code prohibits both sex trafficking and forced labor under which 28 offenders were convicted and received sentences ranging from 2 to 24 years' imprisonment. While Turkey demonstrated some progress in protecting trafficking victims, it did not address critically needed improvements to achieve a more victim-centered approach to TIP.

If confirmed, I am committed to continued partnership with the Government of Turkey to address this important issue. When it comes to the prosecution of TIP, I will continue to urge the government, if confirmed, to finalize draft legislation that prohibits internal trafficking in Turkey and improve witness protection measures

that give witnesses greater incentive to cooperate with law enforcement officials. If confirmed, I will also stress with the government the importance the U.S. attachés to providing NGOs with sustainable funding for NGO shelters that in turn extend critical comprehensive care to victims as well as stepping up its efforts to proactively identify victims of this inherently hidden crime.

*Question.* Good relations between Armenia and Turkey are particularly important to stability in the Caucasus and our Nation's interests. In June, the Turkish people democratically elected Prime Minister Erdogan's Justice and Development Party to a third consecutive term as the majority in the Turkish Parliament.

- In your view, what are the prospects of Turkish ratification of the 2009 Zurich Protocols to normalize relations with Armenia, given the results of the June parliamentary elections?

Answer. We commend the Governments of Armenia and Turkey on their signing of the historic protocols on normalization of relations on October 10, 2009, in Zurich. Officials from the Government of Turkey continue to state their commitment to the protocols. Normalization between Turkey and Armenia remains a feature of our dialogue with both countries. Secretary Clinton and other senior officials continue to raise ratification of the protocols with Turkish leaders. Facilitating regional integration is a particular priority for the United States. We believe that rapprochement between Armenia and Turkey will foster increased stability and prosperity in the entire Caucasus region. We are encouraged that both sides remain committed to the process, and we will continue to actively urge all parties to take steps to move the process forward.

*Question.* Turkey has been an invaluable NATO ally, and the hope is that their economic success and democratic consolidation will strengthen that role.

- Is Turkey still considering hosting the radar in southeastern Europe as part of the European Phased Adaptive Approach to missile defense, and, if so, when is a decision expected?

Answer. On September 19, 2009, President Obama announced the European Phased Adaptive Approach to missile defense, which will provide for the defense of U.S. deployed forces and our allies in Europe sooner and more comprehensively than the previous plan. This approach is based on a new assessment of the missile threat, and a commitment to deploy technology that is proven, cost-effective, and adaptable to an evolving security environment. At the Lisbon NATO Summit in November 2010, allies agreed to develop a territorial missile defense capability for the full coverage and protection of all NATO European territory, populations, and forces against the increasing threats posed by the proliferation of ballistic missiles. Allies also welcomed the EPAA as the U.S. national contribution to this essential NATO task. We welcomed Turkey's support as well as the support of all allies for the success of this important mission.

The administration has made substantial progress in implementation of the EPAA. We are in discussions for the deployment of an AN/TPY–2 radar to southern Europe. A forward-based radar will provide additional sensor coverage to enhance the existing U.S. homeland missile defense architecture. While no decision has been made, we expect to meet our goals for deployment beginning in 2011.

The administration has held regular discussions with all NATO allies about the EPAA and NATO Missile Defense, including Turkey. We look forward to continuing such discussions with Turkey and other allies.

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RESPONSE OF NORMAN EISEN TO QUESTION SUBMITTED BY SENATOR MARCO RUBIO

*Question.* According to the 2011 State Department Traffic in Persons Report, the Czech Republic is a Tier 2 source, destination, and transit country for human trafficking. Despite meaningful antisex trafficking measures, the Czech Republic is struggling to address labor trafficking cases, especially trafficking through their private labor recruitment agencies.

- If confirmed, what would be your strategy to work with the Czech Government to reinforce their antitrafficking laws to more effectively combat this scourge?

Answer. As you point out, the Czech Republic has a strong program for preventing and combating sex trafficking and protecting its victims. Government engagement is backed by an energetic nongovernmental sector that ensures that victims' rights remain on the public agenda. However, the Embassy identified significant shortcomings in preventing labor trafficking last year, which I took up with senior government officials. The concerns we identified resulted in the Czech Republic being downgraded to Tier 2 in the 2011 Trafficking in Persons Report.

I and my staff are actively engaged with our Czech counterparts in government and NGOs on improving the labor trafficking situation and we have a strong relationship with the antitrafficking interlocutors in the country. The Czech Government has dedicated an interministerial committee to coordinate the government's response to trafficking in persons, and the Embassy has participated in this body's discussions. We have submitted an action plan to the Czech Government on addressing the concerns you raise, and the government is already actively working with us to achieve results. For example, the Czech Government has introduced legislation to fund the hiring of more labor inspectors and a law enacted in January makes disreputable labor agencies more difficult to establish and maintain. The action plan, developed with experts at the Department of State, is specifically aimed at improving regulation of labor agencies; prosecution of labor traffickers; and education of law enforcement officials to better identify victims.

# NOMINATION

**WEDNESDAY, SEPTEMBER 7, 2011**

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

Hon. Wendy R. Sherman, of Maryland, to be Under Secretary of State for Political Affairs

The committee met, pursuant to notice, at 10:03 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Benjamin L. Cardin presiding.

Present: Senators Cardin, Menendez, Casey, Shaheen, Coons, Udall, Lugar, Risch, DeMint, Barrasso, and Lee.

## OPENING STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND

Senator CARDIN. The Senate Foreign Relations Committee will come to order. Good morning, everyone. We are gathered today in regards to the nomination of the Honorable Wendy R. Sherman of Maryland to serve as Under Secretary of State for Political Affairs.

First, I want to thank Senator Kerry for allowing me to chair this hearing. Senator Kerry has a statement for the record and without objection that will be made part of the record.

[The prepared statement of Senator Kerry follows:]

PREPARED STATEMENT OF HON. JOHN F. KERRY

I am pleased that this morning the Senate Foreign Relations Committee is welcoming Ambassador Wendy Sherman, an exceptional public servant whom the President has nominated to be Under Secretary of State for Political Affairs.

Ambassador Sherman brings a tremendous depth of foreign policy and political experience to this position. She served as Assistant Secretary of State for Legislative Affairs, as well as Counselor to the Secretary of State, during the Clinton administration. She is also familiar with Capitol Hill, having served as chief of staff to Senator Barbara Mikulski. There is no doubt in my mind that, if confirmed, she will do a tremendous job in this critical diplomatic post.

We need diplomats of her caliber to guide us through the challenges we face today. In the past months alone, we have all been captivated by the incredible wave of change sweeping the Middle East. We have been inspired by the people in Tunisia and Egypt who demanded freedom and dignity and an end to repression and corruption. And we have been moved by the courageous uprising in Libya that has led to the downfall of Moammar Qaddafi.

But we have also watched with increasing horror as the Syrian Government uses violence and brutality against its own people. And we need to beware of the downward spiral taking place in Yemen, and the dangerous implications for the region if the government in Sanaa were to leave a power vacuum in its wake. Clearly, it

is a time of great possibility, but also of great danger, in a region that is vital to U.S. interests.

Amid these challenges in the Middle East, we still have to manage our involvement in many other regions. This spring, for example, the committee held a series of hearings on how to approach our engagement in Afghanistan and Pakistan. We will spend $120 billion in Afghanistan this fiscal year alone. We must be sure that scarce resources are being used effectively and constructively, and we must also be aware that large expenditures can constrain our ability to act elsewhere.

As the world has seen in the past several weeks, our budgetary constraints are forcing increasingly painful tradeoffs. We cannot afford to be the world's first responder whenever a crisis arises—we need strong multilateral partners who can help us shoulder this burden. At the same time, I take very seriously the notion that no other country in the world has our resources, capabilities, or expertise to save lives, mitigate disasters, and prevent catastrophes. We have managed to accumulate tremendous wealth, power, and influence—and with that comes equivalent responsibility. When we fail to act, the world all too often is silent as well. Even as we work to address the budget crisis facing our country we must not shortchange our ability to conduct foreign policy—the money we spend abroad is not a gift to foreign nations. It is an investment in our national security.

And, make no mistake: going forward, we will face an incredibly wide range of foreign policy challenges, including the growing economic and political potency of China, India, and Brazil, as well as that of a host of emerging powers, like South Africa, Indonesia, and Turkey. More than ever, our national security interests are closely interconnected with our economic interests.

What this time demands from our leading diplomats is not only remarkable commitment and skill, but remarkable versatility. And I am very gratified that the President has nominated someone with all of those talents to such an important position.

Ambassador Sherman, we thank you for your continued dedication to public service and to helping lead the Department of State through such a decisive period in our foreign policy. I look forward to your testimony.

Senator CARDIN. I would also announce that the record will remain open until close of business today in regards to this hearing.

This is a unique pleasure for me, to be able to chair a hearing for Ambassador Sherman. Senator Mikulski and I are very proud of Ambassador Sherman and her incredible history of public service to our country. We're very proud of her and we're proud that she hails from Maryland, and we thank her for being willing to step forward for this very important assignment that President Obama has asked her to fulfill.

I also want to acknowledge her husband, Bruce Stokes, who's in attendance, as well as her daughter, Sarah Sherman Stokes, and her husband, Chris Richards. This is a family sacrifice, public service. I think we all understand that. And although we appreciate very much Ambassador Sherman's willingness to serve, we know that it involves a very understanding family. So we thank you all for being willing to share your wife, your mother, with us in public service and with your Nation.

Ambassador Sherman brings a wealth of foreign policy and political experience to what is a critical position at State, particularly at this pivotal time in world events. We continue to find ourselves in the midst of a singular time period in history. It's hard to recall another era characterized by so much turmoil, but also by such great possibilities.

Many have been captivated first and foremost by the wave of change sweeping the Middle East. We have been inspired by the people of Tunisia and Egypt, who have demanded freedom and dignity, an end to repression and corruption. We have been moved by the courageous uprising in Libya. But we've also watched with in-

creasing disgust the Syrian Government's indiscriminate use of violence and brutality against its own people.

Of course, there are foreign policy challenges in all parts of the world. We are still actively engaged in Afghanistan, Iraq, and Pakistan. All these present challenges for the United States and for the position that Ambassador Sherman has been nominated to. We also have significant economic and political challenges stemming from China, India, and Brazil, as well as from a host of emerging powers.

As we experienced firsthand this summer, our budget constraints are forcing increasingly painful tradeoffs. We cannot afford to be the world's first responders whenever a crisis arises. We need strong multilateral partners who can help us shoulder this burden.

At the same time, my colleagues and I take very seriously the notion that no other country in the world has the resources, the capabilities, and the expertise to stabilize, mitigate disasters, and prevent catastrophes as the United States. We have managed to accumulate tremendous wealth, power, and influence, and with this comes a high moral responsibility.

Today I have the pleasure of welcoming Ambassador Sherman. She'll be formally introduced by my colleague Senator Mikulski, but I just really want to point out to the committee the incredible record that Ambassador Sherman brings to this nomination. She attended Smith College, graduating with honors from Boston University. Sherman earned a master's degree in social work from the University of Maryland, launching her on a career path of public service at the community, State, national, and international levels, including a stint right here on Capitol Hill, having served as chief of staff for the senior Senator from Maryland, Senator Mikulski.

I remember very well her as chief of staff and the way that she not only managed Senator Mikulski's Senate office, but the way that she worked with all of us to make sure that we were all well informed.

Her responsibilities in senior positions at the State Department beginning in the early 1990s, combined with her considerable experience in the private sector, have prepared her well to assume the tasks associated with the Under Secretary of State for Political Affairs, the position to which she has been nominated. I would note that Ms. Sherman will be the first woman to serve in this position once she is confirmed.

Ms. Sherman's past policy experience will be especially helpful as she assists the Secretary and Deputy Secretary to formulate a foreign policy at this critical time in relationship to our allies and adversaries alike.

With that, let me turn to Senator Lugar.

## OPENING STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA

Senator LUGAR. Thank you very much, Mr. Chairman. I join you in welcoming Ms. Sherman. I appreciate her experience and her willingness to rejoin public service at a very challenging moment for United States foreign policy.

Soon after taking office, Secretary of State Clinton initiated the first-ever Quadrennial Diplomacy and Development Review, the

QDDR, modeled after a long-standing Pentagon strategic assessment process. What emerged last December, after 18 months, was largely a blueprint for improving coordination of America's existing foreign policy and foreign aid operations, and an agenda for future reforms.

But that exercise did not prioritize policy goals, nor did it take account of the rapidly changing domestic budget environment. For many months Congress and the President have been involved in deliberations on the budget that are focused on reducing massive Federal deficits in the short run and constructing a long-term strategy for dealing with a national debt that is approaching $15 trillion.

This governmentwide budget focus will continue this fall, with the Joint Select Committee on Deficit Reduction holding its first meetings this week. If the Super Committee process does not produce a viable budget reduction plan, agencies and programs will face automatic sequestrations.

In this context, the State Department must be planning how to perform its important national security, economic, consular, and diplomatic missions in a declining resource environment. This planning should proceed far more rapidly than the QDDR, in part because at its heart, it is not just a management exercise, it is a policy imperative.

Even apart from budget dynamics, I remain concerned that our national security policy is being driven without sufficient planning or strategic design. The expansion of the Afghanistan mission and the intervention in Libya, in particular, have occurred with limited reference to strategic goals or vital interests. As I noted in our hearing series on Afghanistan several months ago, it is difficult to see how the current level of United States expenditures in that country can be squared with a rational allocation of national security resources.

Undoubtedly, global emergencies will occur that require an American response. The State Department has often been adept at moving existing funds around to address urgent contingencies. We also have seen recent efforts to trim civilian projects in Afghanistan or elongate their timeframe to reduce the rate of spending. But if resources for national security contingencies decline, as most observers expect, U.S. policy will require a much more defined set of priorities and the strategic discipline to stick to them.

The State Department and the White House should be working with Congress to articulate a set of priorities to be funded that are based on vital national security interests. Within the State Department, the impetus for such planning must come from the highest levels. I will be interested to hear the nominee's views of United States national security priorities, the State Department's response to intensifying budget limitations, and the prospects for improving strategic planning at the State Department and throughout our government.

We welcome Ms. Sherman and I thank the chair and look forward to our discussion.

Senator CARDIN. I thank you very much, Senator Lugar.

It's now my privilege to introduce my colleague in the U.S. Senate, Senator Barbara Mikulski.

**STATEMENT OF HON. BARBARA MIKULSKI, U.S. SENATOR FROM MARYLAND**

Senator MIKULSKI. Good morning, Senator Cardin, Senator Lugar, Senator DeMint. It is with a great deal of pride and enthusiasm I come before you today to unabashedly lend my support for Wendy Sherman to be the Under Secretary of State for Political Affairs. I believe that Secretary Clinton has chosen wisely because Ambassador Sherman brings to this post an exceptional background and a great deal of skill. She has unique abilities that she wants to put to work in the public service for our country.

As you stated, Senator Cardin, I've known Wendy Sherman for 25 years. I've known her as a friend, a chief of staff, and she continues to be a close adviser. I do know Wendy Sherman and therefore that's why I'm so clear that this would be an outstanding nomination and hope the committee confirms her.

She brings competence, intelligence, and integrity. Wendy will be an invaluable member of our foreign policy team, advancing the global interests of our country, a safer country, a stronger economy. She is a strategic thinker, a seasoned diplomat, and an experienced manager and negotiator, and knowledgeable of the world and the issues that the United States faces.

She understands and respects the important role of Congress in foreign policy. As Assistant Secretary of State for Legislation under President Clinton and then-Secretary Warren Christopher, she knew how to listen to us, made sure our voices were heard at the State Department, and was truly bipartisan in her approach and in her work.

She played a role, working with Secretary Albright, on every major foreign policy issue. She managed very special assignments at the request of the Secretary, including negotiations on nonproliferation. She also has extensive experience in the private sector. That doesn't usually happen at the State Department. They usually come from academia, a good place to come from, from Congress—some might say an even better place to come from—and then the private sector, which we cannot have a safer country and a stronger economy unless we know how it all works together.

Ambassador Sherman in her role, having left government, has worked with iconic American companies to expand and compete in the global economy, to make sure we had a presence over there while we kept jobs here. It is her unique ability to understand the world, but understand the people of the United States of America that she serves, and also the constitutional requirement that the executive branch must consult with Congress on important affairs of state.

She has an incredible background and one that might be unique, as I've outlined. Senator Cardin talked about how she went to Smith, was an honors graduate from Boston, and then we both went to the University of Maryland School of Social Work. I was a couple of yearbooks away from Ambassador Sherman, but we did go to that outstanding school, where we learned community development and social strategy.

What we learned there was to accomplish a goal you have to organize based on a felt need, around a goal, a noble idea, and build the support to do it. She will work at her job to build support, both

within our own country and within the world, to advance our vital interests.

One of the important things I think also about Ambassador Sherman is her incredible commitment to public service. It is in her DNA. She comes from a wonderful family. Senator Cardin, you and I know her parents very well, Mel and Mimi Sherman, who were prominent in the Baltimore business community, in the real estate community, and they were known for their high principles of integrity, their commitment to social justice, and they knew that you could do well while doing good.

It is there that they had—and I know that Ambassador Sherman learned first about foreign affairs trick or treating for UNICEF to help the little kids of the world, and now she's going to be a big kid on the block helping the little children of the world.

Her husband Bruce is a distinguished journalist and international economist. Her daughter Sarah is a recent law school graduate, again committed to public service and her husband, Dr. Chris Richards.

So I think the committee would do well to take the executive branch's nomination and to move her forward. I look forward to working with you should the committee decide to vote to advance this on the agenda.

Thank you for your kind attention and I know you want to hear from Ambassador Sherman.

Senator CARDIN. Well, Senator Mikulski, let me thank you for your comments. I join you in presenting to the committee, Ambassador Sherman, strongly support her confirmation, and just want to underscore the personal aspects that you did. I've known the Sherman family all my life and I've known Wendy all my life, and they're an incredible public family in that they have given back so much to our community, and we're very proud of your record and very proud of your willingness to step forward for this important assignment.

Ambassador Sherman.

**STATEMENT OF HON. WENDY R. SHERMAN, OF MARYLAND, NOMINATED TO BE UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS**

Ambassador SHERMAN. Good morning, Senator Cardin, chairman for today, and Senator Lugar, whom I've had the distinguished honor to work with for many, many years, and to all of the members of the committee, Senator DeMint, Senator Udall, and others who may join.

I'm very honored to be here. I want to begin by thanking President Obama and Secretary Clinton for their confidence and, with your support, for the opportunity once again to serve our country.

Senator Mikulski and Senator Cardin, I am so very grateful for your friendship, your support, your wonderful words, and for your leadership and service to all of us who are Marylanders and to all Americans. I'm very humbled by your introductions this morning.

If I may, thanks as well to my husband, Bruce, and all of my family—I'm so delighted that my daughter, Sarah, and her husband, Chris, can be here today—to all of my family, as Senator Cardin said, who are willing once again to have the phone ring in

the middle of the night and to welcome me home after yet another trip abroad.

None of us can contemplate these responsibilities without a mighty support system of family, friends, and colleagues, several of whom are with me here today.

This is the third time I have come before this panel seeking confirmation. In 1993 the chairman was Senator Claiborne Pell, who always carried a copy of the United Nations Charter in his pocket, proudly pulling it out and reminding us all how we must all work for peace and prosperity. My own parents, in fact, were at the founding meeting of the U.N. in 1945 in San Francisco. My father, an Active-Duty Marine, stateside after being wounded at Guadalcanal, helped to organize veterans to advocate in support of the world body. He was determined to do all that he could to save future generations from the trauma that his own generation had experienced.

In 1997 when I appeared before the committee for the second time, the chair was Senator Jesse Helms. It will not surprise you to learn that he and I did not always agree. But I never doubted his love for our country, and he never doubted mine, either privately or publicly. Those who knew him know that he was a true gentleman. When I had surgery, he called me at home. And when we failed to see eye to eye on an issue, there was never any questioning of sincerity or motives.

Today, under the leadership of Chairman Kerry and Ranking Member Lugar, the committee is at the forefront of debate about America's position in a world of constant change. But what has not changed is the professional and dedicated manner in which the committee conducts the Nation's business.

I am grateful for your courtesy and look forward, if confirmed, to working with you in the future, just as I have worked with many of you in prior years.

I'm also humbled by the knowledge that the job of Under Secretary for Political Affairs has been filled in the past by people for whom I have enormous respect, including most recently Ambassador Bill Burns, an outstanding member of the Foreign Service who continues his service as Deputy Secretary.

If I had to write a job description for the position, it would begin and end with a willingness to take on whatever assignments are deemed necessary by the Secretary of State. If confirmed, I will bring to this new assignment years of experience as a staff member on Capitol Hill, as Assistant Secretary and counselor at the Department of State, and as the President's Special Adviser on North Korea. In recent years I have gained valuable additional experience in the private sector. This background has enabled me to develop skills as a negotiator, strategist, troubleshooter, and problem solver.

I think you will find also that I'm a good listener. As chief of staff of then-Congresswoman Mikulski and later as Assistant Secretary of State for Legislative Affairs, I had a good deal of practice. Listening is important, not only in meeting with foreign officials, but in consulting with you, the representatives of the American people, and our citizens.

My old boss and current business partner, Secretary Albright, used to say there is nothing foreign about foreign policy. What the State Department does and what this committee does is intimately related to the health of our economy, the demands made on our military, the safety of our people, and the future of our children. It is vital that we communicate these connections to the public.

Mr. Chairman, I expect during the course of this hearing that we will cover many of the specific countries and controversies that presently concern us across the globe. Rather than try to address those in this brief opening statement, I thought I would summarize very quickly the attributes of American foreign policy that I intend to stress if confirmed to the position of Under Secretary of State.

The first is persistence. I think we make a mistake when we look for quick answers to hard problems. It's always tempting to seek instant gratification, but that is generally, unfortunately, not how the world works. We owe it to ourselves, to the public we serve, and to our allies to persevere in our strategies, maintain our commitments, and finish the jobs we begin.

Second, we need to take advantage of the full range of foreign policy tools. These extend from the simple art of persuasion to the persuasive impact of military force, and include in between a variety of carrots and sticks. When possible, we should act with others. When necessary, we should not hesitate to act alone. Our military must be strong, versatile, and ready, but the same is true of our civilian resources.

Third, American foreign policy must reflect a blend of idealism and realism. A decisionmaker has no choice but to begin with the world as it is, but our decisions would have no purpose if not to shape the world as we would like it to be. We cannot claim to represent the American people if we do not explore every opportunity to support freedom, prosperity, and justice.

In pursuing our interests and our values, we must also reach out in the broadest possible way to governments, opinion leaders, young people, women and girls, the private sector, and civil society in all its dimensions. We must also take advantage of the opportunities presented by the information technologies and networking capabilities of the 21st century.

Finally, in all that we do we must keep in mind on whose behalf we serve and in whose interests we labor. The Department of State, like this committee, exists not to represent the world to the United States, but to enhance American influence across the globe. We may disagree on occasion about how best to do that, but there should be no confusion about the nature of our purpose.

Certainly no one understands better than Secretary Clinton and this committee's members the importance of investing our dollars very wisely, of tieing our diplomatic initiatives to the best interests of our country, of making sure that our policies reflect and uphold American values. At the same time, as an optimist I see a convergence, a growing convergence, between our interests and those of other peaceloving and law-abiding countries. The art of diplomacy is to mobilize others to coordinate with us in pursuit of shared goals, whether we have in mind the further degradation of al-Qaeda, a halt to nuclear proliferation, or the strengthening of stability and democracy in every corner of the world.

In closing, I want to once again thank the President and Secretary of State for their support, to say how very much I look forward, if confirmed, to working closely with the members of the committee and your colleagues in Congress, and to express my gratitude for the opportunity, with your blessing, to devote my full energies to serving the country we all love.

I thank you again for your hospitality and would be pleased to respond to your questions. Thank you.

[The prepared statement of Ambassador Sherman follows:]

PREPARED STATEMENT OF AMBASSADOR WENDY R. SHERMAN

Good morning, Senator Cardin, Senator Lugar and members of the committee, I am honored to be here and want to begin by thanking President Obama and Secretary Clinton for their confidence, and with your support, for the opportunity once again, to serve our country.

Senator Mikulski and Senator Cardin, I am very grateful for your friendship, your support, and for your leadership and service to all of us who are Marylanders—and Americans. I am humbled by your introductions this morning.

And, if I may, thanks as well to my husband, Bruce, and all of my family who are willing once again to have the phone ring in the middle of the night and to welcome me home after yet another trip abroad. None of us can contemplate these responsibilities without a mighty support system of family, friends, and colleagues.

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If I had to write a job description for the position it would begin and end with a willingness to take on whatever assignments are deemed necessary by the Secretary of State.

If confirmed, I will bring to this new assignment years of experience as a staff member on Capitol Hill, as Assistant Secretary and Counselor at the Department of State, and as the President's special advisor on North Korea. In recent years, I have gained valuable additional experience in the private sector.

This background has enabled me to develop skills as a negotiator, strategist, trouble-shooter and problem-solver. I think you will also find that I am a good listener. As Chief of Staff to then-Congresswoman Mikulski, and later as Assistant Secretary of State for Legislative Affairs, I had a good deal of practice. Listening is important not only in meetings with foreign officials; but in consulting with you—the representatives of the American people and with our citizens.

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At the same time, I see a growing convergence between our interests and those of other peace-loving and law-abiding countries. The art of diplomacy is to mobilize others to coordinate with us in pursuit of shared goals—whether we have in mind the further degradation of al-Qaeda, a halt to nuclear proliferation, or the strengthening of stability and democracy in every corner of the world.

In closing, I want once again to thank the President and Secretary of State for their support, to say how much I look forward, if confirmed, to working closely with the members of the committee and your colleagues in Congress, and to express my gratitude for the opportunity—with your blessing—to devote my full energies to serving the country we all love.

I thank you again for your hospitality and would be pleased to respond to your questions.

Senator CARDIN. Once again, thank you for your appearance here and your testimony.

I want to start off with a point that I raised in my opening statement, and Senator Lugar also did, and that is the fiscal realities that we're finding ourselves in. The United States has a security budget that includes not only the Department of Defense, but our civilian efforts of diplomacy within the State Department. We spend more than any other nation in the world by far in regards to our defense issues. On the diplomacy civilian side, we spend a lot of money, but as a relative part of our budget it's relatively small.

The Obama administration has made the point over and over again that we have a national security budget, that we need to be able to use all resources, whether they're military or civilian or diplomacy, in regards to our national security interests.

I would ask you to share with us how you would go about making priority recommendations to the administration. There are a lot of demands out there. We're still involved, obviously, in Afghanistan and Iraq. Pakistan is a huge challenge for the United States and could become an expensive operation for us, already is an expensive operation for us. In addition, there are opportunities, new opportunities in Egypt. We have Libya that is emerging.

So how will you go about—will you share to us the standards you will use in trying to make priority judgments. You know we are faced with the possibility of across-the-board cuts if the Congress is unable to reduce the deficit further, which could obviously bring in tough decisionmaking challenges to the Department of State.

Ambassador SHERMAN. Thank you very much, Senator Cardin. This is a very tough question that we're beginning the hearing with, and I know that for every member you've just come back from recess and talking with your constituents and being back in communities. And American families are worried about everything from the floods in their neighborhoods to, quite importantly, whether they or loved ones are going to have a job to be able to support their families and have the kind of future that we all hope for our children.

So when we think about foreign policy priorities, I'm sure you hear from many constituents, why are we spending a single dollar abroad? We need every dollar we have in our budget, particularly as we need to deal with our deficit, and we need to create opportunities for jobs for people at home. We need every dollar at home.

At the same time, I know that the American people are well aware that on Sunday we will memorialize 10 years since 9/11 and the tremendous threat of terror that came across an ocean we thought would never reach our homeland, and the terrible cost in lives, in the way we go about our civil society, in the ways we face our future.

So I think Americans understand that in order to have the economic future we want we are inexorably connected to the world. We are connected to the world's economy. We are connected to events that take place in the world that are going to have an impact on what happens to us here at home.

So we have to find the right balance. Most Americans believe that we spend 40 percent of our budget on foreign policy. When we ask them how much we should spend, they say 20 percent. As I think all the members of this committee know, we spend less than 1 percent of the Federal budget on foreign policy priorities.

Even with that 1 percent, as you say quite rightly, we are going to have to be very thoughtful about what we do. President Obama, Secretary Clinton, have really I think led the way, as Secretary Clinton and Secretary Gates did, in putting forward a national security budget, at looking holistically at all of the tools—our military tools, our civilian tools, our diplomatic tools, and the tools of our private sector—in trying to advance American vital national security interests around the world.

So I think we're going to have to be very smart about how we move forward. I think President Obama is looking quite carefully. As we know, we're winding down the war in Iraq. That will be quite crucial. He has a glide path for moving troops out of Afghani-

stan, which will have an enormous budget savings between now and 2014, when that will be accomplished.

We are looking at the new challenges that we have, both in terms not of what we alone can do, but what we can do with others. The efforts in Libya were not led so much by the United States, though we played an invaluable role in what the Libyan people themselves have done, but it has been led by NATO, so that the burden is shared.

So I think we are going to have to look at all of the stakeholders, all of the resources we have. I think the building of public-private partnerships will be quite crucial. But I think Secretary Clinton and Secretary Gates and now Secretary Clinton and Secretary Panetta will lead the way in marshalling the resources we have in the best way we have, with I think the fundamental premise, what is in America's vital national security interest, and that has to set the priorities for where we will head.

Senator CARDIN. You were a major player in the Clinton administration as it developed policies toward North Korea. Could you share with us what lessons you believe were learned by that experience that could be helpful as we continue to develop a strategy as it relates to a country that presents serious challenges to the United States?

Ambassador SHERMAN. Thank you, Senator. I think that during the time that I worked on that very, very tough problem for President Clinton and Secretary Albright, it began really in 1998 when North Korea launched a Taepodong missile that overflew Japan, and it failed, but it raised great concerns, not only in the Clinton administration, but up here on Capitol Hill. There was a suspect underground site and we didn't quite know what was going on there.

So, with bipartisan support from the United States Congress, the former Secretary of Defense William Perry was designated to be a North Korea policy coordinator and to do a review, which went on for 11 months, and at the same time undertake some new diplomacy. I was the person inside government who worked with Secretary Perry and then replaced him as North Korea policy coordinator.

I think we learned what every administration since has learned. Working with North Korea is very frustrating, exceedingly difficult. They are elusive. They do not keep their commitments. They are often hostile. They are oppressive to their people; and that solving this problem is very, very tough, takes enormous persistence; and that there are no good choices.

We were able to get a significant dialogue started, make some small progress, but those gains turned out to be elusive. President Bush tried some new efforts, including the development of the six-party talks, continuing what was called the TCOG, which was a trilateral coordinating mechanism with South Korea and Japan, which was very important. He started a policy of interdiction of possible and suspect efforts on the high seas, which I think was an important tool.

Secretary Obama—Secretary Clinton and President Obama have continued with the six-party talks and continued really with the two-prong approach that Secretary Perry first put on the table.

That was that North Korea had a choice. It could eliminate in an irreversible fashion its nuclear weapons program and its long-range missile program, improve its human rights record, and give its people a future and join the international community and see some normalization of relations, or they could continue their isolation as a weak and failed state and get the wrath of the international community visited upon them.

So far, North Korea has pretty much chosen the second path. The Obama administration, Secretary Clinton, have worked with the U.N. and with allies around the world to place additional very serious sanctions on North Korea. They're probably among, if not the most, sanctioned country in the world.

It has created some pressure on North Korea. They have recently had talks with South Korea. They have had some talks with the United States, but Secretary Clinton has been quite clear and I think quite wisely has said that it makes no sense to have talks just for the sake of talks, that North Korea must keep its commitments that it made in 2005 to really move forward to the denuclearization of the Korean Peninsula; and if they show that in fact they want to proceed in that way then talks may have some serious purpose.

But I'm quite clear this is one tough, difficult, thorny problem. We learned some things, but we are in a new environment, in many ways a much tougher environment, and the choices the President and the Secretary have to make are probably even tougher than the ones that we made in the late 1990s.

Senator CARDIN. Thank you.

Senator Lugar.

Senator LUGAR. Thank you, Mr. Chairman.

Ms. Sherman, following up on the chairman's earlier question, I would simply note that the Appropriations Subcommittee on Foreign Operations of the House of Representatives recently passed a budget for the State Department for fiscal year 2012 in the amount of $39 billion. This figure is $8.6 billion, or some 18 percent, below the fiscal year 2011 enacted level and 22 percent below what the administration requested for the funding level for 2012.

I raise this because I just want to get some insight as to how you perceive your role as Under Secretary for Political Affairs. You would obviously serve as a close adviser to the Secretary of State—but would it be your responsibility to rearrange the deck? The $39 billion may not be the final figure. It may go up or down. In the event that the Committee of 12 does not reach a decision regarding deficit reduction, the State Department has been included along with the Defense Department to shoulder 50 percent of the $1.2 trillion in mandated automatic spending cuts. Already there's discussion about what the State Department and the Defense Department would lose relative to one another should these cuts occur.

So I'm trying to define in my own mind's eye, as well as for those who are witnessing our hearing, what is your job? Is it your role to prioritize who is going to do what in an environment where resources are limited? Or do you simply advise somebody else who makes these decisions?

Ambassador SHERMAN. Well, thank you for that question, Senator. Many years ago, then-Chairman Howell Rodgers, a Repub-

lican in the House, put in the State authorization bill language to create a second Deputy Secretary of State for Resources and Management, and this committee and the Senate were quite wise to recently confirm Deputy Secretary Tom Nides to that position.

Secretary Clinton is the first Secretary of State to fill that role, because she understood, I think, the point, at least one of the points you're trying to make, Senator. And that is dealing with the budget priorities of the State Department is complex, it's difficult, it's a competitive environment, it's a challenging environment. So Secretary Nides has the principal responsibility of working with the Secretary of State to work with OMB and the White House in establishing those budget priorities and working in the whole of government approach to a national security budget.

The role of the Under Secretary of State for Political Affairs is a more political and diplomatic role, of course offering as part of the Secretary's team advice and thoughts and recommendations and helping to illuminate the many priorities that are in front of the United States as it tries to extend its interests around the world. So I will certainly do all that the Secretary asks me to do to support that effort.

I think the Secretary has already made clear that if the House bill were to move forward to the President's desk, she would personally recommend a veto of that bill, not only on the basis of the deep cuts to the bill, but many of the provisions that are within that bill.

I certainly understand the House's actions in these difficult times, but I remain hopeful, as I know the Secretary and the President does, that we can all work together to find something that will help truly meet the vital interests of the United States.

Senator LUGAR. Well, thank you very much for clarifying the work of Secretary Nides and the role of the Under Secretary of State for Political Affairs. Given that role, it is relevant to mention that the General Assembly of the United Nations will be meeting very soon. It's anticipated that we're going to have a real problem with the Palestinian Authority suggesting that a Palestinian state be recognized at the U.N.

What are we going to do about that? What is the program of the administration as it approaches the U.N. and this ongoing problem, which has been perceived a long way down the trail, but now is pretty close at hand?

Ambassador SHERMAN. Senator, the administration has been very clear that all of us hope for a two-state solution in Middle East peace, a viable Palestine and a secure Israel with clear borders. We do not believe that a U.N. resolution will get us to that place, and the Secretary of State and the President are doing everything they can to make it clear to the world that we think that this is not a positive step forward should a resolution come to pass.

My understanding from the briefings I've had at the State Department is there has been a very broad and very vigorous demarche of virtually every capital in the world, that this is high on the agenda for every meeting the Secretary has with every world leader. Today I understand that both Special Envoy David Hale and Ambassador Dennis Ross are in the region having conversa-

tions with all parties to see if there is not a better way forward to resolve this issue.

But there is no question that the President, the Secretary of State, and, if confirmed, I will do everything possible to see that this does not move forward.

Senator LUGAR. Now, the United States will oppose Palestinian Authority President Abbas in his motion, but specifically what can we do? If the General Assembly has a majority vote, what is our next step?

Ambassador SHERMAN. I think the next step, Senator, to the best of my understanding is the discussions that are going on in the region as we speak to see if there is not a more viable path forward. I think my understanding is that the Palestinian Authority has not yet decided exactly what it will put forward. So I think there are ongoing discussions and I think it's incumbent upon everyone in the administration to do everything we possibly can to see if there is any possibility that this not proceed.

Senator LUGAR. Thank you very much.

Thank you, Mr. Chairman.

Senator CARDIN. Senator Menendez.

Senator MENENDEZ. Thank you, Mr. Chairman.

Ms. Sherman, thank you very much for your long service to our country. I appreciate it and look forward to your role at the State Department.

There are many questions I would like to ask you, but two that I'll pursue in my 6 minutes. One is Libya. I welcome the political change in Libya, to bring about the aspirations of the Libyan people, and am certainly proud to have been the sponsor of the Senate no-fly resolution in the early stages of this challenge. So I'm very much in support of an opportunity for the Libyan people to start anew and for the successor government to embrace democratic reforms and rehabilitate Libya's reputation in the world community.

At the same time, I have, as you may know, for some time followed the case of the Pan Am 103 bombing, which claimed 189 American lives, including 34 from my home State of New Jersey, and I have never believed that Mr. Megrahi alone was the beginning and the end of the mastermind of Pan Am 103's bombing. I think people generally believe that that is not true. We still do not know who ordered the bombing, who collected the intelligence to carry out the plan, who made the bomb, and who in addition to Megrahi bears responsibility for this heinous attack.

So it is my hope that the follow-on Libyan Government will be responsive. Certainly when Mr. Jabril met with me, he made certain direct commitments about the TNC's engagement.

But I am somewhat dismayed by the news reports that I have seen coming from the TNC since, whether they relate to Mr. Megrahi or other pursuits of information that would give us the wherewithal to understand who was involved in this bombing. So to that end, I'll introduce later today the Pan Am 103 Accountability Act, which would require the President to consider the cooperation of the TNC and any successor government in Libya when making decisions about U.S. assistance, and would limit the distribution of Libyan frozen assets until the President could certify

that the new Libyan authorities are fully cooperating with the U.S. investigation and requests for information.

What inquiries to your knowledge, since I'm sure you've been briefed in preparation of this hearing, has the State Department, our government, made with the TNC in respect to gaining first access to Megrahi to determine what his state is, and also what inquiries has our government made with the TNC in reference to cooperation in getting access to both individuals and documents in pursuit of finding out all of those who were responsible for this bombing?

Ambassador SHERMAN. Senator, when I was counselor of the Department of State I had the privilege, the sad privilege, of meeting with the families of Pan Am 103 as the Scottish court was getting under way. I heard firsthand what I know you have heard many times, which is the horrible grief of the families of the victims of Pan Am 103 and their sense that justice had not been served, and I know those feelings continue today. It was a very tough and very painful meeting. So I do understand quite directly what those families have gone through, or have heard at least.

Secretary Clinton understands as well and she has said from the start that the administration does not believe that al-Megrahi should have been returned to Libya in the first place. In the last few days, when she has been in Paris in meetings with the TNC and the leaders of the TNC, she has had direct conversations on this subject, both on her concerns that al-Megrahi be brought to justice and that, further, that all that needs to be done to seek justice for these families is a priority for the TNC.

She and the administration certainly understand that the TNC has much on its plate at the moment, including the security and governance of their country. But she wanted to be clear that this was a very important issue for the United States of America.

Senator MENENDEZ. And what response did she get?

Ambassador SHERMAN. The response was that this was very much understood by the TNC, knew how important this was for the United States, and that they would continue their conversation and dialogue.

I am not aware, in part because I have not been briefed, Senator, more recently, whether any specific commitments were made other than to continue the dialogue and pursue that justice, which is an important commitment that justice indeed be pursued.

Senator MENENDEZ. This is what my concern is. I appreciate continuing the dialogue, but this is a transitional government for which the United States has played a major role, from establishing and being the advocate for a no-fly zone, getting NATO to be engaged, and providing considerable assets, to unlocking frozen assets for humanitarian purposes.

I am concerned that dialogue, while desirable, will not lead to the conclusions that we want. So I would hate to give all the leverage away before we have more than a dialogue, before we have a commitment. So I am looking for the Department to pursue a commitment. I'm looking to find whether the Department has had the opportunity to get access to its former foreign and external security minister, Moussa Koussa.

I would hate to see us release all of the assets while in the midst of a dialogue. So I just want to press that point, and I will continue to press that point. I've made this point with the Secretary as well.

Ambassador SHERMAN. I certainly understand. I do believe, Senator, that there is an absolute commitment to justice. I take your point about the specificity of that commitment to justice and I'm sure that the Secretary will continue to pursue this, because it is a very high priority for her.

Senator MENENDEZ. Finally in the time that I have left, the issue of a U.N. vote on the Palestinian Authority's request has been raised. Is it the Department's position that a resolution recognizing a Palestinian state could stall the peace talks for the foreseeable future? And what message has the Department—I heard about the demarches, which I applaud, and certainly Secretary Rice has done an extraordinary job in her advocacy. But what has our government said to Abbas about the impact that this vote will have on United States-Palestinian relations?

Ambassador SHERMAN. The administration has been very clear that this resolution is not positive for the peace process, that leaders should hear what the United States Congress and other leaders are saying about what impact might result, that that is a serious, serious reality for the future of the region and for the Palestinian people.

Indeed, today, as I mentioned, both David Hale and Dennis Ross are in the region having those very direct discussions.

Senator MENENDEZ. Thank you.

Thank you, Mr. Chairman.

Senator CARDIN. Thank you, Senator Menendez.

Senator DeMint.

Senator DEMINT. Thank you, Senator Cardin.

Thank you, Ambassador Sherman. I appreciate you being here and I very much appreciate your many years of service and sacrifice, as well as the sacrifice I know your family's been a part of. So my questions are not at all directed at character, integrity, or your commitment to our country. We very much appreciate it.

But I do want to ask you about what I see as two different philosophies in our foreign policy, not just this administration, but maybe across the board. There's one philosophy that the United States needs to deal very firmly, with strength and a lot of verification with other countries in the world. And I think there's another philosophy that perhaps through friendliness, even appeasement and trust, that we can accomplish much more. Certainly that approach with friends and allies is the preferred approach.

But behind closed doors over the years, as I've talked to some of our allies, I think there's a perception the United States maybe uses more carrots than sticks and there's maybe a degree of naivete in our State Department, that our friendliness and willingness to trust is seen in many parts of the world as weakness rather than a genuine desire to work with others.

As I look at your work with North Korea, it does suggest to me perhaps a willingness to work with countries that we know cannot be trusted, almost maybe as a peer, and dealing with them in a way that suggests that friendliness and appeasement and trust might be more your philosophy. I liked a lot of what you said in

your opening statement, but I am concerned as we approach other countries—China, Russia, Iran, Syria, the Palestinians—that these countries respect power and that clarity of purpose is very important for us.

I'd just like to hear you discuss maybe how you see the world in that respect and, moving forward, how do you see the role of the United States in dealing with other countries?

Ambassador SHERMAN. Thank you, Senator. I think it's a very important question, and I think that my own philosophy probably, in the way you've set up the question—I might not set it up quite that way—is on the side of strength and verification. Where I think we may see it slightly differently, Senator, is that I don't believe engagement is the antithesis of strength and verification. I believe that engaging with leaders is a way to test them, to see if in fact the commitments they've made they're going to keep.

In the case of North Korea, we engaged with North Korea to see if they would not only make commitments, but if they would keep them in a verifiable and irreversible way. They did not. We did not conclude the agreement with North Korea. Sanctions not only remained on North Korea, but have increased over the years.

We know during the Bush administration that there was difference of opinion about how they would proceed on North Korea. In the Obama administration there has been great clarity: A two-pronged approach, but, as Secretary Clinton has been very clear, we will not talk for the sake of talks. North Korea has to demonstrate that it is going to keep the commitments it made in 2005, and the talks make no sense until they show in a verifiable way that they have kept those commitments.

So I believe absolutely in clarity, in strength, the importance of sticks as well as carrots, of putting all the pieces on the table. The reason—it was interesting, when Secretary of Defense was asked to be the North Korea policy coordinator, the suggestion came actually initially from a Republican staff member working for then-chairman of the Appropriations Committee, Mr. McConnell. The reason was because in 1993 when North Korea threatened to leave the Nuclear Nonproliferation Treaty and we thought that we might be a moment at military power and military force, Secretary Perry did not hesitate to begin to flow troops out of Japan if in fact we had to take military action. So we knew that the person who was leading that effort the North Koreas knew was a tower of strength and purpose and clarity and toughness.

Senator DEMINT. Thank you for that answer.

Another question related to philosophy, because I think a lot of us are grappling with this now as we look at situations around the world, and some of the other questions have suggested this. It appears, particularly with our financial situation in our own country, the sense that perhaps we're spread too thin—does America as we look at our foreign policy need to be the city on the hill, be the model for the world, be the example, or the other philosophy, which I think various administrations and Congresses have pursued for years, is promoting our ideas, sometimes forcing our ideas, in other parts of the world, transplanting democracy and our way, which seems theoretically a good idea, but as we look at our track record

of success there is some question if perhaps we should begin to look at things a different way.

Are you—as you think of our role in the world, which side of that equation would you be on?

Ambassador SHERMAN. Senator, I think that what we must be is who we are. I think the advance of our vital national security interests, which include the values that we hold dear, is very important, but I absolutely believe that we cannot impose those values on other countries. We show by who we are what people might aspire to be.

The people who fomented change in Egypt, in Libya and Yemen, throughout many parts of the world back during the fall of the Soviet Union, did not do so to live under another dictatorship. They did so to have prosperity and freedom, to be able to build a future for their families, just like all of us want to do.

So I think the United States is at its best when we live our values and live our interests, try to influence others to meet our national security priorities, but not do so in a way that tries to impose upon other people what we believe, because, quite frankly, as I think you're implying in your question, that is often a costly enterprise and often an enterprise that does not have the results that we desire.

So I think we have to be very thoughtful and very careful about how we do it.

Senator DEMINT. Thank you, Madam Ambassador.

And thanks for the little extra time, Senator Cardin.

Senator CARDIN. Certainly.

Senator Casey.

Senator CASEY. Thanks very much.

Ambassador Sherman, great to see you again and thank you for your willingness to serve again. I want to thank you and your family as well for this commitment. Senator DeMint mentioned that and it bears repeating, because I know you don't serve alone. Your family serves with you in more ways than one.

I also want to thank you for a long commitment to public service in a whole variety of positions, starting with those in the State of Maryland and other places where you were an advocate for children, and now in your work that has worldwide impact at a time of real tension and danger for our country.

I wanted to ask you about two issues. One is in relation to a trip that I just took during the month of August, and then second about something very specific as it relates to a constituent of mine. First of all with regard to both Afghanistan and Pakistan, I was just in both countries, 3 days in Pakistan, 2 days in Afghanistan, in August with Senator Whitehouse, Senator Bennett, and Senator Blumenthal. The main purpose of our trip—and we were, I think appropriately, a nagging broken record—was to push first and foremost the Pakistanis to help us on the question of calcium ammonium nitrate, the so-called fertilizer that comes in from Pakistan in amounts that allows the bad guys to be able to construct IEDs that are killing so many of our troops and, if not killing them, grievously and irreparably wounding them.

Here's what we got from them. We got a presentation, as the State Department knows and others know, of a strategic approach

to this, to be able to track it better, to be able to regulate it and interdict it. Then in addition to the strategy, an implementation plan of the strategy. So they're two for two. But what we haven't seen yet is the implementation itself and the real hard work at various levels of their government to be able to just help us protect our troops and also to protect their own people. One of the reasons I think the Pakistani leadership is willing to engage in this is because their own people are being adversely impacted, thousands of people being impacted, by IEDs.

I'd ask you two questions: No. 1, your assessment of that commitment that they've made to me personally and to the other Senators and to our government—and I know Secretary Clinton has worked very hard on this, insisting that they make this commitment. Second, not just your assessment of the commitment, but what will happen if they don't fulfill that commitment in terms of our relationship with them, which I know is a very tense relationship to begin with?

Ambassador SHERMAN. Thank you, Senator. First, your travel with the other Senators to Afghanistan and Pakistan is tremendously important. I know that Members of Congress often get a lot of grief for traveling abroad, even to places as not wonderful as Afghanistan and Pakistan. But I cannot begin to tell you, as someone who travels the world quite a bit in my business life and before when I was in public service, when Members of Congress, when U.S. Senators, travel to these areas and work on these very crucial issues, it makes a phenomenal difference, because it not only echoes what an administration might be able to say, but it is a point of leverage to really try to get action.

So I thank you tremendously for having made that very difficult trip. I also want to thank you for your leadership on this very crucial issue. Calcium ammonium nitrate, which is the precursor for production of IEDs, is a very crucial problem, and you have led on encouraging and pushing Pakistan to move in the direction it needs to to stop the production and the transit and to work with Afghanistan to do so.

I'm very glad to hear that you heard what I heard in briefings, which was that the Pakistanis are taking this quite seriously, have a strategic approach, an approach with Afghanistan as well, to control the borders and to stop this from coming across, and have an implementation plan as well. This in part arose out of one of the working groups that we have with Pakistan that's a very successful working group, working on these kind of very tough issues.

This is a priority for the administration because, as you point out, IEDs are a horrible, horrible reality for the members of our military who risk their lives for us every day. So it is a high priority for us. I understand the Department intends to stay on this, to make sure that that implementation plan is successful, to continue to let the Pakistanis know what a high priority this is.

This is doable, and a lot of things we are trying to do are even tougher than this, and we should be able to get this done.

Senator CASEY. I appreciate that. And I know in the limited time I have I wanted to ask you about one other issue, and some of this we can do by way of followup. The hikers. Of course, two now just

receiving an 8-year sentence, which is an abomination. It's a mockery of justice. But they're faced now with a long prison term.

One of them, of course, is a Pennsylvanian, Josh Fattal, whose family has been remarkable. His mom and his brother have been just remarkable, remarkably effective at making his case and reminding all of us of this.

Can you give me a sense of where you see this case and what the State Department can do to keep pushing to make sure that we get them out of the prison?

Ambassador SHERMAN. Senator, I know that the Secretary believes that we must take every opportunity we can to push this, to work with the Swiss Protecting Authority, which represents us in Iran, to try to get consular access to them, to push for their release. The administration quite agrees with you that this is an abomination, that these hikers do not belong in prison, do not belong having this sentence, ought to be released immediately. And I know that the Secretary is absolutely committed to using every opportunity she can in the Department to do everything that it possibly can, and if confirmed I will do everything I possibly can, using every relationship we have with Iran through third countries, if not directly, to get their release.

Senator CASEY. Thank you very much.

Senator CARDIN. Senator Risch.

Senator RISCH. Thank you, Senator Cardin.

Ambassador, thank you so much for coming today. I have one issue I wanted to focus on just a little bit, and that is one of the real successes in the Middle East, and of course there aren't many, but one that is there and has existed for 30 years is the peace between Egypt and Israel, and particularly the line on the Sinai that separated the two countries and has been successfully maintained, even in light of the fact that there is almost daily disputes there over the last 30 years.

So those of us who—I've been there. I've seen what's happened. Those of us who've watched that over the years are concerned after the change in Egypt with the potential for what could happen there. It appears that some of our fears have been founded.

We all know that the Sinai is not nearly what it was during the last administration in Egypt. Can you give me your thoughts on that and what you think the Multilateral Force can do to restabilize that line and restabilize the Sinai?

Ambassador SHERMAN. Thank you very much, Senator. This is a very important issue. It is our understanding, my understanding from the briefings I've had, that the transitional government in Egypt has reaffirmed its commitment to the Camp David Accords, that they are in dialogue with Israel to not only ensure that there is a transition that maintains a strong and positive relationship between Egypt and Israel, but that the issues on the Sinai are addressed, that the Multilateral Force does get back to the posture that it had, where there are not an increased number of incidents. As you said, there have been incidents over a number of years from time to time, but that there has certainly been an increase of late, that is of great concern. Assistant Secretary Jeff Feltman very much has his eye on this issue, and I know that our new Ambassador, Ambassador Anne Patterson, whom this committee and the

Senate very wisely confirmed and is now in place, very much has this on her agenda.

Senator RISCH. I appreciate that. Are you personally convinced that the new administration in Egypt will do what's necessary on their side in the Sinai to try to get control again of what I think any observer would say is the growing lawlessness on the Sinai itself?

Ambassador SHERMAN. Senator, I have not met directly with the leaders in the new transitional government, but my understanding from briefings is that the State Department believes that there is a commitment to maintaining and strengthening the historical relationships here. But it is clearly something that has to be front and center as we go forward in our diplomacy and our discussions with the Egyptians and as they develop their governance structure in the weeks and months ahead.

So, although today I believe the State Department has confidence, it's not something that anyone should take their eye off of. Indeed, we need to continue our vigilance to support that in fact things head in that direction.

Senator RISCH. Thank you, Ambassador. I think we all share that view.

Thank you, Mr. Chairman.

Senator CARDIN. Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

Ambassador Sherman, I want to echo my colleagues in expressing my appreciation for your past work within the State Department and for your willingness to consider taking on such a difficult post at such a dangerous and critical time in our foreign relations. So thank you very much. I hope we can move quickly to consider your nomination on the floor and I look forward to voting for you.

Like Senator Casey, I had the opportunity over August with Senator Levin and Senator Merkley to travel to Afghanistan and Pakistan. One of the things that we heard in our meetings with the civilian leadership in Pakistan was a commitment to try and improve relations with India. The news this morning, we heard not just about bombing in Quetta of the Pakistanis, but also about a bomb in a courthouse in New Delhi, and reports suggest that it was an al Qaeda-linked group in Pakistan and Bangladesh that's claiming credit for the attack in India.

I wonder if you can—obviously, part of the effort is to try and discourage those efforts, to improve relations between the two countries. I wonder if you can talk about what more we might be able to do to try and encourage that effort to keep the two countries talking and to continue to work on improving relations.

Ambassador SHERMAN. Thank you, as I said to Senator Casey, for your travel to Afghanistan and Pakistan. It's always hard for members to do this travel, but very crucial in world affairs.

I think that the administration is heartened by the fact that there have now been three very significant meetings between India and Pakistan, commerce secretaries, foreign ministers, cricket diplomacy, and that in fact there are followup meetings with home and interior secretaries coming up; and that that kind of dialogue between the two countries is absolutely essential.

The United States has always supported that dialogue. The pace and scope and character of it is up to, of course, India and Pakistan and we can't prescribe for them exactly how to proceed. But it is crucial to both of their security, to the future of their countries, that that take place.

In addition, it's my understanding that Prime Minister Singh is in Bangladesh today, taking on even more of what Secretary Clinton spoke about in her recent trip to India, and that is seeing India as really a central player in South and Central Asia, taking on more and more of a leadership role in the region. I think that's important, not only for India, but for all of us in terms of the security of the region.

So I think your conversations to encourage better relations is very important. It is something that the administration has done. In my sort of life over the past few years both in the private sector—I've been to India and Pakistan both as a businesswoman and as part of track 2 dialogues, and I know that there is a desire in both countries to move forward, as difficult as their domestic politics sometimes make that.

Senator SHAHEEN. Thank you.

Another report today suggests that we are moving toward a drawdown of our troops in Iraq, possibly down to as few as 3,000 to 4,000, who would be there to continue training security forces in Iraq. I know that plans have always been to significantly draw down our American troops there, but there have been some reports that the Iraqis might consider asking us to leave a larger contingent than the 3,000 there.

Again, I appreciate that this has been a contentious issue in Iraq. But to what extent is the Iraqi political situation making planning difficult for the drawdown, and do we have any indication that the Iraqis are going to ask us to stay beyond the end of this year?

Ambassador SHERMAN. Senator, my understanding is that the Iraqis have said they might have some interest in some ongoing presence, particularly, as you note, in the area of training, continued training of their military. It is also my understanding that the administration has taken no decision in this regard, even though I read the same report you did in this morning's paper, that the Defense Department is considering 3,000 or 4,000 military to remain as trainers past the point of departure. I am sure that the administration will have, continue to have, extensive consultations and conversation with Congress before a final decision is made. It's my understanding as of this morning no final decision has been made.

Senator SHAHEEN. Another corollary of that is concern about the State Department operation that will continue in Iraq once our troops are drawn down and how we continue to maintain security with that increased role throughout the country. Can you talk a little about how you see that transition happening and what we might need to do to ensure that we can maintain that diplomatic presence even while we may not have the military security to protect those State offices around the country?

Ambassador SHERMAN. Senator, in the briefing that I had with Under Secretary of State Pat Kennedy, who's responsible for man-

agement, and with Deputy Secretary Nides, they are both very much focused on what in fact the pattern should look like to provide the kinds of consular services we need to have a presence in Iraq, but do so in a way that is secure for our diplomats and for our civilians. They are working on those plans and I'm sure will continue their conversations with the Congress as they are finalized, but it is very much something that preoccupies them, for all of the reasons that you stated.

Senator SHAHEEN. Thank you.

Thank you, Mr. Chairman.

Senator CARDIN. Senator Lee.

Senator LEE. Thank you, chairman.

Ambassador, thank you for joining us. It's good to see you again. I want to return to an issue that you addressed briefly with Senator Lugar a few minutes ago in relation to the push announced recently by the Palestinian National Authority through President Mahmoud Abbas about possible efforts to seek recognition outside of direct negotiations with Israel, by taking the issue to the United Nations.

Now, President Obama recently described those efforts as purely symbolic, and I think he also used the word "failure" to describe the likely outcome. I can see why he might use those words to describe that. I want to believe that he's right. I hope that he's right.

I can also foresee some scenarios in which that might not turn out to be right, in which that characterization could perhaps have proven to be a little bit too optimistic. Do you share that view, that it's not absolutely certain? I'm not asking you to disagree publicly with your boss. I would never do that. I'm just saying, do you foresee scenarios in which that could have—we could later look back on that and say perhaps that was a little bit too optimistic? And if so, are there things that you think the administration can be doing right now to sort of protect against that?

Ambassador SHERMAN. The President, Senator, has been very clear that a U.N. resolution to recognize Palestine will not get us to the two-state solution that both parties seek and that most of the world seeks. And he has been unrelenting in saying that such a resolution is not in our interests or in the interest of the world or the two parties.

Secretary Clinton has used every opportunity she's had with leaders to make it clear, as has the President, that this is not a positive outcome should such a resolution go forward. As I mentioned to Senator Lugar, indeed Special Envoy David Hale and Ambassador Dennis Ross are in the region today having conversations to see if in fact there isn't another path forward that can meet the needs of the parties, but, more important, to get them back to direct negotiations, which is really the solution here.

A resolution at the United Nations is not really going to get us to the solution everybody is seeking. Direct negotiations will and are the only path to that resolution. So I think that the administration is doing everything it possibly can, from demarching virtually every capital in the world to sending very high-level envoys to the region for discussions. And I know that our Ambassador at the U.N., Susan Rice, is working with all of her colleagues as well.

The administration has been very clear as well, and I don't expect this to occur, but that if it did occur, if any such resolution were put in front of the Security Council, that we would veto it. So our expectation is that will not occur. But the General Assembly is still a concern and so there is very urgent work going on to try to see if there is not another way forward.

Senator LEE. So it sounds like you're very confident that the United States would remain committed with great resolve to the veto threat?

Ambassador SHERMAN. The United States is very resolved to a veto threat in the Security Council. What we are very resolved about as well is urging the parties to enter into direct negotiations. Again, the Quartet, which is very crucial to the Middle East peace process, is also pressing in that direction, and I know that their envoy, former Prime Minister Blair, is also very engaged in representing the Quartet in trying to move to a more positive direction.

Senator LEE. So do you see there being a coalition of countries that will build from there, or do you think we largely know who is with us and who is against us on that?

Ambassador SHERMAN. Well, we are working on that. It's my understanding, Senator, that there is obviously a core of the Quartet, including the United States, and that we are working outward and increasing the number of countries who understand that to really have a viable Palestine, a secure Israel, will require direct negotiations between the parties, not a resolution at the United Nations.

Senator LEE. Thank you.

Now, Deputy Secretary Burns during his time as Under Secretary, if I'm not mistaken, was a key negotiator with Iran and amongst the P5+1 countries. Do you expect to take on that role if confirmed?

Ambassador SHERMAN. I expect to do whatever the Secretary of State asks me to do, and we haven't had that discussion because I'm not in the job yet. Hopefully, I will be confirmed, voted out by this committee and confirmed by the Senate, and if she were to ask me to do that I would be honored to, as difficult as it is, to do my very best.

Senator LEE. If you were confirmed, and assuming that this fits within your area of assignments, would you be inclined to recommend additional sanctions against Iran to discourage Iran from developing its nuclear weapons program?

Ambassador SHERMAN. I think, Senator, if she asked me to take on this assignment, which has traditionally been at the Under Secretary level, I would want to understand all of the facts of the situation, be briefed on both the classified as well as the unclassified information, which I have not yet done, and then talk with the Secretary, with the rest of the administration, see what the best way forward is.

There is no question that the sanctions are tremendous on Iran. They have begun to bite Iran in spite of the high price of oil, which gave them some relief. There have been other actions that have occurred that we've all read about in the newspaper, which has degraded their capability. But there is no question that it is a serious,

serious national security problem for the United States and for the world, and we have to approach it with that seriousness of purpose.

Senator LEE. Great. Thank you very much, Ambassador Sherman.

Ambassador SHERMAN. Thank you, Senator.

Senator LEE. Thank you, Mr. Chairman.

Senator CARDIN. Senator Coons.

Senator COONS. Thank you, Mr. Chairman. And I want to thank you for convening this.

To Ambassador Sherman, thank you for your tremendous experience and your service to our Nation that you bring to bear today, to your husband, Bruce, and your family for their willingness to continue supporting you in the sacrifice.

I was struck, in your opening statement, your reference to your relationship with Senator Helms when he was the chair. Even though you may have disagreed on some substantive foreign policy matters, your ability to sustain a constructive and respectful relationship I think is a good reminder of the long tradition of bipartisanship that has long sustained American foreign policy.

In that spirit, I'll pick up exactly where Senator Lee just left off. I think you will hear from both sides, from Senator Lugar and Senator Menendez, from Senator Risch, myself, Senator Lee, strong concern about the efforts by the Palestinians to achieve some sort of recognition in the United Nations. I was pleased with your response about the intention and focus and sincerity of the administration in resisting that and finding all possible ways to move the parties back to responsible negotiations.

On the question of Iran, I just would be interested, after the announcement by the IAEA just last week that they've increased their enrichment activities, what further actions do you think might be necessary or might be taken by the administration to strengthen CISADA, to strengthen other sanctions, and what else do you think we in the Senate might be doing to continue to enforce a multilateral approach toward preventing the Iranians from achieving what I think are their aims, which, as you put it, are a grave threat to our security, to Israel's security, and to the world?

Ambassador SHERMAN. Thank you, Senator. I share your concern about Iran. I think as I've been getting briefings at the State Department to prepare for this hearing and hopefully to prepare for the job, I've been struck by the progress we actually have made. If you had asked me just a couple of years ago whether the European Union would have put on unilateral sanctions to the extent that it did, I probably would have said it might not be an easy thing to get done because they had so many of their companies, particularly their energy companies, that were in Iran. Now most of those energy companies are gone. The number of companies that have left Iran is quite significant.

I think the kind of diplomacy that the administration's engaging in, including having Special Adviser Robert Einhorn travel the world trying to get other countries to not only put on unilateral sanctions, but to enforce the U.N. Security Council resolutions, has been crucial, because sanctions are only as good as the enforcement of them.

So it's not always a need for more and more and more sanctions. It's really about using all the tools we have at our disposal, including the Treasury Department's actions that have been quite crucial where Iran is concerned in terms of financial assets and financial transactions.

So I think, again as I just said to Senator Lee, if I—and hopefully I will be confirmed by the Senate—and the Secretary asks me to spend some time on this very, very tough problem, I would want to have a greater understanding than I do today of how far we are, what else we need to do to encourage enforcement of the existing sanctions, and to assess whether in fact any further sanctions would really move us forward.

Obviously, the sanctions are having some bite because we're beginning to see folks in Iran, as we saw in David Sanger's article yesterday, trying to throw proposals on the table. I'm skeptical today, as I'm sure the administration is, of those proposals. But usually when countries begin to put those ideas on the table sanctions are beginning to bite.

So I'd want to make sure that we encourage as much biting as we possibly can, because this is a very tough issue.

I also want to thank you, Senator, for your mention about the importance of bipartisanship. I quite agree. I know that for me and this committee, I always think about Nunn-Lugar, Kerry-Lugar-Biden, Kerry-Lugar-Berman. There are many pieces of legislation that have emanated from this committee that have set a standard for bipartisanship, that have moved our national security priorities forward.

Senator COONS. Thank you, Ambassador. And I do hope that you'll have a central role in ensuring that we do enforce the sanctions that we've got in place. I want to commend the administration for continuing to stay on this issue, but I know many of us share a grave concern about the speed with which the Iranians have moved and are eager to see more thorough and effective engagement and enforcement on this issue.

Let me turn, if I could, to a related and challenging situation, the full-blown humanitarian crisis in the Horn of Africa. Senator Isakson and I held a hearing just after the debt ceiling vote and as many Members of the Congress were going home for work period, and I was grateful that he stayed with me. We had a hearing about the difficulty. The Office of Foreign Asset Control required to enforce sanctions and al-Shabab is critically preventing aid from getting to those most severely affected areas of southern Somalia.

We've just had another report that an additional 300,000 people are in critical need of emergency assistance, raising the number to, I think, 12.7 million. USAID predicts this may be one of the worst famines in modern history.

What further progress, if you can speak to it, has been made in resolving some of the Treasury sanctions barriers to delivering effective assistance, and what else do you think we can do to reduce al-Shabab's influence and to deliver humanitarian assistance in an effective way in the Horn of Africa?

Ambassador SHERMAN. Thank you very much, Senator, for raising this just horrific, horrific situation, where, as you say, over 12 million, almost 13 million, people have been affected, not only in

Somalia, but a refugee camp in Kenya that was meant for maybe 90,000 people has now maybe 400,000 people who are seeking help and assistance.

I know that OFAC [Office of Foreign Assets Control], the office in Treasury that issues licenses when waivers are needed in a situation, as Somalia does, with al-Shabab's interference, has in fact created a license waiver for AID to provide some assistance and is looking at the potential for other waivers for NGOs that might be appropriate to try to bring in that humanitarian relief, understanding that of course we want to do so in as secure a situation as possible.

I know that the administration is working with AMISOM [African Union Mission in Somalia] and with the transitional government in Somalia to see what our other options there are, to see if in fact what we can do in areas outside of Mogadishu to bring relief. But it is a truly horrific situation, working closely with the U.N., which obviously is key to the relief efforts.

I must say, one of the things I've been doing as a private citizen is I've been chair of the board of Oxfam America, and the outpouring by Americans to provide funds, to provide relief in Somalia, is incredibly heartening. Americans are a very generous people when it comes to these humanitarian disasters. But I know Assistant Secretary Johnny Carson, with whom I met yesterday, is doing everything he possibly can do to work internationally to bring relief both with the private and the public sector to those families and to the people of Somalia.

Senator COONS. Thank you, Ambassador. I see my time has expired. I'm grateful that you bring both that experience and that perspective to these very difficult issues in Iran, in the Horn, and around the world. I look forward to supporting your nomination on the floor of the Senate. Thank you.

Ambassador SHERMAN. Thank you, Senator.

Senator CARDIN. Senator Udall.

Senator UDALL. Thank you, Chairman Cardin.

Let me also echo, Ambassador Sherman, the appreciation for your long public service and also your family's sacrifice. One of the things that hasn't been noted is you have served the public in a number of positions dedicated to children and children's issues, and that's something that's very close to my heart and I very much appreciate that.

If Iraq were to make the request to retain United States troops in Iraq—and I note today there's a big front-page article on the New York Times about various parts of this—to retain—if Iraq makes a request to retain United States troops past the December 2011 deadline, how would it change the plan to transition the lead of U.S. engagement from Defense to State, if at all, and how would it affect the State Department's ability to operate in Iraq and the preparations being made for the transition?

Ambassador SHERMAN. Senator, I read this in the paper this morning along with you, and so I don't know all of the answers to the question, but certainly will ask the State Department to make sure that you get a full answer. My understanding is that this may be a request for military trainers and, if so, it would be other than the plans that need to go forward to ensure the protection of civil-

ian workers in Iraq after the drawdown of our military, and that the Iraqi Government has long had discussions with us of some kind of continued presence and this may be what they are seeking.

But I am quite certain that no decision has been made on this yet, but would be glad to ask the State Department to get more information to you.

[The written information provided by the State Department follows:]

The Government of Iraq has authorized negotiations with the U.S. on a possible post-2011 U.S. security training mission. We are currently discussing this request with Iraqi leaders. Those discussions are ongoing and no final decision has been reached.

Regardless of the outcome of these discussions, State will be in the lead for the U.S. mission in Iraq after 2011. The Department of State, the Department of Defense, and other agencies and departments have undertaken unprecedented levels of coordination and planning to accomplish this transition to civilian leadership, and we are moving forward.

Senator UDALL. Thank you. I very much appreciate that.

The article noted that if there is the withdrawal that there is still going to be a significant State Department presence in Iraq. One of the things that was highlighted is the $3.2 billion request from the overseas contingency operating fund moved from military to the civilian mission there in Iraq. This mission is expected to be the largest State Department mission in the world, there in Iraq. This will also include not only employment of State Department personnel, but the hiring of numerous contractors to do the work the military's leaving behind.

Now, with reports that contracting money in Afghanistan has funded the Taliban and led to corruption, I'm worried about a similar outcome in Iraq. From your standpoint, what does State need to do to ensure that the transition is smooth and that the United States taxpayer funds are well spent in Iraq?

Ambassador SHERMAN. Thank you very much for that question, Senator. I know that Secretary Clinton has asked Deputy Secretary Nides and Under Secretary for Management Pat Kennedy to pay special attention and to take special responsibility for exactly that, and that is to make sure that the civilian presence in Iraq is well protected, that the contracting is done in a transparent and accountable and auditable manner, and to ensure that taxpayer money is well spent.

I know that over the years there have been times, not only in the State Department but throughout the U.S. Government, concern by Congress about contracts, whether they are let appropriately, whether dollars are well spent, whether we put all the monitoring systems in place to ensure as little corruption as possible, hopefully none. And I know that Secretary Nides and Under Secretary Kennedy are very focused on exactly that.

Senator UDALL. Thank you.

Shifting a little bit to your role that you played on the Commission for the Prevention of Weapons of Mass Destruction, as a member of that commission you played an important role in making findings and recommendations for action to prevent the spread of weapons of mass destruction. One of the recommendations had to do with the global ideological engagement. Recommendation No. 12 stated, and I quote: "U.S. counterterrorism strategy must be more

effectively"—"must more effectively counter the ideology behind WMD terrorism. The United States should develop a more coherent and sustained strategy and capabilities for global ideological engagement to prevent further recruits, supporters, and facilitators."

Then the commission went on: "The U.S. foreign policy community needs to alter its culture and organization so that it can work across agency lines to make soft power an option just as viable and effective as hard power. This change is essential. It should be a top priority of the next President's foreign policy team."

Since your commission has made these recommendations, we've had a new President, two new Congresses. How would you assess the progress of the administration in employing soft power and do you believe that some of the proposed House budgets could threaten these initiatives and endanger the State Department's soft power capabilities and our overall ability to prevent the proliferation of weapons of mass destruction?

Ambassador SHERMAN. Thank you, Senator. Your question actually harkens back to Senator Lugar's opening comments, in that when Secretary Clinton came in she set up the first Quadrennial Review of Diplomacy and Development (QDDR). Part of the impetus for doing so was to look at this very question: How could we have a whole of State Department and a whole of government approach to our national security and foreign policy, to make sure that all stakeholders are engaged, that our foreign service officers not only talk to members of governments around the world, but talk to people in civil society, talk to the press, talk to business people, talk to young people, talk to women and girls, talk to students, really understand all of the stakeholders that make up what people do in their day to day lives, and to really understand what's going on in societies, and to create a better understanding of what America is about and what America seeks for its own security.

I think the QDDR was a crucial step in that process. In the meetings that I've had in the State Department since I was there 10 years ago, I've already seen an enormous change. People have an understanding of the breadth and depth of communication. There's certainly a consciousness of technology and information technology that wasn't there the last time I was there. The last time I was there, we only had classified computers. We couldn't even go on the Internet. That's changed substantially and people understand the value, both positive and negative, of social media.

So I think there's been a tremendous change, but it still has to be harnessed. It still has to be made use of, and there is no question that having sufficient resources to do so is part of the solution.

Senator UDALL. Thank you very much, Ambassador, for those answers. You're obviously very well qualified for this position. I intend to vote for you and I hope that the Foreign Relations Committee acts quickly on this nomination.

With that, Chairman Cardin, thank you very much for allowing me to run over a little bit in my questions.

Senator CARDIN. Senator Udall, thank you for your questions. You questioned about the accountability of our foreign assistance, which I think is an extremely important point. Tomorrow the Senate Foreign Relations Committee will be holding a hearing on Afghanistan and the effectiveness of the U.S. participation in that

foreign assistance program. So it's a continuing issue for our committee.

Senator Lugar whispered to me when Senator Coons was mentioning the bipartisan initiatives, and the one that the two of us worked together, with the strong support of Secretary Clinton, bringing transparency to extractive industries. Ambassador Sherman, we will be working with you to implement that policy, not just here in the United States as far as the legislation that was enacted as part of the Dodd-Frank bill, but also as it relates to actions taken by our allies that can help bring transparency to gas and oil contracts and mineral contracts that have such an impact on the stability of developing nations. So that's an important initiative that we will be working closely with you as we move forward.

It was interesting that many of our members talked about the pending vote or possible vote in the United Nations as it relates to the Palestinians. I just really want to applaud your efforts and Secretary Clinton's efforts to let leaders of other countries know how important this vote is, because it seems to me if it just becomes a popularity vote within the United Nations the numbers are not going to go well for a General Assembly vote.

The United States has invested a lot into the peace process and the United States understands the negative consequences of a U.N. vote. I think that needs to be transmitted to the leaders of other countries and I'm glad to see that the administration's taking a very active role to let the capitals of the world understand that this is an important vote and that you support an independent Palestinian state side by side with the state of Israel; the best way to pursue that is through direct negotiations; The only way to pursue that is through direct negotiations; and that a vote in the United Nations, even though its legality may have some question, a vote within the United Nations would be counterproductive to that end. And I applaud you for your strong statements in that regard.

I just also wanted to bring up the case of Alan Gross, in Cuba, imprisoned. I know we have a difficult time in communications with our neighbor, Cuba. But I think it's important that we continue to advocate for justice in regards to Alan Gross and to bring him back to the United States, and we'll be asking your help as we develop the best strategies to bring that about.

Senator Lugar.

Senator LUGAR. No, thank you.

Senator CARDIN. With that, again I thank you for your patience here today in answering all of our questions. As I said in the beginning of the hearing, the record of the committee will remain open until the close of business today.

With that, the committee stands adjourned. Thank you.

[Whereupon, at 11:46 a.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF HON. WENDY SHERMAN TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* If confirmed, what steps would you advocate to address the issue of unexploded ordnance in Southeast Asia in general and Laos in particular? What steps do you believe should be taken to help clear Laos of deadly antipersonnel

devices, nearly all of which is the result of American bombing during the Vietnam war era?

Answer. The State Department has been assisting Southeast Asia with humanitarian demining from the Nonproliferation, Anti-Terrorism, Demining, and Related Programs (NADR) account for over a decade, providing millions of dollars annually for humanitarian demining, unexploded ordnance (UXO) clearance, and survivor's assistance to states in the region.

Reducing the impact of UXO is one of the State Department's most important priorities in Laos, a country where bilateral cooperation and engagement continues to expand. If confirmed, I will work to ensure the United States remains a leading supporter of UXO clearance (including unexploded submunitions), risk education, and survivors' assistance projects in Laos.

In FY 2010, the State Department provided a total of $5.1 million from the NADR account to Laos for mine and UXO clearance and in FY 2011, the Department allocated $5.0 million toward this effort. If resources are available, annual funding for these programs would continue at least at the $5 million level. Since 1995, the United States has contributed more than $30 million toward this humanitarian effort to clear UXO in Laos, per capita the most heavily bombed nation in the world.

Laos has made very good use of the U.S. assistance it has received for UXO clearance. If confirmed, I look forward to working with Congress to ensure that UXO clearance remains a top priority in Laos and throughout Southeast Asia.

*Question.* North Korea.—I have repeatedly encouraged the Obama administration to raise the issue of American POWs and MIAs from the Korean war in communications with North Korea as well as the resumption of the joint recovery operation related to the remains of American personnel. What is your perspective on these points?

Answer. I agree that recovery of Korean war POW/MIA remains one of the more important goals in our interactions with North Korea. We owe our military personnel and the POW/MIA families nothing less than to make every effort to recover the remains of their loved ones. The administration considers remains recovery operations to be an important humanitarian mission and priority. The Department of Defense and the Department of State closely coordinate actions related to Korean war remains recovery operations. This important humanitarian mission is not linked to any political or security issues, and the administration has consistently urged North Korean officials to be responsible stewards of U.S. remains.

*Question.* With respect to the recent HEU seizure in Moldova, what conversations has the administration had with Russian officials concerning apprehension of the perpetrators, some of whom are reportedly residing in Russia?

Answer. The United States continues to support Moldovan efforts to prosecute the traffickers who were caught with highly enriched uranium (HEU) in June and to work with other appropriate and willing partners to investigate the original theft of the uranium. The Department can provide additional information in a classified setting.

One of the critical tools Moldova and other governments have used to successfully investigate nuclear smuggling networks is Counter Nuclear Smuggling Teams. Through the Nuclear Security summit and other mechanisms like the Department's Nuclear Smuggling Outreach Initiative, the United States is promoting use of this powerful investigative tool. Counter Nuclear Smuggling teams focus on investigative actions like detecting nuclear smuggling activity, securing and analyzing seized nuclear or radioactive material, and obtaining evidence to prosecute smugglers.

*Question.* What has prevented the Nunn-Lugar WMD–PPP program from conducting a border security walk in Moldova?

Answer. The WMD–PPP border security walk is scheduled for November 1–11, 2011. The Department and U.S. Embassy Chisinau have consistently supported WMD–PPP and in June 2011 facilitated successful introductory meetings between the Moldovan interagency and the U.S. Department of Defense (DOD) to get WMD–PPP off the ground in-country. I am told the administration looks forward to the results of the border security walk as the results of the walk will also inform a number of nonproliferation assistance programs.

*Question.* As the administration considers advocating repeal of Jackson-Vanik trade restrictions with respect to Russia, do you believe that alternative initiatives should be developed in place of Jackson-Vanik? Please explain.

Answer. The administration supports lifting Jackson-Vanik prior to Russia's joining the WTO to ensure that U.S. workers, ranchers, and farmers enjoy the full benefits of Russia's accession. If Congress does not act on Jackson-Vanik before Russia

joins the WTO, as it has done for so many other countries, Americans would be seriously prejudiced—not quickly enjoying those benefits associated with WTO membership, but our trading competitors will do so at our expense. The Jackson-Vanik amendment long ago fulfilled its key purpose: to support free emigration, particularly Jewish emigration, from the Soviet Union. Lifting Jackson-Vanik would be in keeping with the USG's approach to other qualifying countries by granting Russia's goods most-favored-nation tariff treatment on a permanent basis. That decision would also give the United States additional tools to deal with Russia to help ensure that it lives up to its trade commitments.

On the nontrade broader issues, the administration has a strategy in place for advancing democracy and human rights in Russia. The administration will absolutely continue to consult with Congress going forward on how best to promote democratic rights and institutions in Russia. President Obama, Secretary Clinton, and other officials in the U.S. Government have been outspoken in their frank advocacy for democratic progress and will continue to raise publicly and privately concerns with human rights issues and shortcomings in democratic standards (See http://www.state.gov/p/eur/ci/rs/c41670.htm.) As an example, the Department of State, consistent with the President's proclamation on human rights violators, took decisive action to bar entry to the United States of those Russian Government officials credibly linked to the wrongful death in pretrial detention of Sergei Magnitsky. In addition, this year, the U.S. government is providing over $38 million in assistance, primarily to non-governmental organizations, to advance democracy in Russia. These programs support independent media and the rule of law, create and strengthen links between U.S. and Russian civil society groups and leverage the latest in technology and social media to create optimal conditions for democratic advances.

*Question.* Since June 2004, Brazil has been in charge of the United Nations Stabilization Mission in Haiti (MINUSTAH), thus commanding over 7,000 men on the ground—including an average of 1,300 Brazilians—in an effort to provide some stability in Haiti. Brazil is now officially planning an exit strategy for its extensive military contingent. Please provide your views regarding the reduction of Brazilian troops in Haiti. Please explain how the effectiveness of MINUSTAH, and of U.S. assistance to Haiti will be affected by this action and what steps you believe the United States should take in light of Brazil's announced plans.

Answer. The United States supports renewal of MINUSTAH's mandate for another year when it expires in October 2011, under broadly the same terms as the current mandate but with a heavier emphasis on the need for the United Nations (U.N.) and the Government of Haiti (GOH) to work to reform the Haitian National Police (HNP) through improved capacity-building efforts, improved vetting procedures, and strengthened Haitian domestic financing.

The U.N. Secretary General's August 25 report on MINUSTAH recommended renewing the mandate for another 12 months with a reduction during that period of some of the forces authorized after the January 2010 earthquake: specifically two infantry battalions (1,600 personnel) and 1,150 authorized (but not deployed) formed police unit personnel.

The administration understands that, in light of the Secretary General's positive security assessment, and call for troop reductions, the Brazilian Government has voiced its support for reductions in the overall MINUSTAH force strength. As the largest supplier of personnel to the post-earthquake troop "surge," Brazil would like to see some of its troops brought home. We do not, however, have indications that they will significantly reduce their military contribution, except gradually over time, as conditions allow, and in coordination with the United Nations.

The United States also supports the Secretary General's recommended reduction in MINUSTAH force strength, but notes that strong rules of engagement for the remaining MINUSTAH forces will be important to deal with a stable but fragile security situation in Haiti.

*Question.* Recent events in Ecuador demonstrate the continuing deterioration and political subjugation of the justice system there:

—After a leading Ecuadorian newspaper, El Universo, ran an opinion column critical of President Rafael Correa, an Ecuadorian judge—at Correa's insistence—sentenced three newspaper executives and the columnist to jail for 3 years and fined the newspaper $40 million.

—According to The Economist, "It took Juan Paredes, replacing the intended judge who was on holiday, less than two days to read through the case's 5,000-page file" and issue the ruling. President Correa personally attended the hearing, "accompanied by a small crowd of supporters that pelted the defendants and their law-

yers with eggs and bottles outside the courthouse. The media were barred from attending." International observers, including Human Rights Watch, called the ruling "a major setback for free speech in Ecuador."

—President Correa's Legal Secretary, Alexis Mera, issued an official proclamation, "by order of the Constitutional President of the Republic," requiring Ecuadorian Government ministries to immediately file suits for damages holding any judge who enjoins Government projects personally liable if their injunctions are subsequently overturned by a higher court.

Please explain your views regarding the rule of law in Ecuador.

Answer. Immediately following the *El Universo* ruling, the Department issued a public statement expressing serious concern over the court's decision. The Department underlined the role of an independent press as essential to a vibrant and well-functioning democracy—a concept noted, among other places, in the Inter-American Democratic Charter. President Obama and Secretary Clinton have made this point in their conversations with Ecuadorian President Correa. The Department understands that the defendants are appealing the decision, and that judicial processing of the case is being investigated. The outcome of this case will be carefully noted by the international community because of its implications for freedom of expression in Ecuador.

Separately, Ecuador's judicial oversight council was dissolved following a May 2011 referendum, pending a restructuring of the entire judicial system. The political opposition and Ecuadorian and international civil society observers have expressed concern that, because the transition judicial council includes representatives from branches of government controlled by the ruling party, independence of the judiciary could be compromised. As a matter of principle and long-standing policy, the United States believes that representative democracies require vibrant, independent, and coequal branches of government in order to function effectively. It is for these reasons that implementation of the referendum deserves careful scrutiny and analysis within Ecuador, by other nations in the hemisphere, and by civil society in general.

A key objective of U.S. policy in the hemisphere is to support the development of democratic government institutions, an independent judiciary, and a vibrant civil society. The United States implements this policy through diplomatic engagement, public diplomacy, and specific programs carried out by the Department, USAID, and nongovernmental organizations.

*Question.* As the Libyan revolution continues and military gains by rebel forces of the Transitional National Council increase, thought must be paid to Libya's future post-Qadhafi. As we have seen in other countries in the region, the risk of factionalism comes with the transition from authoritarian regimes to democracy.

- a. What is your assessment of the prospects of the TNC maintaining consolidated leadership role to oversee the transition to Libya's democratic future?

Answer. There appear to be a number of positive signs for a transition to a new, democratic Libya though clearly, given its newness, the TNC faces a lot more to be done. The TNC has made strong progress in building support across Libyan society, but the core of its leadership, known as the Executive Committee, is still largely comprised of Libyans from the East. TNC PM Jibril and Chairman Jalil have publicly stressed the importance of inclusiveness and reconciliation. They have sought to avoid reprisals and to remain open to rank and file Qadhafi loyalists who renounce their support for the former regime.

There will, of course, be challenges. There are several anti-Qadhafi militias that remain outside of the TNC's command structure. The TNC leadership has prioritized integrating civilian militias into new national institutions, but will need to demonstrate that it can pay salaries quickly in order to solidify these efforts. The TNC has taken steps to address these challenges. They established a Tripoli Military Committee shortly after taking over Tripoli in late August to bring all of the factional commanders in the capital under the control of the TNC ministries of Interior and Defense.

If confirmed, I will do everything in my power to support the democratic aspirations of the Libyan people and the efforts of the TNC, as appropriate.

- b. In light of our current budget constraints and the availability of Libyan national assets and the support of other donors, what role, if any, do you believe the United States should play in funding the costs of Libya's transition?

Answer. I understand Libyan stabilization experts told international partners in Paris September 2 that since Libya is regaining access to its financial reserves around the world, it will not need emergency aid for long. The TNC is looking instead for technical expertise and experience to rebuild its infrastructure and institutions. Following the lead of the Libyans and the U.N. Mission, the administration

believes the United States can play an important role in helping prepare Libya for a future reconciliation and transitional justice process, bolstering emerging government institutions and political parties, and in helping Libya identify and secure the previous regime's stockpiles of chemical weapons and conventional weapons, to include man-portable air defense systems (MANPADS).

- c. How many USG personnel are currently working in Libya? Where are they working? What diplomatic facilities are available to the United States in Tripoli? What are the approximate costs required to make such facilities a secure and viable workspace?

Answer. I am told the Department of State is currently exploring options for facilities to house a reconstituted Embassy in Tripoli. Our previous compound was completely overrun, looted, and burned in May. The team that is already in Tripoli hopes to be able to identify and acquire suitable facilities, at least for a temporary arrangement, in the near future. It is a positive sign that Deputy Chief of Mission Joan Polaschik returned to Tripoli on September 10. The administration looks forward to an early return by Ambassador Cretz and other key personnel as soon as a suitable security platform can be established and more accommodations can be brought on line. Special Envoy Chris Stevens' team is also in Benghazi and I am told the Department plans to keep the team in place for at least several months.

This seems to make a good deal of sense, given the importance of the city during the revolution and the need to interact with remaining TNC leadership in the city.

*Question.* In your testimony, you noted current efforts by Dennis Ross and David Hale in the region and of our embassies worldwide to forestall unilateral attempts by the Palestinian Authority to seek statehood recognition at the U.N. in the coming weeks. President Obama and others in the administration have made clear that unhelpful attempts by the PA, however symbolic, are no replacement for negotiations with Israel. Negotiations have stalled.

- a. What steps do you believe the administration should take to mitigate the consequences in the immediate term of unilateral PA action at the U.N. to raise its status from "entity" to "nonmember state"—with the rights and privileges pertaining to that status?

Answer. The administration has been absolutely clear both with the parties, and with our international partners, that direct negotiations remain the only effective way for Palestinians and Israelis to deal with the difficult issues they face and achieve a lasting peace. The administration therefore continues to work intensively and strategically to avoid a showdown at the United Nations that will not be good for anyone—not the United States, not Israel, and certainly not the Palestinians.

The administration has and continues to underscore with the parties and with international partners that we strongly oppose efforts to address final status issues at the U.N. rather than in direct negotiations. One-sided actions in international fora like the U.N. will do nothing to achieve statehood for the Palestinian people. In fact, such initiatives at the U.N. will make it harder to achieve progress. One-sided actions will serve to drive the parties further apart, heighten the risk of violence on the ground that could claim innocent lives on both sides, and risk hard-won progress in building Palestinian institutions. There is simply no substitute for the difficult give-and-take of direct negotiations. The international community cannot impose a solution. A viable and sustainable peace agreement can come only from mutual agreement by the parties themselves.

As part of the effort, the administration has made the position on such initiatives unequivocally clear in capitals around the globe, and regularly in U.N. Security Council consultations, and is urging other member states not to support one-sided Palestinian action at the United Nations. U.S. ambassadors have engaged, at the Secretary's instruction, at the highest political levels in capitals worldwide where our outreach would be the most productive. Secretary Clinton, National Security Advisor Donilon, Ambassador Rice, Deputy Secretary Burns, Assistant Secretary Feltman and Special Envoy Hale and other senior U.S. officials have also been working intensively with their counterparts at the most senior levels for months. Going forward, the administration will continue to work vigorously and strategically to reach out to countries to express and explain our firm opposition to any one-sided actions at the U.N., including a Palestinian state declared outside of the framework of negotiations.

- b. How do you believe the administration's immediate plan to counter any PA action at the U.N. will serve the broader policy of a negotiated settlement resulting in a two-state solution?

Answer. At the same time, the administration continues to work vigorously and determinedly to reach a negotiated two-state solution to the Israeli-Palestinian conflict. As President Obama made clear in his May remarks, the priority is for the parties to return to direct negotiations—the only effective way for Palestinians and Israelis to deal with the concerns they are facing and forge a viable peace agreement. The administration therefore continues to work intensely with the parties and Quartet partners on ways to overcome the current impasse and resume talks on the basis of the President's May remarks.

The administration's long-term strategic vision for peace has not changed. The administration remains committed to working along two mutually reinforcing tracks: creating a viable negotiating alternative on the basis of the President's May 2011 remarks for the parties to resume direct negotiations and avert a confrontation at the U.N. and, simultaneously, continuing our support for the Palestinians in their efforts to prepare for statehood through creation of robust government and security institutions and a viable economy. The administration strongly believes that these parallel efforts serve the national security interests of the United States and are essential for a sustainable peace, the security of both Israel and the Palestinians, and the stability of the region.

*Question.* Relations with Pakistan have experienced considerable discord in recent months: What is your assessment of the status of the relationship with the civilian government officials and the prospects for progress in improving governance in Pakistan while the military leadership in Pakistan maintains policy control?

Answer. This is not always an easy relationship, but it is an important one for both countries. Ultimately, the administration assesses that U.S. assistance in building Pakistan's stability and prosperity and establishing a partnership over the long-term is the best way to achieve a more effective civilian government and at the same time support U.S. national security interests. The elected government consults with the military on national security.

The United States supports the elected government through assistance and a strategic relationship, coordinated through the U.S.-Pakistan Strategic Dialogue, which consists of civilian government-led working groups. Similarly, the administration is engaging actively with Pakistan's civilian leadership in promoting Afghan reconciliation, a key strategic interest for both Pakistan and the United States. Since the passage of Kerry-Lugar-Berman legislation in October 2009, the U.S. Government has spent just under $2 billion in civilian assistance to Pakistan. That includes investing in high-visibility, high impact projects such as dam construction that puts more energy on Pakistan's grid; supporting reform and private sector led economic growth; and contributing to the Citizens' Damage Compensation Fund to help flood-affected families. All of this is intended to increase the capacity of civilian institutions and improve their ability to serve and support the people of Pakistan.

At its core, the United States-Pakistan relationship is about building a long-term partnership with the Pakistani people. As President Obama has said, it is in the U.S. national interest to support their efforts to develop democratic institutions, foster economic growth, and reject violent extremism.

*Question.* What impact has devolution of powers in Pakistan had on military influence in Pakistan governance?

Answer. While the devolution process, embodied in the 18th amendment, continues, the administration does not believe that it has increased the influence of the Pakistan military in civilian affairs. Indeed, it does not shift the balance of power in favor of the military or civilian powers. The administration also believes the 18th amendment, if correctly implemented, demonstrates the potential for improving services to the people provided by the civilian government.

The 18th amendment should be viewed as an ongoing process—one that will require careful attention and time to transfer significant executive and legislative power to the provinces. Overall, the devolution of powers can be an opportunity for the United States to more effectively distribute aid to Pakistan by focusing on the needs of the individual provinces rather than a one-size-fits-all program.

*Question.* How can the United States best participate in improving South Asia relations given the many political, security, and economic challenges evident in the current U.S.-Pakistan relationship?

Answer. The key to improving stability and prosperity in South Asia lies in working with Afghanistan, Pakistan and other regional partners to promote regional peace and economic integration. The administration consults regularly with the two countries, their regional neighbors, and with other international partners and donors who can contribute to regional stability, prosperity, and peace. In her July 20 speech in Chennai, Secretary Clinton laid out the "New Silk Road" vision of regional

economic integration: an international web and network of economic and transit connections. The administration has a diplomatic strategy in place to promote this vision of the countries of the region working together to attract private-sector investment to create enabling infrastructure and remove barriers and other impediments to the free flow of goods and people. These ties will help bind the region together to serve as a foundation for providing sustainable investment and jobs for its people.

The region also has a critical role to play in facilitating Afghan economic growth, such as in supporting investments in Afghanistan that create the foundations for growth over the long-term. The vision of the New Silk Road will help Afghanistan draw value out of its natural assets and geography, with the goal of becoming a stable, prosperous, peaceful country embedded in a stable, prosperous, peaceful region.

In June, Afghanistan and Pakistan concluded an historic Transit Trade Agreement (APTTA). The new agreement will reduce smuggling and increase the transparency of cross-border trade. For the first time, it will allow goods to transit from the borders of Central Asia to the Indian Ocean. The United States also welcomes the agreement by President Karzai and Prime Minister Gilani to expand this transit trade zone to Central Asia as part of a vision for regional prosperity. Doing so would create further incentives for regional cooperation.

It is also important to note that countries in the region are expanding economic ties on their own initiative. The administration was very encouraged economic engagement has featured prominently in latest round of India-Pakistan dialogue. The two sides have made some progress toward reducing barriers to trade and commerce.

*Question.* Do you believe the United States should consider removing the "Major non-Nato ally" status should current trends in Pakistan continue? How would that affect our assistance efforts?

Answer. Given the importance of the U.S. relationship with Pakistan and its joint efforts against extremists and especially against al-Qaeda, the administration does not recommend removing the "Major non-NATO Ally" designation.

Pakistan remains a key ally in the shared fight against terrorists who threaten both our countries. Without significant cooperation, the United States would not have accomplished as much as it has to date. As President Obama has stated, "We have been able to kill more terrorists on Pakistani soil than just about any place else. We could not have done that without Pakistani cooperation." The importance of this fact cannot be overstated.

Since 9/11, Pakistan has been a strong counterterrorism partner of the United States. Although Pakistan has not undertaken every action we would like it to take, particularly against groups that do not target the Pakistani state, it has demonstrated sustained commitment and taken concrete steps against groups such as Tehrik-e-Taliban Pakistan (the Pakistan Taliban) and al-Qaeda, whose leadership is under enormous pressure in western Pakistan. This is in large part a result of the Government of Pakistan's policies and cooperation.

The administration was pleased that Pakistan and the United States were able to work jointly on a mission in early September that led to the arrest of senior al-Qaeda operative al-Mauritani and two accomplices. Such joint action demonstrates our two countries can work together to achieve common interests.

The Pakistani people and security forces have also suffered tremendously from terrorism. It is in the national security interests of both the United States and Pakistan to eliminate the threat posed by violent extremism. Pakistan remains a key ally in the shared fight against terrorists that threaten both our countries.

There has been no major policy change in the administration's assistance to Pakistan, and it does not believe now is the time to change course. Civilian assistance continues to move forward and meet the needs of both countries. The U.S. "pause" in some military assistance does not signify a shift in policy but underscores the fact that United States-Pakistan partnership depends on cooperation.

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## RESPONSES OF WENDY SHERMAN TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* The political change in Libya is an opportunity for the Libyan people to start anew and for the successor government to embrace democratic reforms and rehabilitate Libya's reputation in the world community.

As you know, I have followed the Pan Am case for many years and with the recent events in Libya has come a new hope that we can finally learn how this horrific act, which claimed 189 American lives, came to pass.

It is my hope that the new Libyan Government will be forthcoming with their cooperation, but I also believe that we need to make clear to them the importance and intensity of our interest in the Pan Am bombing so that this issue is not overlooked as they begin the work of rebuilding a new government. Reconciliation must be part of the Libyan rebuilding process—internally and in Libya's external relations. To that end:

- What inquiries has the U.S. Government made with the TNC with respect to gaining access to Megrahi? Have we asked for his extradition to the United States?

Answer. I share your deep concern about delivering justice to the families of the victims of the Pan Am 103 bombing. I understand from the State Department that Chris Stevens, special envoy to the TNC in Benghazi, and Ambassador Cretz have raised the al-Megrahi case with TNC authorities many times. As the Secretary said in Paris September 1, we have always disagreed with and condemned the decision to release al-Meghrai and return him to Libya. He should be behind bars.

The TNC leadership has assured the administration that they will review all aspects of the case after they assume full authority in the country. I look forward, if confirmed, to pursuing the full range of options for finally bringing the perpetrators of this attack to justice.

*Question.* What inquiries have we made formally or informally with respect to access to Libyan files or to persons that may have information about Qaddafi's terrorist activities?

Answer. The administration has encouraged the TNC to protect all documents of the former regime so that full investigations can be made of Qaddafi's activities. The administration will continue to press diplomatically for full cooperation with its investigation, but I would refer you to the Department of Justice for details about specific inquiries.

*Question.* Has the United States had the opportunity to discuss the Pan Am case with Qaddafi's former director of external security and former Foreign Minister Mousa Koussa?

Answer. There are serious questions for former regime officials, including Mousa Koussa, and justice must be done. As the United States has an ongoing investigation of the Pan Am bombing, I refer you to the Department of Justice for any specific information.

*Question.* If the TNC or successor government is not willing to cooperate with U.S. inquiries and investigations, is the Department willing to condition U.S. assistance or the provision of remaining frozen assets?

Answer. The United States takes very seriously every nation's obligation to cooperate with terrorism investigations. The situation in Libya remains fluid and unsettled. But as normalcy returns and as new Libyan authorities assume full authority in the country, the United States will expect them to live up to those obligations when they are able to do so. From the administration's interactions, it has every reason to believe the TNC or their successor will honor those obligations. But the administration would certainly consider appropriate measures if they did not.

*Question.* (a) If confirmed, your area of responsibility will be very broad. Where on the agenda is Iran? What more will the administration do to stop Iran—what additional sanctions would you recommend and what should we expect to see in the near future?

(b) What do you make of Iran's announcement this week that it is willing to place its nuclear program under IAEA supervision? What does this mean and what effect would you expect such a change to have on U.S. sanctions?

Answer (a). If confirmed, I will work actively to increase the pressure on Iran as part of the dual-track policy of pressure and engagement to resolve the international community's concerns about Iran's nuclear program. This is a top priority for the State Department. The administration has expressed both publicly and privately concerns about Iran, including about the installation of advanced centrifuges and the increase in production of uranium enriched to near 20 percent.

Since the adoption of Security Council resolution 1929, the administration has worked actively to build a broad international coalition of countries willing to implement 1929 by putting in place their own national sanctions measures. These measures have had a substantial impact on Iran's financial, energy, transportation, and commercial sectors and have increased the difficulty for Iran of procuring the equipment, materials, and technology it is seeking for its nuclear, missile, and other WMD programs.

In the Security Council, the United States works closely with other Council members, including Russia and China, to ensure that the 1737 Committee remains active, fully implements its work plan, assists States with implementation, and effectively responds to reported sanctions violations. The United States also maintains a frequent and vigorous dialogue on Iran with Russia and China, both bilaterally and in the context of the P5+1 group.

The administration is committed to pursuing sanctions against Iran as long as it continues to defy the international community by failing to meets its obligations under U.N. Security Council and International Atomic Energy Agency resolutions. I understand that the administration continues to review its options for stepping up pressure against Iran, including possible new sanctions, possible new designations under the existing sanctions regime, and improved implementation of existing sanctions by U.N. member states.

Answer (b). According to media reports, Iran reportedly offered to allow the IAEA to exercise "full supervision" of its nuclear program for 5 years on the condition that sanctions against Iran will be lifted. Iran's full cooperation with the IAEA should not be time-bound or conditional. Moreover, Iran is already bound, by U.N. Security Council resolutions and its own safeguards obligations, to provide such cooperation on a permanent basis. U.N. Security Council resolutions make clear that sanctions should only be lifted when Iran cooperates and meets its obligations.

*Question.* I am very concerned about the lack of coordination and accountability for U.S. funds expended on Afghan reconstruction and development. In addition to reports about the inability of the United States to oversee these projects, account for project expenditures, and limit funding to sustainable projects, the most recent SIGAR (SI–GAR) report indicates that U.S. assistance may be making its way into the hands of Afghan insurgents.

If confirmed, how do you intend to integrate SIGAR's recommendations into project oversight? Can you point to specific recommendations that have already been implemented?

The SIGAR report stated that the lack of cooperation by Afghan ministries and the Central Bank has limited the oversight of U.S. funds flowing through the Afghan economy. Will Afghan cooperation, particularly by President Karzai and senior Afghan leaders, by a factor in determining the scale of U.S. assistance as we enter into the civilian surge?

Answer. The administration takes very seriously the allegations of corruption and waste in Afghanistan and likewise takes seriously the important role it plays as steward of the U.S. taxpayers' funds. Providing effective oversight of our work in Afghanistan has been and is a priority for the U.S. Government. The administration has closely reviewed the July 20, 2011, SIGAR report you cite in your question and is currently assessing how to comply with the report's recommendations although it has already begun implementation of some recommendations as indicated below.

Agencies implementing assistance in Afghanistan have already taken a number of steps to increase oversight of U.S assistance programs in Afghanistan. The administration has increased its participation in international task forces designed to strengthen oversight including TF 2010, ISAF COIN Contracting Executive Steering Committee, and the Interagency Combined Joint Logistics Procurement Support Board.

USAID is fully implementing its Accountable Assistance for Afghanistan (A3), developed in 2010 and designed to prevent U.S. funds from falling into the hands of malign groups. The A3 initiative is working to achieve its goals by increasing the use of cost reimbursable agreements, strictly limiting subcontracting, more closely vetting all recipients of U.S. assistance funds, and implementing more stringent financial controls. Improved financial controls include the preferential use of electronic funds transfers, as recommended by the SIGAR report, and a commitment to ensure 100 percent of all locally incurred costs under USAID projects undergo financial audits.

In addition, the U. S. Government has significantly increased the number of trained oversight staff in the field and has developed innovative monitoring techniques to empower field staff oversight efforts. USAID has tripled the number of its oversight staff in Afghanistan since 2007 and is working to further increase its numbers this year. The Department of State's Bureau for International Narcotics and Law Enforcement also recently increased its full-time oversight staff in Afghanistan to a total of 18 including four contracting officer representatives and 14 technical monitors.

USAID and DOD also established comprehensive contractor vetting systems, and the Department of State plans to standing up its own capability this year. As recommended by the General Accountability Office (GAO), DOD and USAID now share

their vetting results. In February 2011, USAID created the new Compliance and Oversight of Partner Performance Division (COPP) in D.C. to work closely with Kabul to investigate fraud. The division has already completed more than 40 suspension and debarment actions agencywide, based largely on referrals from the inspector general.

The administration is working also with our partners within the Afghan Government to ensure accountability of assistance programs. In 2010, the United States committed with other donors at the Kabul conference to move toward putting 50 percent of our assistance through Afghan institutions by 2012. However, the United States insists on full transparency for all projects run through the Afghan Government and has rigorous processes in place to guarantee that every entity receiving funds has the capacity to transparently and effectively handle U.S. funds. As a result, the administration is very selective in which institutions it will fund directly, having approved a few and rejected many more.

*Question.* Pakistan—Pakistan Cooperation and Civilian Aid Oversight.—Pakistan is currently the third largest recipient of U.S. security assistance after Afghanistan and Israel, Pakistan received a total of $2.7 billion in security assistance and reimbursements in FY 2010 alone—a staggering 140 percent increase since 2007. This includes $1.5 billion in direct reimbursements to Pakistan's Treasury through the Coalition Support Fund—an amount that is double the amount provided the previous fiscal year.

Pakistan's cooperation with the United States in addressing the terrorist threat in the Afghan border region is abysmal and the disdain for the United States evident. Is the United States, as news reports indicate, considering conditioning U.S. assistance to Pakistan on its cooperation in four areas:

- Cooperation in exploiting the bin Laden compound;
- Cooperation with the war in Afghanistan;
- Cooperation with the United States in conducting joint counterterrorism operations;
- Cooperation in improving the overall tone in bilateral relations.

Is this new framework in fact in place and when do you expect the first assessment to be made? Do you expect that all U.S. assistance will be subject to these conditions? How much assistance are you currently withholding? Under what conditions will you release that assistance?

Answer. While not always easy, the relationship with Pakistan is very important to the United States. The administration works with the Government of Pakistan in many ways, including identifying shared interests and the actions we can jointly take to achieve them. The United States remains committed to doing that and to strengthening and deepening our long-term relationship.

There has been no major policy change in the administration's assistance to Pakistan, and it does not believe now is the time to change course. Civilian assistance continues to move forward and meet the needs of both countries by strengthening Pakistan's economy and civilian institutions that better the lives of the Pakistani people. The U.S. "pause" in some military assistance does not signify a shift in policy but underscores the fact that the partnership depends on cooperation and tangible responses from Pakistan.

The administration has communicated to Pakistani officials on numerous occasions that the United States requires their cooperation in order to provide certain assistance, including most recently in connection with Foreign Military Funding for Pakistan for FY 2011. The administration will continue to be clear about the need for Pakistan to take certain steps with regard to U.S. military aid. The United States-Pakistan partnership must be supported by the efforts of both sides, and both countries have reaffirmed their commitment to shared interests and acting on those interests jointly.

Over the long term, the United States seeks to support the Pakistani people as they chart their own destiny toward greater stability, economic prosperity, and justice.

*Question.* Taiwan.—On August 24, the Pentagon released its annual report, Military and Security Developments Involving the People's Republic of China 2011, cataloging China's cruise missiles, fighter jets and growing, modernizing army. It described the pace and scope of China's military buildup as "potentially destabilizing."

It reported that the Chinese military remains focused on Taiwan and has deployed as many as 1,200 short-range missiles aimed in its direction. Moreover, it is developing antiship ballistic missiles, potentially capable of attacking American aircraft carriers.

As cochair of the Senate Taiwan Caucus, on May 26 I led a letter to President Obama urging the sale of 66 F–16 C/D aircraft to address the military imbalance in the Taiwan Strait, the deteriorating condition of Taiwan's aging fleet, and the fact that the ideal aircraft for Taiwan, the F–16, must be procured by 2013 before the production line closes. Forty-four Senators joined me in this bipartisan effort.

The Obama administration has committed to making a decision on the sale prior to October 1, but the fact that this date falls between Vice President Biden's trip to China and President Hu's trip to Hawaii, not to mention that it is 2 months before President Hu's expected successor visits the United States, makes me worried that the administration will not stand up to China on behalf of our strategic relationship with Taiwan. This concerns me as Taiwan's defense and deterrent capacity are in the U.S. national security interest, as well as promoted and compelled by the Taiwan Relations Act.

*Question.* Could you share with me your view on the question of the military balance in the Taiwan Strait? And do you believe that the United States should proceed with the sale of 66 F–16s to Taiwan?

Answer. Consistent with long-standing U.S. policy, U.S. arms sales to Taiwan are guided by the Taiwan Relations Act (TRA) and based on an assessment of Taiwan's defense needs. Meeting Taiwan's defense needs is a deep commitment of the United States and the administration is committed to following through on the terms of the TRA under which the United States makes available to Taiwan items necessary for its self defense.

In accordance with that policy, the United States is cognizant of the security challenges Taiwan faces and its need to maintain a sufficient self-defense capability, including for air defense. The administration continues to evaluate Taiwan's defense needs, including air defense, and its requests as part of usual Foreign Military Sales (FMS) process. It is my understanding that as of this time, no decision has yet been made on the sale of any particular items to Taiwan.

*Question.* Do you agree that the Congress, pursuant to the Taiwan Relations Act, has the authority to compel this sale?

Answer. The United States and Taiwan have been well-served by the Taiwan Relations Act (TRA). The TRA serves as the basis for the vibrant economic, cultural, educational and other ties between the people of the United States and the people on Taiwan.

The question of the interpretation of the TRA presents complex legal issues that would require consideration by a number of offices and agencies within the executive branch.

*Question.* Critics, myself included, have expressed concern about this administration's lack of vision for and attention to the Western Hemisphere. This pertains to both the opportunities presented by the hemisphere—which has largely experienced positive economic growth in the midst of our economic crisis—as a market for U.S. exports, as well as the growing security crisis in the region resulting from transnational criminal organization.

- What is your vision for the hemisphere?
- Where does the hemisphere rank in the context of the many priorities faced by the Department?
- Do you feel that the budget laid out by the administration in the FY 12 budget—showing a real and percentage decrease in development and narcotics assistance for the hemisphere—is sufficient to meet the needs of the region?

Answer. The Obama Administration's vision for the hemisphere is one of positive partnerships seeking more inclusive growth and democratic development. The administration has focused on four overarching priorities critical to this vision: building effective institutions of democratic governance; promoting social and economic opportunity for everyone; securing a clean energy future; and ensuring the safety and security of all of our citizens. The administration's efforts are structured as both bilateral partnerships, including strategic dialogues, and working to strengthen multilateral and regional institutions. Importantly, some of the most successful and democratic nations in the hemisphere explicitly share this vision, enabling the administration to create positive synergies and work together in areas never before possible and which have global implications (such as renewable energy).

The administration's vision remains manifestly inclusive and seeks points of convergence even in addressing difficult issues. The administration recognizes that the most successful approaches to challenges will be both comprehensive—addressing all facets of the problem—and regional, including governmental, private, and nongovernmental partners. A practical example is our effort to enhance citizen safety

through the Merida Initiative in Mexico, Central America Regional Security Initiative, Colombia Strategic Development Initiative, and the Caribbean Basin Security Initiative, all designed to break the power, violence, and impunity of the region's drug, gang, and criminal organizations by strengthening law enforcement and justice sector institutions and by helping to identify, empower, and build resilient civil societies and entrepreneurial communities.

The administration agrees that the region's growing prosperity is creating an important new market for American goods, which is why they remain strongly committed to the approval of pending trade agreements with Colombia and Panama, along with TAA and the extension of Generalized System of Preferences (GSP) and ATPDEA. In addition, the United States continues to prioritize economic growth programs that leverage the emerging leadership potential and resources of many Latin American and Caribbean countries. Collaborative platforms like Pathways to Prosperity and the Energy and Climate Partnership of the Americas, which invite partner governments and the private sector to join in a broader coalition to address key elements of the hemispheric agenda, are central to the administration's strategic vision.

The administration remains steadfast in its commitment to core principles and recognition of key values such as human and labor rights, press freedom, and the importance of robust and independent democratic institutions, upon which many of those values depend.

The Western Hemisphere remains a top priority for the United States. The Obama administration has demonstrated in word and deed from the beginning that the United States has important national interests at stake in the Western Hemisphere, and the best way to advance these interests is through proactive engagement. It has also amplified the ways in which key allies in the Western Hemisphere will be our partners confronting common global challenges.

President Obama's visit to Brazil, Chile, and El Salvador in March highlighted every one of the themes outlined above, building on the pledge that he made at the Summit of the Americas to create a relationship of "equal partners" based on mutual interests and shared values. The President's message, and the dozens of agreements completed during the trip, underscored how significant the region is for the United States on issues including our economic competiveness, our global strategic interests, our core values of democracy and human rights, and the richness and diversity of our society and culture.

The U.S. foreign assistance request for FY 2012 responds to continued threats to citizen safety that jeopardize U.S. national security interests; reinforces democratic gains; leverages the region's emerging economic opportunities and strengths; and supports the Americas' emerging potential for global leadership. The administration believes this request will help it meet the challenges and opportunities we face. At the same time, it is lean and responds to the fiscal constraints that we all face. If confirmed, I will work with the Department to advance these priorities, particularly as we approach the Summit of the Americas in Colombia in 2012.

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RESPONSES OF WENDY SHERMAN TO QUESTIONS SUBMITTED BY SENATOR JIM WEBB

*Question.* Various press reports have intimated that, as a global strategist and principal of the Albright Stonebridge Group, you have represented or advised U.S. and other firms seeking to do business in China. Given the unique responsibility of the Under Secretary for Political Affairs for managing the full range of issues in our day-to-day bilateral relationships, please provide a specific description of the nature of your private sector activities in China. In particular, please describe the level and nature of any contacts you may have had with Chinese Government officials in this capacity.

Answer. Albright Stonebridge Group has an active China practice and as a principal of ASG, I have participated in helping clients, largely American multinationals, meet their business objectives in China. In that role, I have met with a variety of officials in Beijing, Shanghai, and in some of the provinces at a variety of levels. In addition, I have participated as part of delegations sponsored by The Aspen Institute and the Center for American Progress (CAP) that conducted United States-China dialogues and in that capacity have also met with a variety of officials.

*Question.* While you are not registered as a lobbyist or a representative of a foreign government, many of the clients you advised at Albright Stonebridge Group engage separate staff to lobby the State Department and Congress on a variety of issues. Can you confirm that neither you, nor the Albright Stonebridge Group,

which continues to hold the promissory note for the divestment of your interests in the firm, retain any private interests in China that may compromise your ability, if confirmed, to represent the full range of U.S. interests in our bilateral relationship with China?

Answer. Under the Ethics Undertakings agreed to with the Office of Government Ethics and White House Counsel, I will be recused for 2 years from participating personally or substantially in any particular matter that involves any clients I served while a principal of Albright Stonebridge Group or in any particular matter that involves Albright Stonebridge Group. I will also be recused from participating personally or substantially in any particular matter that has a direct and predictable effect on the ability or willingness of Albright Stonebridge Group to pay the note, until the note is paid in full. Given the nature of the job of Under Secretary of State for Political Affairs, these recusals should have little if any effect on my ability to fulfill the duties of the position.

*Question.* More broadly, I remain concerned that the United States lacks a coherent strategy to address the impact of China's rise on our own economic and security interests. Within the U.S. Government, agencies continue to advocate for competing priorities. While some agencies push to broaden our business opportunities and engagement with China, reports from the Department of Defense and the intelligence community document persistent concerns with sensitive technology transfers, the abuse of U.S. intellectual property rights, cyber attacks originating in China, and China's continued aggressive naval activities in the South China Sea.

If confirmed, how will you balance the competing priorities of expanding our economic and political ties with China while also holding China more accountable in these areas?

Answer. The administration is committed to pursuing a positive, cooperative, and comprehensive relationship with China grounded in reality, focused on results, and true to our principles and interests. If confirmed, I will work to advance those objectives and to uphold American political, economic, and national security interests in my interactions with Chinese counterparts.

The administration engages the Chinese leadership to strengthen cooperation on shared goals of regional stability and increased prosperity. The administration also encourages China to play a greater role internationally in ways supportive of international development and stability—and in ways consistent with prevailing international rules and institutions.

U.S. engagement with China includes three main pillars:

1. Work with allies and partners in Asia to foster a regional environment in which China's rise is a source of prosperity and stability for the entire region.

2. Build bilateral trust with China on a range of issues. The Strategic and Economic Dialogue (S&ED) represents a "whole of government" dialogue with the participation of hundreds of experts from dozens of agencies across both of our governments to achieve that goal. Additionally, the United States engages in broad outreach to broad elements of Chinese Government and society, including building a healthy, stable, continuous, and reliable military-to-military relationship and increasing people-to-people exchanges between our countries.

3. Expand cooperation with China to address common global and regional challenges, ranging from Iran and North Korea to climate change, and including economic issues and multilateral initiatives.

While seeking cooperation with China on a range of international issues, the administration recognizes the obstacles and differences that continue to exist.

The administration has raised difficult issues and areas of disagreement in discussions with China. Those topics include human rights, unfair procurement preferences, violations of intellectual property rights, and currency manipulation.

The administration also recognizes that China has been engaged in an ambitious military modernization effort since the mid-1990s, seeking to create a modern force capable of fighting high-intensity conflicts along its periphery. In discussions on China's military intentions, administration officials have urged the Chinese to provide greater transparency into the capabilities they are developing and the intentions behind their modernization effort.

Those discussions emphasized our shared interest in ensuring peace and prosperity in the region. Although continuing to build a comprehensive relationship with China, the administration carefully monitors China's military developments and, in concert with our allies and partners with whom we consult regularly on China's military modernization, will make adjustments to current policy as necessary.

RESPONSES OF WENDY SHERMAN TO QUESTIONS SUBMITTED BY SENATOR JAMES E. RISCH

*Question.* North Korea.—In your testimony before this committee, you said: "It makes no sense to have talks just for the sake of talks. North Korea must keep its commitments that it made in 2005 to really move forward to the denuclearization of the Korean Peninsula."

- Do you believe North Korea has kept the commitments it made in 2005?

Answer. No. North Korea has not kept its commitments.

In the September 2005 Joint Statement of the Six-Party Talks, the DPRK committed to abandoning all nuclear weapons and existing nuclear programs and to returning, at an early date, to the Nuclear Non-Proliferation Treaty (NPT) and International Atomic Energy Agency (IAEA) safeguards. Since then, the DPRK has continued its nuclear-related activities, including its uranium enrichment program (UEP) and light water reactor construction activities, and announced it conducted nuclear tests in 2006 and 2009.

*Question.* Do you believe the talks Secretary Clinton invited North Korea's Vice Foreign Minister to have in New York were productive? Why?

Answer. The State Department has provided the following read out on those talks: U.S. officials met with the DPRK in New York July 28 and 29 to reiterate that, while the United States remains open to direct engagement, we are not interested in talks for the sake of talking. The United States underscored that before serious negotiations can resume, the DPRK must take demonstrable steps to show that it is prepared to meet its international commitments to achieve the goal of the 2005 joint statement: the verifiable denuclearization of the Korean Peninsula in a peaceful manner. The United States also emphasized that international sanctions on the DPRK will remain in place until Pyongyang complies with its obligations under U.N. Security Council Resolutions 1718 and 1874, under which the DPRK must abandon all nuclear weapons and existing nuclear programs in a complete, verifiable and irreversible manner, and suspend its ballistic missile program.

Based on this read out, the talks were very important because the administration was able to drive home directly to the DPRK that it must take concrete steps to meet its international commitments.

*Question.* The Obama administration has stated that North Korea must demonstrate a "concrete indication" of Pyongyang's commitment to denuclearization prior to resuming multilateral negotiations. Do you agree with this position? What do you consider to be an acceptable "concrete indication"?

Answer. North Korea must demonstrate a change in behavior, including improving North-South relations, ceasing provocative actions, taking concrete steps toward irreversible denuclearization, and complying with its commitments under the 2005 Joint Statement of the Six-Party Talks and its obligations under the U.N. Security Council Resolutions 1718 and 1874.

As the the administration has stated repeatedly, they are open to talks with North Korea, but do not intend to reward the North just for returning to the table. The administration will not give them anything new for actions they have already agreed to take and the administration has no appetite for pursuing protracted negotiations that will only lead us right back to where we have already been.

*Question.* There has been a great deal of turmoil in the Middle East over the last 6 months but, with all the potential for change, a constant is the danger posed by Iran's nuclear program. Despite the President's commitment to deprive Iran a nuclear weapons capability, the IAEA confirmed just last week that the Iranian program continues and that they are loading P–2 Centrifuges at Qom.

What new steps is the administration willing to take to stop Iran—would you recommend pursuing additional sanctions in the near future? President Obama has said that it is unacceptable for Iran to have a nuclear weapons capability. What does that mean? Does it mean we'll do everything and anything we can to ensure Iran does not acquire that capability?

Answer. If confirmed, I will work actively to increase the pressure on Iran as part of the dual track policy of pressure and engagement to resolve our national security concern and the international community's concerns about Iran's nuclear program. The administration is committed to sanctions against Iran as long as it continues to defy the international community and fails to meet its obligations under U.N. Security Council and International Atomic Energy Agency resolutions. I understand that the administration continues to review options for stepping up pressure against Iran, including possible new sanctions, possible new designations under the existing

sanctions regime, and improved implementation of existing sanctions by U.N. member states.

*Question.* A central tenet of the U.S.-Israel relationship from administration to administration has been the close working relationship between the two countries and that differences of opinion are dealt with behind closed doors.

- Do you agree that the United States should work more closely with Israel and ensure our differences stay private?
- Do you believe U.S. policy in the region is best advanced through a close working relationship with Israel?
- How would you characterize the U.S.-Israel strategic dialogue? In spite of the current turmoil and instability in the region, does the United States remain absolutely committed to Israel's qualitative military edge?

Answer. As President Obama said in his speech on May 22, 2011, "the bonds between the United States and Israel are unbreakable and the commitment of the United States to the security of Israel is ironclad." The U.S.-Israel bilateral relationship is stronger than ever, and the administration is taking full advantage of the robust and frequent senior-level consultative and political mechanisms currently in place to share views and analysis of the unprecedented changes underway in the region. The administration is also working together to ensure that these changes do not negatively impact Israel's security.

During the past year, there have been an unprecedented number of bilateral defense and strategic consultations, high-level discussions and visits, and less high-profile consultations at senior levels between U.S. and Israeli leaders and government officials.

As in any close friendship, there are times when the United States and Israel do not share the same views. The administration works productively and practically to resolve such differences quickly and quietly.

The administration has been clear in its absolute commitment to maintaining and supporting Israel's qualitative military edge (QME). The United States will respond quickly and carefully, in close consultation with the Government of Israel, to any development that might affect it.

*Question.* Over the past 2 years, the Palestinian leadership has repeatedly refused to enter direct negotiations with Israel. Instead, Palestinian Authority President Abbas has embarked on an effort to push for recognition at the U.N. These efforts hurt the chances for peace and run counter to long-standing U.S. policy in favor of direct negotiations. President Obama has called the Palestinian initiative purely "symbolic" and said that efforts to delegitimize Israel will end in "failure."

- What are we doing to encourage other countries to oppose the effort as well, both in the Security Council and the General Assembly? How many countries has the State Department demarched on this issue? Have we engaged diplomatically across the board to make it clear that a vote on Palestinian statehood or upgrading their status is strongly opposed by the United States?

Answer. In May, President Obama delivered in two speeches his vision of how to move forward toward Middle East peace, and laid out principles and goals of the negotiations needed to resolve the difficult "final status" issues between the parties. He also made clear his opposition to efforts to determine final status issues outside of negotiations, including through initiatives at the United Nations. He said, "For the Palestinians, efforts to delegitimize Israel will end in failure. Symbolic actions to isolate Israel at the United Nations in September won't create an independent state."

I will—if confirmed—wholeheartedly support the efforts underway to make this position absolutely clear at the U.N. and in capitals around the globe. The United States is urging other member states not to support any Palestinian action at the U.N. that would serve to prejudge final status issues or isolate Israel, in whatever form such action might take.

U.S. ambassadors have engaged, at Secretary Clinton's instruction, at the highest political levels in close to 100 capitals worldwide where outreach would be most productive. Secretary Clinton, National Security Advisor Donilon, Ambassador Rice, Deputy Secretary Burns, Assistant Secretary Feltman and Special Envoy Hale and other senior U.S. officials have also been working intensively with their counterparts in key capitals for months to underscore our concerns and views.

Going forward, the Department of State will continue to work vigorously and strategically to reach out to select countries and organizations to express and explain our firm opposition to any one-sided actions at the U.N., including a Palestinian state declared outside of the framework of negotiations.

*Question.* President Abbas has ignored the President's request that he not pursue a U.N. Security Council Resolution seeking recognition. What impact will Palestinian efforts at the U.N. have on the United States-Palestinian relationship? Is the administration willing to suspend foreign aid to the Palestinian authorities or other Palestinian entities if they do not forgo these efforts?

Answer. I know that at every turn, the administration has told the Palestinian leadership clearly and consistently that only direct negotiations can produce the outcome they seek: a real and lasting peace with Israel, and the creation of a Palestinian state. These outcomes will serve the interests of the United States and Israel as well, and are vital to a comprehensive peace and regional stability.

The administration has been equally clear and unequivocal that it would vigorously oppose any U.N. Security Council or General Assembly resolution that seeks to predetermine any "final status" issue that must be resolved through direct negotiation, including creation of a Palestinian state.

The United States remains committed to a dual-track strategy in pursuing Israeli-Palestinian peace, a vigorous political negotiating effort focused on renewing direct negotiations and moving forward toward a comprehensive peace, and an equally vigorous institution-building track to prepare Palestinians for eventual statehood, including maintaining security and continuing to support the growth of accountable and professional security forces, and providing transparent and efficient services for the Palestinian people.

It has been the position of successive administrations that support for Palestinian Government institutions and a viable Palestinian economy serves the interests of the United States, and is essential for peace, the stability of the region, and the security of both Israel and the Palestinians.

Cutting off assistance to the Palestinian Authority would put these gains at risk, send a very negative signal to the broader region at a time of intense change, and, most immediately, risk dramatically undermining security—outcomes that hurt both the interest of the United States and the interests of Israel and the Palestinians.

Building the institutions of a stable, prosperous Palestinian state with an accountable and transparent government and professional security forces also is a strong and vital bulwark against radicalization. These efforts are and will remain critical to U.S. national interests even in the face of difficulties on the political track.

*Question.* Recently, the European Union and the United States announced sanctions on the Syrian regime. What assistance is Turkey providing, or has offered, to help enforce sanctions on Syria?

Answer. Turkey and the United States have coordinated closely on Syria. Turkey has issued strong, unambiguous statements condemning the Syrian Government's violent attacks against civilians. The Turkish Foreign Minister and other Government of Turkey officials have traveled to Damascus to identify the kinds of measures the Syrian Government needed to take to address the international community's concerns.

The Turkish Government has provided humanitarian assistance to over 7,000 displaced Syrians residing in seven camps administered by the Turkish Red Crescent in the Hatay province bordering Syria.

Turkey has not enacted unilateral sanctions against Syria but has enforced U.N. sanctions. For example, Turkey has taken action to prevent illicit materiel from arriving in Syria via Turkey.

*Question.* Is the United States committed to the territorial integrity and defense of the Republic of Georgia?

Answer. The United States remains steadfast in its strong support for Georgia's sovereignty and territorial integrity. The United States continues to call on Russia to fulfill its obligations under the 2008 cease-fire agreement, including withdrawal of its forces to preconflict positions and free access for humanitarian assistance. The continued militarization of the Abkhazia and South Ossetia regions by the Russian Federation is inconsistent with its cease-fire commitments and threatens the stability in the region. The administration is an active participant in the Geneva discussions, working with the cochairs and others in pursuit of a resolution to the conflict. The United States also continues to voice concern directly to Russia at every opportunity and at high levels regarding its actions in Georgia, including during Secretary Clinton's meetings with Russian FM Lavrov. In addition, the administration will continue to speak out in support of Georgia's territorial integrity, as it did recently in our statement regarding the so-called August 29 "elections" in the separatist region of Abkhazia.

*Question.* Is the United States willing to provide all necessary support to help Georgia formulate its defense doctrines, including the drafting of a capabilities and threats assessment and defense white paper?

Answer. The United States continues to have a broad and deepening relationship with Georgia in a number of sectors. The administration's security assistance and military engagement with Georgia is currently focused in two areas. The first is comprehensive assistance to support Georgia's defense reform and modernization along Euro-Atlantic lines. In particular, the United States is focused on building institutional capacity, supporting personnel and doctrine reform, and contributing to professional military education modernization. The administration has also consulted with the Georgian Government as it drafts a National Security Concept. Second, the United States continues to provide the necessary training and equipment to Georgian troops in support of their interoperability and effective participation in ISAF operations in Afghanistan.

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RESPONSES OF WENDY SHERMAN TO QUESTIONS SUBMITTED BY SENATOR JAMES M. INHOFE

*Question.* Protocol on Cluster Munitions to the Convention on Conventional Weapons (CCW): A proposed Sixth Protocol to the Convention on Conventional Weapons (CCW) is currently being negotiated in Geneva. This protocol would establish sensible controls on the production, stockpiling, and use of cluster munitions. The negotiations which produced the current draft protocol have been ongoing for several years with the active involvement of the U.S. delegation to the CCW. The current draft is widely supported within the CCW, and would significantly advance global efforts to minimize the risks to civilian populations of modern warfare while simultaneously preserving the ability of the United States and its allies to utilize munitions that will limit American casualties in future conflicts. The draft is opposed by some NGOs, however, and several governments participating in the CCW may block approval of the protocol at the CCW Review Conference in November, thereby killing it.

- Does the Obama administration support the proposed CCW protocol on cluster munitions?
- Does the Obama administration have in place a strategy for preventing a small group of countries from killing the proposed CCW protocol on cluster munitions? If so, please describe that strategy.
- If confirmed, will you work actively to support approval of the cluster munitions protocol, and to raise this issue in your discussions with foreign counterparts?

Answer. The administration supports concluding a comprehensive and binding protocol to the Convention on Conventional Weapons (CCW) that addresses all aspects of cluster munitions, to include use, transfer, stockpiling, and destruction and that will have a significant humanitarian impact on the ground while preserving an important military capability. The draft protocol presented by the CCW Group of Governments Experts Chair provides the basis for such a protocol.

The Department is currently engaging CCW High Contracting Parties to urge these states to seize the opportunity to conclude a new protocol regulating cluster munitions at the CCW Review Conference in November. This includes targeted ministerial-level engagement with key detractors. If confirmed I will join Secretary Clinton and the rest of the Department in these efforts, as appropriate.

*Question.* Foreign Boycotts of U.S. Defense Firms.—There is an aggressive campaign underway, led by foreign NGOs, and apparently abetted by some foreign governments, to boycott U.S. companies involved in the manufacture pursuant to contracts with the U.S. Department of Defense of weapons systems that they don't think the United States should have. This campaign is currently focused on manufacturers of landmines and cluster munitions, but can easily be expanded to manufacturers of nuclear weapons-related items, depleted uranium weapons, etc. The campaign has made surprising headway in dissuading foreign banks from doing business with some key U.S. defense contractors, and is clearly aimed at dissuading these companies from continuing to supply the United States with these weapons.

- Are you aware of this campaign?
- Does the Obama administration believe that this campaign is exclusively driven by NGOs, or are some foreign governments also complicit in it? If so, which ones?
- What is the policy of the Obama administration with respect to foreign boycotts of U.S. defense contractors?

- If the Obama administration opposes foreign boycotts of U.S. defense contractors, what specific steps has the State Department taken to resist this campaign and support U.S. defense contractors that have been targeted by it?
- If the Obama administration opposes foreign boycotts of U.S. defense contractors, what steps do you intend to take if confirmed as Under Secretary for Political Affairs to resist this campaign and support U.S. defense contractors that have been targeted by it? Are you committed, for example, to raising this issue with foreign government officials?
- Do you believe the United States Government should continue to do business with foreign banks and other foreign businesses that are engaged in boycotts of U.S. defense contractors?

Answer. The State Department is committed to ensuring fair treatment of U.S. companies and their goods, services, and investments in the global marketplace. It is my understanding that the Department is aware of one NGO campaign advocating for a ban on investments in cluster munitions pursuant to the Convention on Cluster Munitions (CCM), to which the United States is not a State party. To the Department's knowledge, the campaign is driven by NGOs and not foreign governments. While a handful of states party to the CCM (Belgium, Ireland, Luxembourg, and New Zealand) have chosen to criminalize investment in production of cluster munitions, the Department is not aware of any foreign governments or businesses boycotting a U.S. defense contractor owing to its production of defense articles for U.S. Government contracts based on their belief that the United States should not possess said articles. If notified of such a boycott, it is my understanding that the Department would be willing to raise it with foreign officials. If confirmed, I will join in the Department's efforts to engage foreign governments on such issues, as appropriate. It is also my understanding that the Department will review allegations of discrimination against an American company, if notified of specific information of such discrimination.

# NOMINATIONS

**WEDNESDAY, SEPTEMBER 21, 2011**

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

Robert A. Mandell, of Florida, to be U.S. Ambassador to Luxembourg
Hon. Thomas Charles Krajeski, of Virginia, to be U.S. Ambassador to the Kingdom of Bahrain
Hon. Dan W. Mozena, of Iowa, to be U.S. Ambassador to the People's Republic of Bangladesh
Michael A. Hammer, of the District of Columbia, to be Assistant Secretary of State for Public Affairs

The committee met, pursuant to notice, at 10:04 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Jeanne Shaheen, presiding.

Present: Senators Shaheen, Barrasso, and Risch.

## OPENING STATEMENT OF HON. JEANNE SHAHEEN, U.S. SENATOR FROM NEW HAMPSHIRE

Senator SHAHEEN. Good morning, everyone. Today the Senate Foreign Relations Committee meets to consider the nominations of: Mr. Robert Mandell, to be the U.S. Ambassador to Luxembourg; Ambassador Thomas Charles Krajeski, to be the U.S. Ambassador to the Kingdom of Bahrain; Ambassador Dan Mozena, to be confirmed to be—I'm sorry, I misread that—Ambassador Dan Mozena, to be the U.S. Ambassador to the People's Republic of Bangladesh; and Mr. Michael Hammer, to be the Assistant Secretary of State for Public Affairs. Welcome, everyone.

I want to congratulate each of you on your nominations, and I also want to welcome all of your families and friends who are here today. I look forward to hearing from each of you about the unique challenges and opportunities you face in your new position upon your confirmation. I'm going to begin by making an opening statement and then I will turn it over to each of you to make a statement, and then we will do some questions.

Luxembourg is a small but influential member of the European Union and the eurozone economy, as well as a founding member of NATO. As one of the wealthiest countries in the world, Luxembourg is highly dependent upon trade and investment and has played an active role in deepening European economic integration,

which gives Luxembourg a particularly unique view with respect to the ongoing eurozone debt crisis.

As perhaps the most critical issue facing Europe and the transatlantic space, the ongoing sovereign debt crisis in Europe continues to affect global financial markets around the world and is having spillover effects on economic and financial confidence here at home. How Europe responds to this crisis will have dramatic implications, not only for the future of Europe, but also across the broad spectrum of U.S. interests.

There is a path forward and Europe does have the economic capacity to manage these very difficult challenges. However, a credible solution will require some very tough decisions and bold, coordinated actions from Europe's leaders. I look forward to hearing your thoughts, Mr. Mandell, on the role Luxembourg can play on this important effort.

Ambassador Krajeski, as you know, Bahrain is a long-time U.S. ally in a very difficult neighborhood. As the headquarters of the U.S. Navy's Fifth Fleet and designated as a major non-NATO ally in 2001, Bahrain shares a wide range of regional security interests with the United States, including the threat of increasing Iranian influence across the Persian Gulf.

Today our bilateral relationship is at a pivotal point, as Bahrain struggles in the face of ongoing protests linked to the Arab Spring which erupted in February 2011. In response to largely peaceful demonstrations, Bahrain declared a state of emergency and invited security assistance from neighboring gulf countries. Continued protests, detentions, and arrests have increased ethnic and religious tensions and reduced prospects for a sustainable political solution in Bahrain.

In May, President Obama declared that mass arrests and brute force are at odds with the universal rights of Bahrain's citizens, and that, "You cannot have a real dialogue when parts of the peaceful opposition are in jail."

The committee will be interested to hear how the administration intends to follow up on that strong declaration and how we will encourage real dialogue and a peaceful solution for all of Bahrain's citizens, Shia and Sunni alike.

Ambassador Mozena, Bangladesh is an overwhelmingly Muslim country with a relatively moderate secular and democratic government, located in a strategically important northern region of the Bay of Bengal in South Asia. As relationships between China, India, and the rest of South Asia continue to evolve, Bangladesh, with its energy reserves and important trade routes, will play an increasingly significant role in the region.

Finally today, we will assess how the State Department communicates its message around the world, Mr. Hammer. In an extremely fast-paced, open and interconnected global marketplace of ideas, it's not enough to simply create and implement sound policies any more. Now we must also be able to quickly and effectively broadcast those policies around the globe.

Communications strategy and winning hearts and minds is a critical component of any effective foreign policy and national security strategy. We must also be on the cutting edge of communications technology, utilizing modern social media tools, including

texting, Twitter, Facebook, and YouTube. I will be interested to hear how the Department intends to keep up in this complex environment.

Again, I want to thank each of you for your willingness to take on these important and challenging posts. I will briefly introduce each of our nominees before turning it over to you for your opening statements. But first I want to see if Senator Barrasso, who's the ranking member on the subcommittee, has an opening statement.

**OPENING STATEMENT OF HON. JOHN BARRASSO, U.S. SENATOR FROM WYOMING**

Senator BARRASSO. Well, thank you very much, Madam Chairman. Today the Senate Committee on Foreign Relations meets to consider four very important nominations. Each of these posts is important to fostering vital relationships and promoting U.S. national interests, and there are truly real challenges ahead. It's important that the United States continues to be a strong leader across the globe.

So I join you, Madam Chairman, in congratulating each one of our nominees. In addition, I want to extend a warm welcome to all of their friends and families. I see Senator Nelson here and I don't want to delay him at all.

Senator SHAHEEN. Thank you.

Senator Nelson is here to introduce Robert Mandell, so I will let you do that introduction, Senator Nelson, before I go on to introduce our other nominees this morning.

**STATEMENT OF HON. BILL NELSON, U.S. SENATOR FROM FLORIDA**

Senator NELSON. Madam Chairman, I want to thank you for your personal consideration of having this hearing and for particularly speeding up the consideration of our friend from Florida, Bobby Mandell.

I want to at this moment just thank all of these people at the table for their public service. You all are going to some very critical parts of the world. In addition to the administration of the State Department, I have been to most of these critical parts of the world and I can tell you that my impression of the Foreign Service is that we are very fortunate to have the quality of the Foreign Service officers that represent us around the country—around the world. As a result, in this new world in which we live the Foreign Service becomes all the more important, because as we are projecting soft power representing the interests of the United States that clearly involves all the agencies of government and certainly the Foreign Service.

So, Madam Chairman, I come with an eye that's cocked on quality and that's why I wanted to come here today, because I have seen that a political ambassador, as opposed to a career Foreign Service officer, if that ambassador is a good one, can be one of the most effective tools of representation for the United States of America. I've seen that in Republican and Democratic administrations. I've seen that, the ambassador be all the more effective with a strong DCM because of the political connection, if you will, back

to the administration of the ambassador having been all the more effective.

I think of, for example in the Bush administration, one of our more effective ambassadors was a former partner in the Texas Rangers of George Bush. He first went to the Czech Republic. He was so good—he learned Czech. He was so good, in the second Bush administration he went to Paris, and he became fluent in French. I could go on and on with a number of the ambassadors.

That's why I wanted to come here to tell you about Bobby Mandell. He is my friend. He's a personal friend. He and his family and his wife, Julie, his mom and dad, Lester and Sunny, are here in the front row. They've been personal friends of mine for years and years, so I know Bobby and I know the family, and this is the kind of person that we want representing our country.

Although Luxembourg's a little-bitty country, it's right in the middle of a fire storm of activity that is critically important to the United States. So we need a representative there that is going to stand tall and make us proud.

Now, they've had some problems in the past. That's why you need somebody of the quality of Bob Mandell to come in and represent the country. I can tell you a lot about—he's a lawyer, he is a businessman par excellence. He took over the business that his dad had started from humble beginnings, made that business multi, multi hundreds of millions of dollars of value. He has sold that business and so he has the opportunity now for public service.

I give you my highest recommendation, Madam Chairman, Mr. Ranking Member, and the Senator also that's here for this committee. I had the privilege of sitting on this committee for 6 years, and I thank you all for the service that you render.

Senator SHAHEEN. Thank you very much, Senator Nelson, and thank you for being here for that introduction.

Next we have Ambassador Thomas Charles Krajeski, to be the U.S. Ambassador to the Kingdom of Bahrain. Ambassador Krajeski is a career member of the senior Foreign Service and currently serves as the senior vice president at the National Defense University in Washington. He has served in posts around the world, including Iraq, Egypt, India, and Yemen, where he served as U.S. Ambassador. A fluent Arabic speaker, he is also the recipient of the Presidential Distinguished Honor Award for his work in Iraq and Yemen.

We also have today Ambassador Dan Mozena, the nominee to be the U.S. Ambassador to Bangladesh. Ambassador Mozena is a longtime senior Foreign Service officer and currently a professor at the National War College. He has served in a variety of posts around the world, including as Ambassador to Angola, Deputy Chief of Mission in Zambia, and as a former counselor in Bangladesh.

Finally, we have Michael Hammer, who has been nominated to be the Assistant Secretary of State for Public Affairs. Mr. Hammer is currently the Acting Assistant Secretary for Public Affairs and previously served as the senior director for Press and Communications and the spokesperson for the National Security Council. He has a long, distinguished career at the State Department and in the White House dealing with a wide variety of issues and regions around the world.

As each of you give your opening statements, I hope you will feel free to introduce any family of friends who are here to support you. And we'll begin with you, Mr. Mandell.

**STATEMENT OF ROBERT A. MANDELL, OF FLORIDA, NOMINATED TO BE U.S. AMBASSADOR TO LUXEMBOURG**

Mr. MANDELL. Thank you, Madam Chairman. Madam Chairman and members of the committee, good morning. I am honored to appear before you today as President Obama's nominee to serve as the next Ambassador to the Grand Duchy of Luxembourg. I am grateful to the President and Secretary Clinton for their support and for the confidence that they have placed in me. If confirmed, I look forward to working with this committee and working with the Congress to continue and nurture the strong relationship that exists between the United States and Luxembourg.

I'm especially grateful to a distinguished public servant, Senator Bill Nelson, for his friendship and his introduction and support today. Even though he's not present today, I would also like to thank my long-time friend, former Senator, Mel Martinez, who has been very encouraging from the very start of this process.

I would also like to introduce and publicly thank my dear wife, Julie, who has provided me support throughout my career. I would also like to introduce our children, Zachary and Xan, and my parents, Lester and Sonia Mandell, and Julie's parents, Gilbert and Joyce Walker. Several more of our family members have joined us this morning, but we don't want to take up the total committee's time for that.

Senator SHAHEEN. It's great to have a big family.

Mr. MANDELL. It's great to have a big family, thank you.

But Julie and I are very blessed to have both of our parents share this day with us. Starting from the end is my mother-in-law, Joyce Walker, and my father-in-law, Dr. Gilbert Walker, and my dad, Lester Mandell, my mother, Sonia Mandell, and my wife Julie, and my children, who are right back there, Zachary and Xan, sitting behind Julie.

My experience of over 20 years as the leader of my own and my family's business has taught me the value of human relationships in achieving success. After practicing law for more than a decade, I started over as a laborer in my family's business, the home-building business, and worked my way up the ladder over the course of several years. Starting in the field significantly affected my approach to business. It meant that I would wear a bright yellow shirt that had "Bobby" written over one side of my pocket and on the other side it had "Greater Homes" written. So I knew who I was and where I worked. I also got to drive a 6-year-old pickup truck with three on the column and no air conditioning. That way my dad knew that I wouldn't be sitting in the truck during the long hot days of summer. It also didn't have a radio because he thought that work should be entertaining enough.

This early experience taught me that it was essential to treat people fairly, build the right relationships, and by doing the right thing for the right reasons engender the trust of those around you, especially the ones you work with.

After all was said and done, our company built over 10,000 houses all in the Central Florida area. The same leadership and relationship skills have served me well in my roles at the local, statewide, and Federal level, having served for the past 2 years on President Obama's Export Council. If confirmed, I hope to bring these same skills to bear as the Ambassador to Luxembourg.

The Grand Duchy of Luxembourg is a longstanding ally of the United States. It is a founding member of NATO, the United Nations, and the European Union. Thanks to the enormous sacrifices of the United States Armed Forces which liberated Luxembourg in World War II, there is a deep reservoir of goodwill toward the United States in Luxembourg. Our bilateral relationship with Luxembourg is emphatically positive.

If confirmed, I will strive to continue our strong and productive relationship by maintaining effective outreach programs and developing relationships with the government, the business community, youth, Luxembourg citizens, and the residents of every background.

I have worked to develop the President's National Export Initiative and our Nation's economic expansion by my service on President Obama's Export Council over the past 2 years. If confirmed, I plan to continue working to increase American exports to Europe. Luxembourg is a major financial center in Europe, second only to the United States worldwide in the mutual fund industry, managing over $3 trillion in net assets. Financial services comprise about 25 percent of Luxembourg's GDP. Accordingly, the United States works closely with the Government of Luxembourg to combat the financing of terrorism and money laundering.

Embassy Luxembourg has been engaged in negotiations to sign an agreement with Luxembourg on preventing and combating serious crimes and guard against the involvement of the financial industry in global criminal activity. If I am confirmed by the Senate, I will make the conclusion of these negotiations and signing this agreement one of my first priorities. In addition, if confirmed I will encourage Luxembourg to continue to increase the transparency of its banking system.

As part of my public diplomacy strategy, if I am confirmed I intend to reach out to a new European generation that has grown up since the end of the cold war and the division of Europe into two opposing camps. I hope to work with them and with other Luxembourg citizens to develop a stronger transatlantic alliance that looks forward to a generation of peace, security, and prosperity.

Should I be confirmed, I plan to pursue opportunities to encourage new technologies using the resources of both the United States and Luxembourg in medical diagnostics and health care, based upon our respective leading roles in these fields. For the past 20 years I have gained experience in this area by serving on the board of directors of Florida Hospital, one of our Nation's largest hospitals, and on the board of directors of the Sanfred Burnham Institute for Medical Research for the last 5 years.

I'm excited by this chance to serve our country and very grateful for this opportunity. Madam Chair, members of the committee, if confirmed it would be my greatest honor to represent the United States in Luxembourg. Thank you for your consideration. I would be happy to answer any questions that you might have.

[The prepared statement of Mr. Mandell follows:]

PREPARED STATEMENT OF ROBERT A. MANDELL

Madam Chairman and members of the committee, good morning. I am honored to appear before you today as President Obama's nominee to serve as the next Ambassador to the Grand Duchy of Luxembourg.

I am grateful to the President and Secretary Clinton for their support and for the confidence they have placed in me.

If confirmed, I look forward to working with this committee and with the Congress to continue and to nurture the strong relationship that exists between the United States and Luxembourg.

I am especially grateful to a distinguished public servant, Senator Bill Nelson, for his friendship and his introduction and support today. Even though he is not present today, I would also like to thank my longtime friend, former Senator Mel Martinez who has been very encouraging from the very start of the process.

I would also like to introduce and publicly thank my dear wife, Julie, who has provided me support throughout my career.

I would also like to introduce our children, Zachary and Xan, and my parents, Lester and Sonia Mandell, and Julie's parents, Gilbert and Joyce Walker. Several more of our family members have joined us this morning, which we really appreciate. Julie and I are very blessed to have our parents share this wonderful day with us.

My experience of over 20 years as the leader of my own and my family's business has taught me the value of human relationships in achieving success.

After practicing law for more than a decade, I started over as a laborer in my family's home-building business and worked my way up the ladder over the course of several years. Starting in the field significantly affected my approach to business. It meant that I would wear a bright yellow shirt that had "Bobby" written over the pocket and "Greater Homes" on the other side of the shirt, so I knew who I was and where I worked. I also got to drive a 6-year-old pickup truck with no air conditioning. That way, my dad knew that I wouldn't be sitting in the truck during the long hot days of summer. It also didn't have a radio because he thought work should be entertaining enough.

This early experience taught me that it was essential to treat people fairly, build the right relationships, and by doing the right thing for the right reasons, engender the trust of those around you, especially the ones you worked with. After all was said and done, our company built over 10,000 houses, all in the central Florida area. These same leadership and relationship skills have served me well in my roles at a local, statewide, and federal level, having served for the past 2 years on President Obama's Export Council.

If confirmed, I hope to bring those same skills to bear as Ambassador to Luxembourg.

The Grand Duchy of Luxembourg is a longstanding ally of the United States and a founding member of NATO, the United Nations, and the European Union.

Thanks to the enormous sacrifices of U.S. Armed Forces which liberated Luxembourg in World War II, there is a deep reservoir of goodwill toward the United States in Luxembourg.

Our bilateral relationship with Luxembourg is emphatically positive.

If confirmed, I will strive to continue our strong and productive relationship by maintaining effective outreach programs and developing relationships with the government, the business community, youth, and Luxembourg citizens and residents of every background. I have worked to develop the President's National Export Initiative and our Nation's economic expansion by my service on the President's Export Council over the past 2 years. If confirmed, I plan to continue working to increase American exports to Europe.

Luxembourg is a major financial center in Europe, second only to the United States worldwide in the mutual funds industry, managing over $3 trillion in net assets. Financial services comprise about 25 percent of Luxembourg's GDP.

Accordingly, the United States works closely with the Government of Luxembourg to combat the financing of terrorism and money laundering. Embassy Luxembourg has been engaged in negotiations to sign an agreement with Luxembourg on Preventing and Combating Serious Crime to guard against involvement of the financial industry in global criminal activity. If I am confirmed by the Senate, I will make conclusion of these negotiations and signing this agreement one of my first priorities.

In addition, if confirmed, I will encourage Luxembourg to continue to increase the transparency of its banking system.

As part of my public diplomacy strategy, if I am confirmed, I intend to reach out to a new European generation that has grown up since the end of the cold war and the division of Europe into two opposing camps. I hope to work with them and with other Luxembourg citizens to develop a stronger transatlantic alliance that looks forward to a generation of peace, security, and prosperity.

Should I be confirmed, I plan to pursue opportunities to encourage new technologies, using the resources of both the United States and Luxembourg in medical diagnostics and health care, based on our respective leading roles in these fields. For the past 20 years, I have gained experience in this area by serving on the Board of Directors of Florida Hospital, one of our Nation's largest hospitals, and on the Board of Directors of The Sanford Burnham Institute for Medical Research for the last 5 years.

I am excited by this chance to serve my country and grateful for this opportunity.

Madam Chairman, members of the committee, if confirmed, it would be my greatest honor to represent the United States in Luxembourg. Thank you for your consideration. I would be happy to answer any questions you may have.

Senator SHAHEEN. Thank you very much, Mr. Mandell.

Ambassador Krajeski.

**STATEMENT OF HON. THOMAS CHARLES KRAJESKI, OF VIRGINIA, NOMINATED TO BE U.S. AMBASSADOR TO THE KINGDOM OF BAHRAIN**

Ambassador KRAJESKI. Madam Chairman and members of the committee, I'm honored to appear before you today. I want to thank President Obama and Secretary Clinton for nominating me to be Ambassador to the Kingdom of Bahrain.

Madam Chairman, I would like to take a moment to acknowledge my family members and colleagues here today, most especially my wife, Bonnie, who has served with me for my 32 years in the Foreign Service.

For 32 years I've served proudly the United States Government and the American people in the Middle East and Washington. If confirmed, I look forward to leading the Embassy Manama team as we advance U.S. interests in the region and strengthen our bilateral relationship with Bahrain. The United States and Bahrain have a long history of cooperation and partnership based on mutual interests in regional security. If confirmed, I will make it a top priority to continue this partnership while encouraging and supporting reforms that meet the needs and aspirations of Bahrain's citizens.

I believe that these priorities are mutually reinforcing. Bahrain's long-term stability depends on addressing domestic grievances, not through repression, but through genuine reform and reconciliation. If confirmed, I will be working with our Bahraini partners to develop their ability to respond to external threats to the nation's security and ensure interoperability with our forces in the region. An increasingly aggressive Iran makes this effort critically important.

Political reform and respect for human rights are vital to Bahrain's stability and to the protection of U.S. interests in the region. Bahrain has a long history of reform, championed by King Hamad following his accession to the throne in 1999.

Given Bahrain's progressive record on democratic reform and in the context of strong partnership, the U.S. remains deeply concerned by the events that followed demonstrations in February and March of this year. Initially the Bahraini Government, led by the crown prince, called for dialogue with all parties. But as protests turned increasingly confrontational, the government declared emer-

gency law, requested the deployment of Gulf Cooperation Council's forces, and began an internal security crackdown.

During this period of widespread arrests and trials of detainees before the so-called National Safety Courts, there were many credible reports of serious human rights abuses by security forces. The U.S. Government has repeatedly emphasized to Bahrain's leadership the importance of taking steps to address these violations, restore public trust, and promote national reconciliation. Toward this end, King Hamad has taken steps to foster reform and resolve political differences. Among these was a month-long national dialogue concluded at the end of July. On July 29 the king declared his support for all matters on which the dialogue had reached consensus and he ordered legislative and executive authorities to implement the dialogue's recommendations for reform.

We believe that these are important first steps in bringing together Bahrainis from across ideological and sectarian lines.

Another initiative has been the Bahrain Independent Commission of Inquiry, led by internationally recognized legal experts. It has a broad mandate to investigate reports of violations of civil and human rights. The commission will release a public report next month. We expect the Government of Bahrain to give serious consideration to the commission's recommendations and take necessary action to ensure accountability for abuses and to prevent any recurrences.

Madam Chairman, if confirmed one of my top priorities will be to support and encourage these initiatives and others to advance the process of democratic and economic reform. This will strengthen Bahrain and it will strengthen our partnership.

Finally, Madam Chairman, if confirmed my first priority will be the safety and security of all U.S. citizens who live, do business, and vacation in Bahrain. Our countries have benefited enormously from these exchanges and I plan to encourage them.

Thank you again for the opportunity to appear before you today. I would be pleased to answer any questions you may have.

[The prepared statement of Ambassador Krajeski follows:]

PREPARED STATEMENT OF HON. THOMAS C. KRAJESKI

Madam Chairman and members of the committee, I am honored to appear before you today. I want to thank President Obama and Secretary Clinton for nominating me to be Ambassador to the Kingdom of Bahrain.

Madam Chairman, I would like to take a moment to acknowledge my family members and colleagues here today.

For 32 years, I have served proudly the United States Government and the American people in the Middle East and Washington. If confirmed, I look forward to leading the Embassy Manama team, as we advance U.S. interests in the region and strengthen our bilateral relationship with Bahrain.

The United States and Bahrain have a long history of cooperation and partnership, based on mutual interests in regional security. If confirmed, I will make it a top priority to continue this partnership, while encouraging and supporting reforms that meet the needs and aspirations of Bahrain's citizens. I believe that these priorities are mutually reinforcing. Bahrain's long-term stability depends on addressing domestic grievances not through repression, but through genuine reform and reconciliation.

If confirmed, I will be working with our Bahraini partners to develop their ability to respond to external threats to the nation's security and ensure interoperability with our forces. An increasingly aggressive Iran makes this effort critically important.

Political reform and respect for human rights are vital to Bahrain's stability and to the protection of U.S. interests in the region. Bahrain has a long history of reform championed by King Hamad following his accession to the throne in 1999.

Given Bahrain's progressive record on democratic reform, and in the context of strong partnership, the United States remains deeply concerned by the events that have followed demonstrations in February and March of this year. Initially, the Bahraini Government, led by the Crown Prince, called for dialogue with all parties. But as protests turned increasingly confrontational, the government declared emergency law, requested the deployment of the Gulf Cooperation Council's forces, and began an internal security crackdown.

During this period of widespread arrests and trials of detainees before the so-called National Safety Courts, there were many credible reports of serious human rights abuses by security forces. The U.S. Government has repeatedly emphasized to Bahrain's leadership the importance of taking steps to address these violations, restore public trust, and promote national reconciliation. Toward this end, King Hamad has taken steps to foster reform and resolve political differences.

Among these steps was a month-long National Dialogue, concluded at the end of July. On July 29, the King declared his support for all matters on which the Dialogue reached consensus, and ordered legislative and executive authorities to implement the Dialogue's recommendations for reform. We believe these are important first steps in bringing together Bahrainis from across ideological and sectarian lines.

Another initiative has been the Bahrain Independent Commission of Inquiry, led by internationally recognized legal experts. It has a broad mandate to investigate reports of violations of civil and human rights. The Commission will release a public report next month. We expect the Government of Bahrain to give serious consideration to the Commission's recommendations and take necessary action to ensure accountability for abuses, and to prevent any recurrences.

Madam Chairman, if confirmed, one of my top priorities will be to support and encourage these initiatives and others to advance the process of democratic and economic reform. This will strengthen Bahrain and strengthen our partnership.

Finally, Madam Chairman, if confirmed, my first priority will be the safety and security of all U.S. citizens who live, do business, and vacation in Bahrain. Our countries have benefited enormously from these exchanges, and I plan to encourage them.

Thank you again for the opportunity to appear before you today. I would be pleased to answer any questions you may have.

Senator SHAHEEN. Thank you very much.

Ambassador Mozena.

## STATEMENT OF HON. DAN W. MOZENA, OF IOWA, NOMINATED TO BE U.S. AMBASSADOR TO THE PEOPLE'S REPUBLIC OF BANGLADESH

Ambassador MOZENA. Thank you, Madam Chairman. I am honored to appear today as President Obama's nominee as United States Ambassador to Bangladesh. I am grateful to the President and Secretary Clinton for their confidence in me. I am grateful also to the Senate for confirming me 4 years ago as Ambassador to Angola and for allowing me to present myself today.

With your permission, Madam Chairman, I wish to introduce my wife of 40 years, Grace. She and I have traveled together on a journey that has taken us far from our roots in rural Dubuque County, Iowa, where I was raised on a 120-acre dairy farm and where we both attended one-room country schools.

Thirty-seven years ago we began our public service as Peace Corps Volunteers in Zaire, where we helped villagers raise chickens. That grassroots experience taught us that the rarified air of diplomacy is far removed from the life of ordinary folks.

During my overseas postings I traveled widely, taking America to the people. If confirmed, I propose to do the same in Bangladesh by visiting all 64 districts.

Having served in Dhaka from 1998 to 2001, I know that America has profound interests in Bangladesh, the world's seventh most populous country and fourth-largest Muslim population. Bangladesh offers a moderate, secular, democratic alternative to violent extremism. Through improved relations with India, Bangladesh has deepened counterterrorism cooperation with its biggest neighbor, thus fostering stability in a troubled region.

Bangladesh bolsters global stability as the world's largest contributor to international peacekeeping. The country is critical to global stability, global food security. Although its population of 160 million lives in an area the size of my home State of Iowa, Bangladesh could indeed feed itself. Other U.S. interests include promoting democracy and respect for human rights, bolstering U.S. trade and investment, and advancing humanitarian interests, especially disaster preparedness.

I believe that we can best advance U.S. interests by promoting a Bangladesh that is democratic, that is peaceful, that is secure, prosperous, and healthy.

In some respects, Bangladesh is the little engine that could. The people are resilient and entrepreneurial. The economy has grown annually at about 6 percent, reducing the poverty rate from 40 percent to 31.5 percent over the past 5 years, thus lifting millions out of poverty and creating opportunities for American exports.

The country is reining in its population growth rate and achieving Millennium Development goals, especially maternal and child health. Civil society is dynamic. Witness Grameen Bank and BRAC, which are translating grassroots democracy into development. Women are more empowered, the press is vociferous, and Bangladesh actively combats terrorism. The nation pulses with optimism.

Nonetheless, Bangladesh's challenges are daunting. Its democratic institutions are weak. Relations between the leading political parties are deeply polarized. Corruption is a serious challenge. Government's intentions toward civil society are unclear and the nation is threatened by natural disasters and rising seas caused by climate change.

America is a strong partner of Bangladesh. We can be proud of helping Bangladesh confront its challenges, especially in health and disaster preparedness. Given Bangladesh's strategic importance and its prospects for a better future, Bangladesh is the beneficiary of the President's three major development initiatives: Feed the Future, the Global Health Initiative, and Global Climate Change. Bangladesh is an important partner as we build on President Obama's commitment to forge new relations with the Muslim world.

If confirmed, I will advance America's interests by implementing these initiatives while helping Bangladesh confront serious governance, human rights, and poverty concerns. I will also partner with the Bangladeshi American community to achieve these shared objectives.

I believe Bangladesh is a good partner for the United States in building a better world. If confirmed, I will do everything in my power to build on the success of my predecessors to strengthen this partnership.

Madam Chairman, thank you again for the opportunity to appear before you today. I would be pleased to answer any questions you may have.

[The prepared statement of Ambassador Mozena follows:]

PREPARED STATEMENT OF HON. DAN W. MOZENA

Madam Chairman, members of the committee, I am honored to appear today as President Obama's nominee as United States Ambassador to Bangladesh. I am grateful to the President and Secretary Clinton for their confidence in me. I am grateful also to the Senate for confirming me 4 years ago as Ambassador to Angola, and for allowing me to present myself today.

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Thirty-seven years ago, we began our public service as Peace Corps Volunteers in Zaire, where we helped villagers raise chickens. That grassroots experience taught us that the rarefied air of diplomacy is far removed from the life of ordinary folks. During my overseas postings I traveled widely, taking America to the people. If confirmed, I propose to do the same in Bangladesh by visiting all 64 districts.

Having served in Dhaka from 1998–2001, I know that America has profound interests in Bangladesh, the world's seventh most populous country and fourth-largest Muslim population. Bangladesh offers a moderate, secular, democratic alternative to violent extremism. Through improved relations with India, Bangladesh has deepened counterterrorism cooperation with its biggest neighbor, thus fostering stability in a troubled region. Bangladesh bolsters global stability as the world's largest contributor to international peacekeeping. The country is critical to global food security; although its population of 160 million lives in an area the size of my home State of Iowa, Bangladesh could feed itself. Other U.S. interests include promoting democracy and respect for human rights, bolstering U.S. trade and investment, and advancing humanitarian interests, especially disaster preparedness.

I believe that we can best advance U.S. interests by promoting a Bangladesh that is democratic, peaceful, secure, prosperous, and healthy.

In some respects, Bangladesh is "The Little Engine that Could." The people are resilient and entrepreneurial; the economy has grown annually at about 6 percent, reducing the poverty rate from 40 percent to 31.5 percent over the past 5 years, thus lifting millions out of poverty and creating opportunities for American exports; the country is reining in its population growth rate and achieving Millennium Development Goals, especially maternal and child health; civil society is dynamic, witness Grameen Bank and BRAC, which are translating grassroots democracy into development; women are more empowered; the press is vociferous; and Bangladesh actively combats terrorism. The nation pulses with optimism.

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I believe Bangladesh is a good partner for the United States in building a better world. If confirmed, I will do everything in my power to build on the success of my predecessors to strengthen this partnership.

Madam Chairman and members of the committee, thank you again for the opportunity to appear before you today. I would be pleased to answer any questions you may have.

Senator SHAHEEN. Thank you very much.

Mr. Hammer.

**STATEMENT OF MICHAEL A. HAMMER, OF THE DISTRICT OF COLUMBIA, NOMINATED TO BE ASSISTANT SECRETARY OF STATE FOR PUBLIC AFFAIRS**

Mr. HAMMER. Thank you, Madam Chairman. It is an honor to appear before this committee as President Obama's nominee as the next Assistant Secretary of State for Public Affairs at the State Department. I am deeply grateful and humbled by the confidence President Obama and Secretary Clinton have shown in me with this nomination.

I would like to recognize my partner, staunchest supporter, and wife of 22 years, Margaret Bjorgulfsdottir, as well as our wonderful three children, Monika, Mike Thor, and Brynja, who have tagged along to all our postings through some difficult times on occasion, adjusting to new environments, but in their own right becoming junior American representatives.

I would like to also mention my parents, Mike and Magdalena, who set the foundation for who I am today. In my formative teen years, my father gave his life for our great country. It was his sacrifice and his commitment to public service that set me on the path that brings me here today.

For the past 23 years serving as a Foreign Service officer, it has been my duty and honor to work to advance America's interests abroad. If confirmed, I look forward to directing the State Department's public affairs efforts to aggressively and innovatively communicate our foreign policy to our fellow Americans and the world using every available media platform and tool. My approach would be to echo Secretary Clinton's: How can we do better? As she says, let's use smart power and 21st century statecraft.

The Public Affairs Bureau has an extremely challenging and important mission, to engage domestic and international media in order to communicate timely and accurate information, with the goal of furthering U.S. foreign policy and values. This task is carried out in the face of a dynamic and rapidly changing environment.

When I was called upon to serve as National Security Council Spokesman at the outset of the Obama administration, I realized how much the world had changed in the media environment from the time that I had served just a few years prior during the Clinton and Bush administrations. So it is clear that events today are getting instant coverage and social media is a prime competitor to mainstream media.

For communicators, this is surely a challenge. I would like to view it as an opportunity, an opportunity for reaching new and larger audiences and for engaging people on a broader scale. In today's highly competitive international media environment, we must be the ones that present America's foreign policy and not leave it to others to define us or shape our narrative. We do this by telling the truth about our policies, explaining the logic and values that guide us, and aggressively countering misrepresentation and distortion. This requires rapid response and constant engagement by our people in Washington and our public affairs officers in the field. We do this with daily press briefings and we run six regional media hubs with communicators who engage with foreign press in their languages.

The Public Affairs Bureau also has an important responsibility in connecting directly with the American people. It arranges for our foreign policy experts to speak to schools and universities, engage citizen groups across the country, and reach out to diaspora communities inside the United States. We field their inquiries, respond to their concerns, and listen to their opportunities.

The Bureau of Public Affairs is committed to using all of its communications resources, the tools and the people behind them, to promote who we are as a country and stand up for our beliefs, including speaking out for universal rights and basic freedoms, like the freedom of speech and the freedom of the press.

If confirmed, I look forward to working with this committee and Congress to ensure America's message is as vibrant and dynamic as it can be to move our country and the world forward. If confirmed, I would welcome your ideas and suggestions on how we can even more effectively present America's foreign policy, our history, and our amazing story.

Thank you and I'd be very pleased to take any questions you may have.

[The prepared statement of Mr. Hammer follows:]

PREPARED STATEMENT OF MICHAEL A. HAMMER

Thank you Chairman Shaheen and members of the committee, it is an honor to appear before you today as President Obama's nominee to serve as Assistant Secretary for Public Affairs at the Department of State. I am deeply grateful and humbled by the confidence the President and Secretary Clinton have shown in me by this nomination.

I would like to recognize my partner, staunchest supporter, and wife of 22 years, Margret Bjorgulfsdottir, as well as our three wonderful children; Monika, Mike Thor, and Brynja, who have moved with us, as part of my Foreign Service career from country to country, becoming in their own right junior American representatives. I would also like to mention my parents, Mike and Magdalena, who set the foundation for who I am today. In my formative teen years, my father gave his life for our great country. It was his sacrifice and the commitment to public service that he had instilled in me, that set me on the path that brings me here today.

For the past 23 years, serving as a Foreign Service officer, it has been my duty and honor to work to advance and promote America's interests abroad. If confirmed, I look forward to directing the State Department's public affairs efforts to aggressively and innovatively communicate our foreign policy to fellow Americans and the world through every media platform and tool available, 24 hours a day/7 days a week/365 days a year. My approach would be to echo Secretary Clinton's vision in presenting the first ever Quadrennial Diplomacy and Development Review: "How can we do better?"

In my prior position as Principal Deputy Assistant Secretary in the Public Affairs Bureau and since I was named Acting Assistant Secretary in March, I have spent time with every office and met with the fine civil servants, Foreign Service officers, political appointees, contractors, student hires, and interns who make up the public affairs team at the State Department. It would be a great privilege to lead this talented, dedicated, and hard-working group. The Public Affairs Bureau has an extremely challenging and important mission—to engage domestic and international media to communicate timely and accurate information with the goal of furthering U.S. foreign policy and values, as well as national security interests. This task is carried out in the face of a dynamic and rapidly changing media environment.

When I was called upon to serve as the National Security Council spokesman at the outset of the Obama administration, it was striking how much the media world had evolved since my prior stint at the NSC during the Clinton and Bush administrations. Events anywhere in the world now get instant coverage and social media is a prime competitor to the mainstream media. For communicators, this is surely a challenge. But, Secretary Clinton, the Public Affairs Bureau, and I view it more as an opportunity for reaching new and larger audiences and for engaging people on a broader scale.

At the State Department, with Secretary Clinton's strong leadership and call for "smart power" and use of "21st century statecraft," we are adapting to the ongoing communications revolution and making better and increasing use of all available platforms, while ensuring all these platforms work in concert with each other. It is vitally important that we not only conduct diplomacy between governments, but that we also use all the tools at our disposal to reach people around the world directly. Audiences globally are increasingly using the Internet as a primary means of consuming and sharing information breaking down barriers to information. The communications revolution has fundamentally transformed how information moves through networks and how rapidly it can penetrate societies. We must ensure that our messages and people are aggressively engaging on all key platforms—new and old.

This spring, as the dramatic events in the Arab world were beginning to unfold, the Public Affairs Bureau launched nine foreign language Twitter feeds in Arabic, Chinese, Farsi, French, Hindi, Portuguese, Russian, Spanish, and Urdu. We are listening, communicating our views, and participating in the conversations that will shape this century. The State Department is committed to using technology effectively and creatively. This effort includes the creation of a new Digital Division within the Bureau and placing all of our digital content under unified leadership. The Digital Division recently launched "State Department Live!", a new interactive online video briefing platform that already has allowed hundreds of foreign journalists around the world—many of whom have never before interviewed an American official—to speak with our policymakers and get their news directly.

In today's highly competitive international media environment, we need to present America's foreign policy and not leave it to others to define for us or shape our narrative. We do this by telling the truth about our policies, explaining the logic and values that guide us, and aggressively countering misrepresentation and distortion. This requires rapid response and constant engagement by public affairs officers in the field and in Washington, in a variety of languages. Our approach needs to align with and enhance that of the White House, the Pentagon, other national security agencies, and our USAID press office. I believe my time at the National Security Council, as well as my time within the Public Affairs Bureau at the Department, have prepared me for this challenge, if I am confirmed.

The Public Affairs Bureau runs six regional media hubs with communicators who engage foreign media in their languages throughout Africa, Asia, the Arab world, Europe, and the Western Hemisphere. The State Department is also working to better integrate our policy formulation with our public diplomacy efforts, thereby creating a synergy that better informs our policies and more effectively presents them. And, as we address the pressing questions from each day at our daily press briefings and across all our other platforms, we are thinking strategically about communicating our message and harnessing the power of technology to reach the broadest audiences possible. Our Web engagement must put the audience first and we need to communicate directly with networked individuals on their platforms in order to better promote understanding and support of our policies.

The Public Affairs Bureau also connects directly with the American people. We arrange for our foreign policy experts to speak to schools and universities, engage citizen groups across the country, and reach out to diaspora communities inside the United States. We field their inquiries, respond to their concerns, and listen to their opinions. We are also charged with bringing to life an interactive museum and visitor center that will tell the story of American diplomacy and run a Hometown Diplomat program that enables us to inform communities across America about the work we do in service of United States interests abroad. The American people are also benefiting from the Public Affairs Bureau with initiatives such as, the new mobile travel application that provides quick and easy access to relevant Department travel information informing them of fast breaking international developments like the evacuations in Egypt and Libya, as well as the earthquake, tsunami and nuclear incident in Japan earlier this year. We are also working to improve our crisis communications capabilities and are developing fly-away public affairs teams that bolster our Embassies' efforts on the ground when serious international events warrant it. In fact, we have already deployed effectively to Cairo, Tokyo, Juba, and Tripoli. Furthermore, everyone can learn about our diplomatic history in the Foreign Relations of the United States series published by our historian's office.

The United States plays a singularly vital role around the world promoting stability and prosperity. The Bureau of Public Affairs is committed to using all of its communications resources—the tools and the people behind them—to promote who we are as a country and stand up for our beliefs, including speaking out for universal rights and basic freedoms like freedom of speech and of the press. If confirmed, I look forward to working with this committee and Congress to ensure

America's message is as vibrant and dynamic as it can be to move our country and the world forward, and if confirmed I would welcome your ideas and suggestions on how we can even more effectively present America's foreign policy, history and amazing story.

Thank you.

Senator SHAHEEN. Thank you all very much for your statements. We have lost, for the time being anyway, the other two members of the subcommittee who were here. But fear not. I have lots of questions, so all of your work will not have gone in vain. Besides, as I like to say, it's always a good sign when nobody shows up to ask questions, right? [Laughter.]

Ambassador Krajeski, I'm actually going to start with you. We both talked about in our statements the importance that Bahrain has played as an ally to the United States in a very critical region of the world. We share a wide range of security interests. But, as you pointed out, the country continues to struggle with the demonstrations and unrest within its borders. It has been strongly criticized by the United States and the international community for the crackdown against protesters.

I was interested that in your statement you talked about Bahrain's history of working to provide more freedom for the people of the country. So can you talk about why you think the reaction has been so—the crackdown against the protesters was so strong, and why, given that history, the country has not responded in a way that indicates more flexibility and appreciation for some of the issues that were being raised by the protesters?

Ambassador KRAJESKI. Thank you, Senator. When King Hamad became king in 1999, one of his first efforts was to expand political representation, to open political life. He even noted that he wanted to move Bahrain along a path toward a model of a constitutional monarchy. To that end, he established, the government established, a more representative lower body of Parliament and increased I guess we would call it civil society and civil freedoms.

We were working very closely with him in that effort, as were others, and were very encouraged by it. Bahrain was considered a leader in the region in these efforts.

All the more shocking the events of February and March, to Bahrainis themselves as well. I think the situation got out of hand. The government overreacted. We have, as you said, Senator, criticized quite strongly at the very highest levels of the U.S. Government these actions.

If confirmed, I will continue to criticize where criticism is warranted. I will also urge the government to continue its current efforts to try to recover from that shock, including continuation of such events as the national dialogue, to try to bring different factions of the country together to discuss the political future, as well as watching very carefully, closely, the reaction of the Bahraini Government to the release of the commission's report that will detail allegations of abuses and, most importantly, what the government will do about those accusations.

Senator SHAHEEN. Can you talk a little bit more about how the national dialogue has been received in the country? Has it included prominent members of the opposition who were raising concerns during the demonstrations?

Ambassador KRAJESKI. When the national dialogue was established, representatives of all factions of society were invited to participate. It was a fairly large conference, including representatives of the major and minor opposition parties, most of whom agreed to participate at the start.

During the conference the major opposition group, called Wefaq, decided to withdraw. They criticized the way the conference was set up and they withdrew from the dialogue. We think that was a mistake. We urged them to remain and we urged them to continue to participate in what we hope will be future efforts to bring the political society together again.

Senator SHAHEEN. Thank you.

On another issue very important to us, as you pointed out one of the reasons our security relationship with Bahrain is so critical is because of the Fifth Fleet's being based there. I wonder if you can talk about how strong you believe that security relationship is and how the people of Bahrain feel about the base being in their country?

Ambassador KRAJESKI. Thank you, Senator. This is a very important issue and if confirmed it will be one of my top priorities, to do everything I can to increase the strength of that relationship, because this is a region that confronts very real threats. Bahrain has been a steadfast partner, a strong partner to us.

You mentioned the Fifth Fleet port there. We have had U.S. Navy in Bahrain since 1947. It's one of our longest-standing security relationships in the gulf. I think that both governments and both countries recognize the value of this relationship and support joint efforts in the gulf, including the presence of the Fifth Fleet. It has been a very productive and a very valuable relationship, and it is mutually valuable.

I would also make one final point, Senator, that others in the region, our friends in the region, as we continue our operations in Afghanistan, as we confront terrorism and smuggling and, as you mentioned, Senator, as we confront the very real challenges and threats that Iran poses in the region, this partnership is increasingly important to all countries in the region.

Thank you, Senator.

Senator SHAHEEN. So you don't—you're not seeing that the political unrest in Bahrain has affected the relationship that we have, the security relationship that we have with the country?

Ambassador KRAJESKI. Senator, during the worst of the demonstrations, the worst of the confrontations, America was not an issue. We were not targeted. We were not part of that, of that event. Our Navy—personnel at the Navy facility there have their families with them. We live out in the community along with the families from the embassy and others. There are American businesses that have been there for many, many years.

We have no indication of any hostility toward Americans. Certainly a discussion of our policies, as there are in many places.

Thank you, Senator.

Senator SHAHEEN. To what extent were there signs that Iran was behind some of the political unrest?

Ambassador KRAJESKI. Thank you, Senator. The events in February and March in our view were clearly begun by Bahrainis, who

were expressing what I think is their right to gather, to express their views. We saw no evidence of Iranian instigation.

However, we're concerned about Iranian exploitation, as they will exploit every situation where they can. We have seen it in other countries and we are concerned about Bahrain as well. But this was a Bahraini-generated movement.

Thank you, Senator.

Senator SHAHEEN. As you think about your role as Ambassador and we think about the U.S. relationship, how can we continue to promote meaningful reform in the country?

Ambassador KRAJESKI. Senator, if confirmed that will be one of my top priorities. As I have said, we will encourage at every instance the continuation of a national dialogue, if you will, whatever form that might take. We will encourage all parties to participate in it.

We have indeed increasingly since 1999 and the beginning of these reforms under King Hamad partnered closely with them in civil society, working with human rights organizations, women's rights organizations, working on the political processes, free media, press. Our Middle East Partnership Initiative, MEPI, began back in 2003, conducts many programs with these nongovernment civil groups, as well as with government organizations. I if confirmed, I very much want to continue and increase that effort.

Senator SHAHEEN. Thank you.

Mr. Mandell, you pointed out that financial services account for a large sector of Luxembourg's GDP and, although Luxembourg is a small country, it still has an important role to play in Europe, especially given the financial sector. So can you talk a little bit about how the ongoing crisis in Europe has affected that financial sector in Luxembourg and what steps or what involvement it might be having as Europe struggles with how to address this financial crisis?

Mr. MANDELL. Madam Chairman, thank you so much for that question. Yes, the financial sector in Luxembourg is about 25 percent of the GDP. Out of the 225,000 workers that work in Luxembourg, probably half of them work in the financial sector.

What's happened is that as the sector—of course, the eurozone issues have dampened the financial sector. But other sectors have begun to evolve. The biotech sector has begun to evolve, e-commerce has begun to evolve. The satellite systems that are housed in, based in, Luxembourg, as well as the Cargolux, which is one of the very major employers and does a terrific job in Luxembourg and employs 5,000 people, has just done a $3 billion order with Boeing for more jets.

So other sectors are taking up the slack. I feel absolutely certain that the financial sector will rebound as the economy rebounds. I was told that the Cargolux expect that in 2012 their profits will rebound as well. So they've managed.

Senator SHAHEEN. So given that impact, what role are they playing in the discussions, if any, around how the EU should be responding to the challenges in Greece and some of the other EU countries? Are they on the side of Germany, or some in Germany, who think that it would be better not to continue to bail out countries who are in trouble? Or do they have a different point of view?

Mr. MANDELL. Senator Shaheen, thank you for that question. I can say that Prime Minister Junker is the leader of the eurozone currency and I know that he and Secretary Geithner have been in significant conversations in Poland over the past 2 weeks. I'm not privy to those conversations and I'm not exactly sure how the discussions went, other than to say that I know that Luxembourg is a staunch ally of the United States and has been and certainly, as one of the founders of the EU and as one of the founders of the eurozone, I feel sure that it's one of their primary opportunities.

We really strongly support the efforts of our partner in the eurozone. It's going to be difficult and they're going to have to take some necessary measures, I'm sure, to restore growth and competitiveness. But I look forward to working collaboratively with Prime Minister Junker and trying to establish a reasonable solution to these problems.

Senator SHAHEEN. Thank you.

You mentioned in your opening statement the work that's going on right now to try and combat the financing of terrorism and money laundering and the effort to get an agreement signed on that issue. Can you talk about how close we are to getting that kind of an agreement and how seriously it's being taken by the Government of Luxembourg?

Mr. MANDELL. What I can certainly talk about is the bank secrecy laws in Luxembourg. There was a period of time in 2009 where there was an issue with the bank secrecy laws by the OECD. That issue was resolved in a very short period of time by Luxembourg to make sure that their laws were transparent and according to the requests of the OECD.

Currently there is a protocol that is being dealt with in Luxembourg, which is to allow the Treasury Department of the United States to be able to look at the banks and the potential for tax revenues from Luxembourg and the Luxembourg reciprocally will be allowed to deal with the people in the United States.

I am told that that has been signed by the Luxembourgers and by the United States and is awaiting ratification by the Senate.

Senator SHAHEEN. So is it your view that the government is taking very seriously the concerns that have been expressed about money laundering and tax evasion?

Mr. MANDELL. Yes, ma'am. It's very clear to me that they have taken that extremely seriously. They are awaiting signature by the Senate, passage of the treaty by the advice and consent of the Senate. When that occurs, I know there will be rules and regulations which we'll have to work out as to exactly what it means and how it applies in Luxembourg. But I'm confident that, in collaboration with Prime Minister Junker and the finance ministry, we'll be able to work out a successful and an appropriate alternative.

Senator SHAHEEN. Thank you.

You point out that that treaty, it's been passed out of this committee, it is awaiting action on the floor of the Senate. I am hopeful that we will get it to the floor and that we'll see positive action in the near future.

Mr. MANDELL. We'll will be glad to help in any way that we can, ma'am.

Senator SHAHEEN. Great. Thank you.

Ambassador Mozena, one of the controversies that has generated a lot of reporting here in the United States has to do, that affects Bangladesh, has to do with Nobel laureate economist Mohamed Younis. As you know, he was removed from his position at the Grameen Bank by the Bangladesh Government, and of course there have been allegations that that was a political move, that there were not any real reasons for removing him beyond that.

I wonder if you could give us your assessment of that situation and what's currently going on with respect to Mr. Younis?

Ambassador MOZENA. Thank you, Madam Chairman. If I may, I'd like first to reflect a bit on my past experience in Bangladesh.

Senator SHAHEEN. Please.

Ambassador MOZENA. I made a point as I traveled extensively throughout the country to visit Grameen Bank borrowers groups, and I must say there's nothing more inspiring than joining a group of 10, of 12, of 14 women—not entirely women; there would be the odd man, but generally women—discuss how they can work together to help themselves improve their quality of life and, most importantly, to improve the quality of life of their children.

That was the most inspirational thing I did during my 3 years in Bangladesh, and I made a point of doing it over and over, and I intend to do that again if I am confirmed.

So you can well imagine that as I learned of government actions against the founder of Grameen Bank, the then-managing director of Grameen Bank, Mohamed Younis, you can well imagine how deeply troubled I was by that development.

That said, in May of this year Mr. Younis resigned as managing director. The focus now is to ensure that Grameen Bank, the institution, the philosophy, continues to function effectively in promoting the welfare of the people of Bangladesh, especially the women. I am pleased that Mohamed Younis continues on as the leader of the Younis Center. I am pleased that he continues on to play leadership roles in many of the associated companies with Grameen. I hope that he will be very much a part of ensuring that the new bank leadership will continue the good work that he created and sustained for these past years.

Senator SHAHEEN. So no formal charges have been brought against him by the government; is that correct?

Ambassador MOZENA. That's correct. He was effectively forced out of his position on the basis of the fact that he was older than the mandatory retirement age for Government of Bangladesh and other organization leaders. So on the basis of that, he was forced out of the position.

That's unfortunate, but Mr. Younis and all of us now are very much focused on sustaining the work that he created.

Senator SHAHEEN. Thank you.

Currently there are war crimes trials that are being conducted, aimed at what happened when Bangladesh split from Pakistan. I remember that period very well because I did my graduate work on what was happening at the time. As you know, 3 million people, an estimated 3 million people, were killed, 10 million were displaced during that 1971 war.

Not very many people have been arrested for war crimes charges at this time. There has been some criticism of whether these trials

are politically motivated, whether they should be going on at all. Can you talk about whether the trials are being politicized or whether this is something that's being viewed in the country as helpful to moving forward?

Ambassador MOZENA. From a philosophical point of view, I support, the United States supports, accountability. But such accountability must be done in a transparent fashion, must be done in a fashion that protects the rights of the accused.

In that regard, I'm encouraged that the Government of Bangladesh has reached out to the United States to request our assistance in how best to conduct these trials, which have not yet begun. In response to that, Ambassador at Large for War Crimes Issues, Ambassador Stephen Rapp, has twice this year visited Bangladesh, in January and again in May.

In response to the request of the Bangladeshi authorities, he provided a long list of suggestions. In March of this year, he provided a list of suggestions for the Bangladeshis to consider in how to ensure that the war crime trials that they were planning were in fact consistent with Bangladeshi and international standards. I'm pleased that the Government of Bangladesh has taken many of those suggestions on board and has folded them into their procedures. I hope they will continue to review those suggestions. I hope they will in fact adopt more of them to ensure that any war crimes are in fact carried out transparently and up to international standards.

Ambassador Rapp remains available to be helpful in whatever fashion he can.

Senator SHAHEEN. Thank you. That sounds encouraging.

You mentioned in your opening statement that Bangladesh is a prime candidate for President Obama's forward-looking foreign policy, and you pointed out that looking at how to help with the effects of climate change is one of the things that's very important in Bangladesh. Can you talk about the preparation that's going on there to help address this? I know that we're already beginning to see some changes, both in terms of weather patterns and sea levels there that are affecting people.

So how quickly are they responding in ways that they will need to in order to address the climate change that is being expected?

Ambassador MOZENA. Thank you, Madam Chairman. Bangladesh is one of the most vulnerable countries in the world to the effects of climate change. Dhaka, for example, which is over 100 miles away from the coast, is at an elevation of 26 feet. I remember one time visiting an airport in the far northwest section of the country and noting that the elevation, at this point about as far away as you can get from the Bay of Bengal and still be in Bangladesh, elevation was 57 feet.

That gives you a suggestion of the vulnerability of Bangladesh. In this context, you would not be surprised to learn that the Government of Bangladesh, the people of Bangladesh, are very, very focused on climate change and its impact on Bangladesh. We, the United States, working through President Obama's Global Climate Change Initiative, are working with the Bangladeshis to adapt to and to mitigate the effects of climate change.

Some very exciting things are happening. For example, we're working with the Bangladeshis successfully to create strands of rice that can grow in increasingly saline water. This is working and those areas, those districts closest to the bay, where the water is increasingly saline, you will see rice growing today.

We're working very effectively with the Bangladeshis to create new strands of other crops as well that will grow in this changing climate. We're working with the Bangladeshis to create embankments to elevate their fields. They have a practice of digging out one field and creating a fish pond and using that soil to raise another area. It's a very effective traditional way of dealing with this challenge and we're supporting that as well.

We are working a new initiative, working with the Bangladeshis on clean and efficient cookstoves. That may not sound like a big deal. It is a huge deal because these highly efficient cookstoves, which are made out of basic materials, out of clay that costs the equivalent of between $5 to $8, can reduce fuel consumption by 40 to 50 percent and thereby reduce the carbon output.

We've just signed a memorandum of understanding with the Bangladeshis to reduce their carbon footprint, which they're very interested in doing for the obvious reasons.

Senator SHAHEEN. Thank you. Actually, Secretary Clinton talked about the work that we're doing around the cookstoves when she was before this committee. So it's a very interesting and important initiative.

A final question. You again mentioned in your opening statement that Bangladesh is the fourth-largest Muslim country in the world. Obviously, they are experiencing some terrorist activity from terrorist groups in the country. Can you talk about what kind of a threat that represents, either to the Government of Bangladesh and security in the country as well as to other regional interests or to the United States?

Ambassador MOZENA. Thank you. The Government of Bangladesh has been a very effective partner in addressing the threat of terrorism. They have moved resolutely, effectively, against domestic terrorism and against foreign-based terrorism. They have signed an accord with India, so the two neighboring countries are now cooperating in a fashion that they did not before to address the terrorist challenge, which is a challenge to both of them.

Nonetheless, the threat remains. It's a real threat. I'm pleased that the United States has partnered, continues to partner, with the Government of Bangladesh in dealing concretely with this threat. We have worked with the Government of Bangladesh in drafting and now enacting antimoney laundering legislation, antiterrorist financing legislation. We have worked with them to establish a financial intelligence unit.

We are working with their maritime security forces, their version of the Navy SEALs. We're working with the Army paracommandos to increase land border security. Through these and other steps, we're helping Bangladesh in a very real way take on the terrorist challenge.

Senator SHAHEEN. Thank you very much.

Mr. Hammer, can you talk about how effectively the State Department and our diplomatic efforts are incorporating the new media tools?

Mr. HAMMER. Yes, Madam Chairman. Thank you very much for your question. I can tell you that in the time that I've been acting as the Assistant Secretary I've had the opportunity to work with the team at Public Affairs and they're very energetic, creative, and always looking for opportunities how we can best use social media. This spring during the happenings in the Middle East, we launched nine foreign language Twitter feeds, including Arabic, Farsi, Urdu, Hindi, Spanish, French, Russian, Chinese, and Portuguese, as part of another one of our efforts to use social media to connect and to be part of the conversation that is taking place around the globe.

We also just recently launched a digital platform through the Internet, state.deplive, which allows our officials to be interviewed by foreign press around the globe through the Internet. We are in fact reaching hundreds of press who had previously not had an opportunity to interact with our officials.

So we are constantly looking to see what new emerging technologies are out there. We know we need to be the ones presenting our foreign policy. We need to know, need to be sure that we are part of the conversation. But we know that we face a challenge because it is moving, the media world, is moving at an incredible pace. So I know that's challenging for our professionals. We need to continue to train and bring in new expertise, and for that I'm looking forward, if confirmed, to leading the public affairs efforts at the State Department to do everything we can to advance our interests, because we believe public affairs is a critical component of the smart power that Secretary Clinton talks about.

Senator SHAHEEN. I was interested; not too long ago there was an interchange, an article in the New York Times, that reported on an interchange with the Taliban in Afghanistan on a blog, I believe. It was, I think, members of our military responding to what the Taliban were posting about what had happened in a particular incident in Afghanistan.

Is the State Department working with the military on those kinds of efforts in Afghanistan and other places around the world?

Mr. HAMMER. Thank you, Madam Chairman. Yes, in fact we are. I had the privilege of serving before taking this position at the National Security Council as the spokesman there, and our job was really to work through the interagency with the Department of Defense, Department of Homeland Security, with the other national security agencies, to work precisely on issues relating to this and social media, and using all available tools to be out in the field and monitoring what is happening.

Now, obviously, in my new position, if confirmed, we would continue to promote that interagency cooperation. In fact, Secretary Clinton announced in New York on 9–9 during her terrorism speech at the John Jay School that we have established a center for countering terrorism communication at the State Department, CSCC, and in fact that unit is working with the interagency to address some of the things that appear in blogs and to counter negative messaging against the United States. So we are very much en-

gaged and, if confirmed, will continue to work on these critical issues to our national security.

Senator SHAHEEN. I assume that that's a huge challenge just in terms of having somebody who can decipher what's being said on blogs, but then having the capacity on the part of whether it's our State Department or whoever to respond to some of what's out there. Can you talk about how you address that? How do you assign people to respond, particularly on a sensitive issue like what's happening in Afghanistan?

Mr. HAMMER. Well, Madam Chairman, that is a very good question. It is not currently within the domain of the Bureau of Public Affairs to address this issue. Our colleagues, as I mentioned, at the CSCC are working on that every day, if you'd like to get more information on exactly how we're doing this.

But it is a challenge to identify what we need to do and who can do it. Obviously, we need linguists that are able to participate in these blogs and to counter the messaging. But we're very well aware that it's critically important to be out in the blogosphere and to counter this very hateful and negative messaging that we see out there.

So it is something the State Department is working at and I'd be happy, if you'd like even more information, to provide that to you.

Senator SHAHEEN. I would. I'd be very interested in that. I probably should have asked my question a little differently, and that is: To what extent will you, should you be confirmed, will your office interact with that effort that goes on?

Mr. HAMMER. Well, Madam Chairman, if confirmed we would be coordinating, but not running, that effort. They keep us informed and let us know of their activities and solicit our views in terms of how best to communicate, so that we're doing it in an effective way and a coordinated way. But we certainly work very closely hand in hand. In fact, we're all under the same family of the Under Secretary for Public Diplomacy and Public Affairs, so we do have meetings in which these issues are discussed and coordinated.

Senator SHAHEEN. Thank you.

As a spokesperson, as you pointed out, one of your responsibilities is to try and put the best face forward for the Department and for American foreign policy. But you're also responsible for trying to report accurately on what's happening. So can you talk about how you balance those two challenges, which don't always work hand in hand with each other? They are sometimes at odds.

Mr. HAMMER. Well, Madam Chairman, we definitely as spokespeople are committed to the truth and to explaining to the American people and the world our policies. So we do, obviously, try to cast things in the best way that promotes American interests, but we're always truthful to the information as we know it, and in our engagements we do make the best case possible for advancing our interests around the world and explaining the logic and reasoning behind our policies.

We know sometimes they're not well received, but we still feel that it is important to be communicating these. In fact, the more that people sort of understand our thinking and our reasoning, the

more likely they are to appreciate our policies, and perhaps we can bring them around to even supporting them.

Senator SHAHEEN. Thank you.

One of the challenges that we face is how we continue to engage the youth of the world. About 85 percent of the world's youth live in developing countries and as we look at—I mean, we saw the role that they played in the Arab Spring and are still playing. So are there ways in which the State Department can better engage the world's youth?

Mr. HAMMER. Absolutely, Madam Chairman. You raise an excellent point and something that we are very focused on. We have, Secretary Clinton has, appointed a youth ambassador and we work very closely with him and many other offices throughout the State Department to try to figure out how we can connect better with tomorrow's future, our youth and the world's youth.

So that's why it is critical that we engage in social media and we are in the areas of communication where they communicate, whether that's Facebook, Twitter, YouTube, texting, as you pointed out. It's important that we are part of that conversation, that they understand us. There are other elements, obviously, in the State Department that promote cultural exchanges and student exchanges, and that also is important because then the youth come and learn about the United States and our values firsthand. Those that can't, we obviously are trying to do that virtually, and more and more through our—we have our domestic program, the Home Town Diplomats program, where we're doing that, communicating to communities around the United States about the work that we do. But we're now moving to do that digitally, and perhaps we can also expand that even further to try to have these kinds of, if you will, town halls with more youthful audiences with people abroad.

The state.deplive that I mentioned before, that media platform actually is reaching out to, if you will, less experienced or up-and-coming reporters who might not otherwise have access. So we are trying to branch out and to reach as broad an audience as we can; realizing the world is so interconnected, we want to make sure we take full advantage of those opportunities. And if confirmed, that's what I'd be committed to do.

Senator SHAHEEN. When I was at the Kennedy School I took part in a State Department program that brought a number of young women from the Middle East over to the United States and then periodically did Web casts with them in the countries that they were from to continue that relationship. It seemed to be very effective.

Mr. HAMMER. Yes, Madam Chairman. In fact, if I may, our Foreign Press Center here, based in Washington, not too long ago conducted a blogger tour, in other words invited bloggers from around the world, including the Middle East, to come to the United States and meet their blogger counterparts. The reporting that came out of that was fascinating, and it's exactly the kind of thing that we need to be doing more of. We open ourselves up, people understand us better, and I think the net result over time is greater understanding for our country and for our policies.

Senator SHAHEEN. In your opening statement you mentioned the work that is done with various country diasporas that exist in

America. Can you talk about the kinds of things that you do with those communities?

Mr. HAMMER. Absolutely, Madam Chairman. We try to—for example, we had not too long ago, about a week ago, a meeting with the Haitian diaspora. What we're trying to do is to convey to those Haitian Americans or the different diaspora groups in the United States what the United States is doing in terms of our bilateral relationships, to develop even tighter bonds between the communities here in the United States and their original home countries.

Part of it is to promote sort of the kind of investment that helps those countries. Secretary Clinton is very eager to see that there's a connection, for example, with the Tunisian diaspora in the United States, so that we can help Tunisia in this moment when they need to be looking for foreign investment and connections.

So we have a fairly robust program. We focus it—I think in New York this week we did an outreach event as well with a variety of diaspora groups, to inform them of what the State Department is doing in terms of our policies and to leverage their connections to better inform us as well as to better connect with their home countries or their countries of origin.

Senator SHAHEEN. Thank you very much.

I have one final question for Mr. Mandell before I conclude. I missed this and I think it's very important, because it has to do with Luxembourg's involvement in NATO. In 2009 Luxembourg spent about .6 percent of its GDP on defense, which was under the 2 percent which is sort of the NATO informal benchmark. It's not alone in failing to meet that NATO benchmark, and this has been a topic of some consternation among some of the larger members of NATO.

So I wonder if you can address whether you believe or whether we have an official position on whether Luxembourg should be contributing increased financial resources to defense and to NATO and whether you have had or you know of any conversations in the country about that issue?

Mr. MANDELL. Madam Chairman, thank you for that question. Since I've not been to post and I've not been briefed on the NATO alliance as it relates to Luxembourg and the United States, I'm really unfamiliar with the answer to your question. But I would be glad to make sure that you receive an answer in a very short period of time. It just hasn't come up for me.

Senator SHAHEEN. Sure. Well, and I will call it to your attention because I think it's something that should be raised, particularly with a country like Luxembourg that is a relatively wealthy country in Europe and that has benefited very much from the defense of NATO or the defense that NATO provides, the security that it provides. This will be I think an increasingly important and challenging issue as we go forward and think about NATO's continuing role in the future.

Mr. MANDELL. Thank you. I'll be glad to talk to the people at the State Department about that and get an answer back to you as quickly as we possibly can. I appreciate your comment.

Senator SHAHEEN. Thank you.

Mr. MANDELL. Yes, ma'am.

Senator SHAHEEN. Thank you all very much. Thank you for your willingness to continue to serve this country. As I said, we hope that your nominations will go forward and be quickly confirmed by the full Senate.

Let me also point out that we will keep the record of the committee open until the end of business on Friday for any additional comments or questions that are presented.

Again, thank you all very much. The hearing is adjourned.

[Whereupon, at 11:42 a.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF THOMAS C. KRAJESKI TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* During the crackdown in Bahrain, over a thousand protesters were detained. There have been credible reports of severe mistreatment of detainees, including medical personnel, and trial of civilians taking place in military courts.

- What steps will you take as Ambassador to try to urge the Bahraini Government to cease these practices and restore the rule of law?
- How has the administration sought to influence the Bahraini Government's response to the unrest?

Answer. The United States remains firmly committed to the principles of freedom of association, freedom of expression, freedom of assembly, and medical neutrality, which requires that health care professionals be allowed to treat any individual regardless of background and identity.

We are deeply concerned by reports of violations in Bahrain this spring and beyond. There is well-founded information from human rights organizations and others alleging that security forces mistreated detainees, arrested patients while in treatment, and instructed medical personnel not to treat those who may have been injured during protests. We condemn the violation of these rights wherever they occur.

These and other alleged incidents fall under the purview of the Bahrain Independent Commission of Inquiry, a fact-finding mission convened by the government and led by international commissioners of excellent reputation. I will urge the Government of Bahrain to take the report's recommendations seriously and take action as necessary and appropriate.

*Question.* Section 620J of the Foreign Assistance Act of 1961 imposes restrictions on assistance to any unit of a foreign country's security forces for which there is credible evidence that the unit has committed gross violations of human rights. U.S. embassies are heavily involved in ensuring compliance with this requirement.

- If confirmed, what steps will you take to ensure that the Embassy effectively implements section 620J?
- In particular, what actions will you take to ensure, in a case in which there is credible evidence that a gross violation of human rights has been committed, that assistance will not be provided to units that committed the violation?
- What steps will you take to ensure that the Embassy has a robust capacity to gather and evaluate evidence regarding possible gross violations of human rights by units of security forces?
- Please provide a detailed account of how section 620J has been applied to the Bahraini security forces in 2011. This account may be provided in a classified format.
- In recent years Bahrain has received approximately $20 million per year in Foreign Military Financing. What changes, if any, have been contemplated to the program in light of the recent events in Bahrain?

Answer. The United States continually evaluates its military assistance to all countries. Foreign security force units and candidates proposed for assistance, including such forces from Bahrain, undergo a thorough section 620J review process to confirm that there is no credible evidence that the recipient has committed gross violations of human rights. This vetting is conducted with the INVEST (International Security Vetting Security Tracking) system, which assists us in conducting thorough checks of the human rights records for nominated candidates. Leahy vetting is initiated at the USG Embassy in the home country of the candidates, and

completed in Washington using all available sources of information. Use of the INVEST system has improved the vetting process, and is allowing the Department to maintain and expand a human rights vetting database. In accordance with legal requirements, the United States will not deliver training or assistance in cases where there is credible evidence that a unit or individual has committed a gross violation of human rights.

Our Embassy in Manama and the Department of State continue to gather information on the conduct of Bahraini forces surrounding the events of February, March, and beyond. The late October report of the Bahrain Independent Commission of Inquiry, a body with a broad mandate to investigate human rights violations during the demonstrations and security crackdown, will assist us in the vetting process as we incorporate its findings into our review of proposals to provide assistance to specific forces.

If confirmed, I plan to discuss our military assistance program with Bahraini officials and remind them of our firm commitment to carrying out our security assistance programs in a manner consistent with our legal obligations and policy concerns regarding respect for human rights.

*Question.* Bahrain is home to over 400,000 migrant workers, many of them from South and Southeast Asia, working in the construction and service industries as well as in the domestic service sector. According to the Department of State Trafficking in Persons Report of 2011, some of these workers have been subjected to practices such as the unlawful withholding of passports, restriction on movement, contract substitution, nonpayment of wages, threats and physical or sexual abuse as well as human trafficking and forced prostitution.

- If confirmed, what will you do to address these issues?
- In recent years, Bahrain's Ministry of Labor has indicated it would move to end the sponsorship ("kafala") system that leaves migrant workers vulnerable to trafficking. What progress has been made to date in abolishing the "kafala" system?

Answer. We are concerned about reports, discussed in the 2011 State Department Trafficking in Persons Report, that describe abuses migrant workers suffer at the hands' of their employers in Bahrain. As a Tier-2 country, Bahrain does not fully comply with the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. The government continued to investigate and prosecute forced prostitution cases and convicted nine trafficking offenders in 2010–2011. In addition, the government assisted 17 victims of forced prostitution. Nonetheless, there were no reports of government efforts to punish forced labor crimes, nor any indication that the Government of Bahrain took steps to institute a formal victim identification procedure or otherwise improve victim protection efforts during this period.

The government's lack of efforts to acknowledge and address forced labor remains a key gap in its antitrafficking response. If confirmed, I will encourage the Bahraini Government to vigorously pursue trafficking cases, expand protection for victims of trafficking, and prevent incidents of forced labor as they have pledged.

Answer. According to the General Federation of Bahrain Trade Unions, thousands of Bahrainis have lost their jobs in the aftermath of the government crackdown. On August 19, the Christian Science Monitor reported that firings were ongoing and that while the government had pledged to rehire workers, progress had been slow.

- How do you view the situation and what can be done to speed up the rehiring process?
- What can be done to return students who were expelled because of their involvement in the protests, to their classrooms?
- Over the last few months, the Bahraini Government has barred foreign journalists, human rights workers, and foreign trade unionists from entering the country. What can the U.S. Embassy do to promote open access by these groups to the country?

Answer. We have closely followed reports of violations of worker rights, restraints on union activity, and ongoing unfair dismissals. We believe that returning workers to their jobs and students to their classrooms is the single most important step the Government of Bahrain can take to reintegrate the broader Shia community and reassure them of the Government of Bahrain's commitment to the economic well-being and education of all Bahrainis. In April, the AFL–CIO submitted a petition to the Department of Labor asserting that Bahrain had failed to uphold its commitment to protect labor rights under the U.S.-Bahrain FTA. The Department of Labor is investigating this claim and will release a report in December with its findings. If

confirmed, I will call on the government to move quickly and transparently on reinstatements as a way to build confidence.

We were disappointed that foreign journalists, human rights workers, and foreign trade unionists were denied visas in certain instances. If confirmed, I will raise these visa issues with the Government of Bahrain.

*Question.* On June 29, 2011, the His Majesty King Hamad bin Isa Al Khalifa announced the establishment of the Bahrain Independent Commission of Inquiry led by M. Cherif Bassiouni. What is your assessment of the prospects for the success of the Bassiouni Commission and other paths to reconciliation? What steps will the United States take to help the Bahraini Government build the trust necessary among all sides to enable a credible national dialogue to move forward?

Answer. We support the important work of the Bahrain Independent Commission of Inquiry. It has a broad mandate to investigate the events of February onward and report on human rights violations during this period. The presence of five internationally recognized experts with considerable human rights experience on the Commission is a positive sign, and we have urged the Government of Bahrain to cooperate fully with the Commission's investigation.

We will continue to urge all parties, across the political spectrum, to engage constructively in an ongoing process of political accommodation in order to achieve meaningful reform.

In July, the government initiated a National Dialogue as one mechanism to begin the reform process. We believe that more can be done. Genuine reform will allow Bahrain and its citizens to enjoy a more stable and security future.

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## RESPONSES OF DAN W. MOZENA TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

### UNITED STATES-BANGLADESH RELATIONS

*Question.* I am glad to witness the recent positive trajectory in U.S.-Bangladesh relations. The United States has a number of important priorities in Bangladesh, including strengthening its democracy, promoting development, and denying space to terrorists. Washington is partnering with Dhaka to advance signature U.S. global initiatives on climate change, food security, and global health, as well as outreach with the Muslim world, to name just a few issues where we are working together.

- What specific areas do you consider to be most ripe for further U.S.-Bangladesh cooperation, and how can Congress contribute to building this increasingly important relationship?

Answer. I believe that the United States has strategic interests in Bangladesh as follows:

- *Global Security:* Bangladesh is the seventh most populous country in the world; it has the fourth-largest Muslim population. Bangladesh is a moderate, secular, and democratic Muslim-majority country that offers an alternative to violent extremism.
- *Regional and Global Peace and Stability:* Located in one of the world's most troubled regions, Bangladesh fosters regional peace and stability through its improving relations with its neighbors, especially India. Bangladesh is also the world's largest manpower contributor to international peace support operations. It currently has over 10,000 peacekeepers in the field, a number it seeks to increase to 15,000.
- *Global Food Security:* As the world's seventh most populous nation, Bangladesh is critical to the world's ability to feed its growing population, which is projected to reach 9 billion within my lifetime. With good policies and targeted technical assistance, Bangladesh could feed itself.
- *U.S. Trade and Investment:* U.S.-Bangladesh trade will reach a record $5 billion this year; this amount includes over $1 billion in U.S. exports, exports that create needed jobs and wealth in America. A U.S. company (Chevron) is Bangladesh's largest foreign investor. With a growing middle class as its poverty rate drops (from 40 percent to 31.5 percent over the past 5 years), Bangladesh offers increasing opportunities to U.S. exporters and investors.
- *U.S. Values:* Bangladeshis like America and are open to our ideas. Core U.S. values, such as democracy and respect for human rights, find fertile soil in Bangladesh.
- *Humanitarian Interests:* Bangladesh is highly vulnerable to natural disasters. Reflecting Americans' basic decency and care for other people, the United States

can help Bangladesh prepare for disasters and mitigate the impact after disaster hits.

I believe that the best way to advance these key American interests in Bangladesh is to promote a Bangladesh that is peaceful, secure, prosperous, healthy and democratic. If confirmed, I would lead Mission Dhaka to this end.

Congress can help nurture the U.S.-Bangladesh partnership by ensuring adequate resources for those programs that advance America's interests by promoting a Bangladesh that is peaceful, secure, prosperous, healthy, and democratic, and by maintaining its already robust interest in this bilateral relationship to the mutual best interests of both countries. As a former Peace Corps Volunteer, I know well the benefits that a Peace Corps program in Bangladesh would offer in terms of both advancing America's interests in Bangladesh and building a better informed and internationally aware citizenry at home. Peace Corps would like to return to Bangladesh, but lacks the resources to launch a renewed program there.

DEMOCRATIC INSTITUTIONS

*Question.* In December 2008, Bangladesh held what some U.S. observers consider the fairest and most credible parliamentary elections since independence. Those elections created the hope that the Government of Bangladesh (GOB) would use its popularity to strengthen democratic institutions and national reconciliation. But there are unfortunately signs that this government has not distanced itself from the previous zero-sum, highly centralized politics of the past that at times has prevented Bangladesh from realizing its full potential.

- What are your observations with regard both to the strength of Bangladesh's democratic institutions and recent developments in Bangladesh's politics?

Answer. Bangladesh is fortunate to have a strong tradition of democratic governance. During my travels in Bangladesh 10 years ago when I served there as Political/Economic Counselor, I saw firsthand the people's strong commitment to democracy, and believe that the Bangladeshi people themselves are the strongest guardians of their democratic rights. Nonetheless, those rights are being challenged. Earlier this year, the current Awami League-led government abolished the Caretaker Government system that it had helped to create to protect the electoral system from political interference; the opposition Bangladesh National Party has strongly opposed this action. The United States has called upon both major parties to work together to develop mutually agreed mechanisms for ensuring that the next elections are free and fair. If confirmed, I will urge leaders of both major parties and civil society to work together in the best interests of the Bangladeshi people to ensure that the next national elections are as free and fair as those of 2008. Drawing from my own experience in Bangladesh a decade ago as Bangladesh headed into the 2001 elections, I would work to ensure that the United States plays a constructive role in helping Bangladesh strengthen its electoral and other democratic institutions. Already, the mission has begun preparations to support the Bangladesh Election Commission in concert with other donors through the United National Development Program framework.

Although Bangladesh's press has traditionally been one of the freest in the South Asian region, I am concerned about recent trendlines, including the arrests of editors and reports of pressure on news organizations to self-censor. If confirmed, I will continue to emphasize to the Government of Bangladesh my belief that a free press is vital to a fully functioning and mature democracy.

I am encouraged that Bangladesh's Parliament is playing a more active role in governance and oversight. For example, the parliamentary standing committee on the Ministry of Home Affairs recently expressed concern over the amount of force the government used against opposition activists during a nationwide demonstration, and ordered an internal investigation. Additionally, the parliamentary standing committee on the Ministry of Information rejected a draft policy from the Ministry on private broadcasters that would limit media freedom. We urge constructive engagement in Parliament between the government and opposition political parties and emphasize the need for a strong Parliament working with robust democratic institutions.

I am also encouraged that governance in Bangladesh is being increasingly decentralized, a process the United States has supported. Elected local government and creation of local funding sources are important steps in bringing governance closer to the people. If confirmed, I would continue to support the decentralization of governance.

INTERNATIONAL CRIMES TRIBUNAL OF BANGLADESH

*Question.* The International Crimes Tribunal of Bangladesh (ICT) has begun trying persons accused of committing atrocities during the 1971 war. Many observers have been encouraged by the fact that the GOB is taking steps toward achieving accountability for very serious crimes. However, the ICT has also been subject to some criticism. Among other things, international observers have raised concerns about interrogations without counsel present, lengthy precharge detentions, the inability to challenge the jurisdiction of the tribunal or make interlocutory appeals, the lack of the presumption of innocence, the lack of protection for victims and witnesses and the potential for self incrimination.

- a. Has the administration raised similar kinds of concerns with the GOB, and if so, how has it responded to suggestions?

Answer. At the invitation of the Government of Bangladesh, Ambassador at Large for War Crimes Issues Stephen J. Rapp visited Bangladesh twice this year. During these visits he engaged with the government as well as those involved with the prosecution, defense and NGOs, underscoring the importance of due process and adherence to international standards, including in regard to the rights of the accused, excessive detentions, and defendants' access to counsel, among other matters. After his first visit, Ambassador Rapp wrote a letter to the Minister of Law offering a number of suggestions for the International Crimes Tribunal's Rules of Procedure. The Government has implemented some of these suggestions, and I hope that it will consider adopting more of them. Ambassador Rapp and Embassy Dhaka continue to engage on this matter with the Bangladesh Government, which I believe remains open to further changes that would strengthen the process.

- b. What steps has the administration taken to assist the GOB in ensuring the ICT is consistent with widely accepted practices and standards?

Answer. Ambassador Rapp's engagement with the Bangladeshis and his extensive list of suggested changes to rules of procedure are important elements in our efforts to help ensure that these trials meet international standards. Ambassador Rapp's office and Embassy Dhaka have conducted assessments of the capacity of the various parties to the process, including the offices of the judges, prosecutors, investigators, and the registrar of the International Crimes Tribunal. We have shared best practices and sample material with the investigators' office at their request. We hope the Bangladeshis will take fullest advantage of this support.

- c. All of the accused sit in opposition to the ruling party. Are you concerned that the proceedings' impartiality could be put into question by political considerations?

Answer. The International Crimes Tribunal could provide a means to hold accountable those Bangladeshis who committed atrocities during the nation's liberation in 1971. However, the fact that all of the accused are members of opposition parties places an especially heavy onus on the Tribunal to ensure transparency, due process, and thorough adherence to the highest standards of equitable justice, especially in regard to protecting the rights of the accused. It will be critical for the ICT to engage the public and provide the maximum possible transparency and access to ensure that it is perceived as independent, impartial and fair while striving to achieve justice for the victims of the atrocities in question. Ambassador Rapp's office and Embassy Dhaka remain engaged with the Government of Bangladesh at the highest levels to urge transparency and adherence to international standards.

GRAMEEN BANK

*Question.* I am deeply troubled by the efforts to pressure Muhammad Yunus that concluded in his resignation as managing director of the Grameen Bank (Grameen) earlier this year. Institutions like the Grameen Bank make a significant contribution to Bangladesh's development and democracy, and Professor Yunus's life-long work to reduce poverty and empower women through microloans has deservedly received worldwide attention and respect. I hope he will continue to play a leadership role in the Yunus Centre and entities associated with Grameen without undue interference.

- What steps is the U.S. Government taking to emphasize the importance of Grameen's future autonomy and effectiveness given its historic role in improving the lives of millions of Bangladeshis?

Answer. When I served in Bangladesh a decade ago as Political/Economic Counselor, I frequently visited Grameen Bank projects in the field and saw firsthand the impact that Grameen microfinance projects have on the poor, especially the women.

Grameen is about more than project financing; it is about taking responsibility for improving one's own quality of life and nurturing the children so theirs can be a better life. Inspired by the Grameen philosophy and its real impact on improving the lives of millions of Bangladeshis, I was understandably troubled to learn of government pressure to remove Grameen founder and Managing Director Muhammad Yunus, culminating in his resignation from Grameen Bank on May 12. Like Dr. Yunus and many of Bangladesh's other international supporters, the United States Government is focused on preserving the integrity and effectiveness of Grameen Bank as an institution so that it can fulfill its commitment to its over 8 million poor, mostly female, beneficiaries. If confirmed, I would continue USG efforts to underscore to the Government of Bangladesh at the highest levels the importance with which we view the Bank's continued success, and urge that the Bank's new Managing Director be fully qualified to lead this critically important institution. The Government, for its part, has affirmed its commitment to the continued success of the Bank. The case of Grameen Bank also has broader implications for Bangladesh's vibrant civil society, which plays a crucial role in Bangladesh's development. If confirmed, I would support a strong, energized, effective, independent civil society

COUNTERTERRORISM

*Question.* The GOB has made significant inroads in fighting extremism under the Awami League. Bangladesh's strong national identity, its relatively recent liberation struggle, and the legacy of a moderate Islam are factors that inhibit radicalism. The country appears to be moving beyond a lack of political will that conspired with the country's porous borders, ungoverned spaces, and capacity constraints in the past to allow transnational and domestic terrorists to operate. Nevertheless, the threat still remains.

- a. If confirmed, what steps would you take to strengthen the U.S.-Bangladesh partnership in fighting terrorism and build on the progress to date in this area?

Answer. The Government of Bangladesh is a committed partner in combating terrorism. The GOB has maintained pressure on domestic and transnational terrorist groups, including the capture of members from Harkat-ul-Jihad Islami-Bangladesh (HUJI–B) and Lashkar-e-Tayiba (LeT). However, Bangladesh remains a potential safe haven and transit hub for transnational terrorists because of its porous borders and large swaths of internal ungoverned/poorly governed space. Much of its land border with India can be crossed undetected; huge gaps exist in patrolling Bangladesh's remote Bay of Bengal coast; airport security is lax; and there are no secure identification documents available as a basis for issuing Bangladeshi passports. Lashkar-e-Tayiba continues to have a presence in Bangladesh. If confirmed, I would work with the Government of Bangladesh to build capacity among its relevant security agencies. I would also engage the government on the importance of respecting human rights while conducting counterterrorism programs and maintaining law and order.

- b. In recent years, the terrorist group Lashkar-e-Taiba (LeT) has received considerable attention for masterminding attacks like the one that took place in Mumbai, India, in November 2009. What is the nature and scope, if any, of LeT's activities in Bangladesh?

Answer. If confirmed, I would support continued USG engagement with Bangladesh to combat terrorism. For example, the Embassy, especially its Department of Justice office, played a key role in advocating Bangladesh's 2009 passage of new antimoney laundering and new antiterrorism laws (the latter addressed antiterrorism finance for the first time). In 2010, the ministerial-level National Coordinating Committee Against Money Laundering was established under the leadership of the Finance Minister to encourage government bodies to fulfill their commitments under the National Action Plan to address Anti-Money Laundering (AML)/Counter-Terror Finance (CTF). The United States also helped Bangladesh establish a Financial Intelligence Unit.

I would also support ongoing U.S. military assistance to Bangladesh in standing up a naval special operations unit (the Special Warfare and Diving Salvage unit—SWADS), which has defense of maritime borders and combating terrorism as core missions. Training continues and the unit is expected to be officially commissioned by the end of the year. In 2010, SWADS and other Bangladesh security elements participated in the largest combined joint counterterrorism exercise in Bangladesh history. The exercise, sponsored by PACOM, involved over 600 Bangladesh counterterrorism personnel and over 200 U.S. Special Operations forces. The Embassy also participated in the exercise and provided a liaison team to the combined

joint task force's forward headquarters in Chittagong. If confirmed, I would hope to foster and deepen such cooperation.

"LEAHY AMENDMENT" VETTING

*Question.* Section 620J of the Foreign Assistance Act of 1961 imposes restrictions on assistance to any unit of a foreign country's security forces for which there is credible evidence that the unit has committed gross violations of human rights. U.S. embassies are heavily involved in ensuring compliance with this requirement.

- a. If confirmed, what steps will you take to ensure that the embassy effectively implements section 620J?

Answer. Embassy Dhaka, in coordination with the Department of State, runs an effective Leahy amendment vetting process. As required by the Leahy amendment and other law, all Bangladeshi security force personnel who receive training supported by U.S. funds are vetted by the Department of State. In cases where credible evidence exists that an individual has committed a gross violation of human rights, U.S.-funded training is denied. If confirmed, I would continue discussions on the requirements of the Leahy amendment and U.S. insistence on respecting human rights with the Government of Bangladesh and, more specifically, the leadership of the Bangladesh security services.

- b. In particular, what actions will you take to ensure, in a case in which there is credible evidence that a gross violation of human rights has been committed, that assistance will not be provided to units that committed the violation?

Answer. If confirmed, I would work directly with all Embassy elements to ensure that when there is credible evidence of a gross violation of human rights, the Embassy would deny the candidate training and record a negative hit against the name to preclude the candidate from consideration for any future training.

- c. What steps will you take to ensure that the Embassy has a robust capacity to gather and evaluate evidence regarding possible gross violations of human rights by units of security forces?

Answer. If confirmed, all individuals and units of Bangladeshi security services selected for training will continue to be scrutinized by a vigorous vetting process. I would bolster Embassy Dhaka's comprehensive database of credible human rights reporting and its strong network of sources; both are critical to vetting every candidate proposed for U.S. Government-funded training or assistance. The Embassy's human rights officer is responsible for coordinating Leahy amendment vetting; this officer maintains good contacts with both local and international human rights organizations to ensure proper quality control on information used for vetting training candidates. The requirements of the Leahy amendment are a regular part of our discussion of human rights with the Government of Bangladesh and especially the leadership of the Bangladesh security services. If confirmed, I would continue this dialogue.

ROHINGYA ETHNIC MINORITY

*Question.* I am very concerned by the plight of the Rohingya ethnic minority that has fled deprivations in neighboring Burma and settled in large numbers in the Cox's Bazaar region of Bangladesh. While seeking to do what they can, GOB officials in Dhaka sometimes have also shown weariness over having to address the difficulties created by the massive migration of Rohingya in an area that has poverty rates significantly above that of the rest of the country.

- a. What is your understanding of current conditions in the official and unofficial camps housing Rohingya?

Answer. Ten years ago when I served in Bangladesh, I visited the Rohingya camps and found the conditions deplorable. Earlier this year, Assistant Secretary of State for Population, Refugees and Migration Eric Schwartz and his deputy, Kelly Clements, visited the camps as well. They told me that many Rohingya, particularly those living outside the official camps, continue to suffer greatly, especially from malnutrition and lack of access to basic services such as health care and education. The United States remains most concerned by the situation of the Rohingya refugees in Bangladesh. The U.S. Government supports the U.N. High Commission for Refugees, the International Organization on Migration, and several NGOs working to improve conditions for the refugees.

- b. How would you characterize the GOB's ongoing response to this challenging situation?

Answer. The USG appreciates that the GOB has allowed up to 500,000 Rohingyas to seek refuge in Bangladesh. We remain engaged with the GOB to find ways to improve the living conditions of these refugees, many of whom are undernourished and lack access to basic services. I am pleased that when Assistant Secretary Schwartz visited the refugee camps several months ago, the GOB agreed to consider resuming limited third-country resettlement for the most vulnerable cases and to allow international NGOs to resume some assistance activities. If confirmed, I would engage robustly with the GOB, other donors, and multilateral organizations to address the plight of the Rohingya. The long-term solution to the problem, of course, lies in Burma, which must create conditions whereby the refugees could voluntarily return to their homes in a dignified manner.

- c. Are humanitarian groups able to receive adequate access to Rohingya settlements, and are they encountering any difficulties in obtaining the necessary official permissions to carry out their important work?

Answer. International NGOs have faced some challenges in receiving permission to provide services to the Rohingya. However, they continue to provide assistance where possible in the official refugee camps and in the surrounding villages of Cox's Bazar District. I hope that Assistant Secretary Schwartz's visit will result in these NGOs getting greater access to the refugees.

REINTRODUCTION OF PEACE CORPS

*Question.* The Peace Corps program in Bangladesh was suspended in March 2006 due to safety and security concerns. At the time of the program's suspension, 70 Volunteers were operating in the country. Historically, more than 280 Peace Corps Volunteers have served in Bangladesh since the program's inception in the 1960s (in what was then East Pakistan). The Government of Bangladesh has expressed interest in reopening a Peace Corps program. As the world's seventh most populous country and fourth-largest Muslim community with a sizeable youth bulge, this moderate, secular democracy would seem to be a strong candidate for the reintroduction of the Peace Corps.

- a. Are the security concerns that led to the Peace Corps program's suspension still present today?

Answer. Peace Corps closed its Bangladesh program in 2006 for prudent security reasons. Since then, however, the security environment in Bangladesh has dramatically improved, thus allowing, in my view, for the return of Peace Corps Volunteers. Bangladesh's deepened security relationship with the United States and with India, among others, has enabled Bangladesh to make important progress in improving the country's security environment.

- b. What are the benefits, from your perspective, of reopening a Peace Corps program in Bangladesh?

Answer. Bangladesh is a developing country undergoing rapid change. Over 80 percent of the population is under the age of 40; about 65 percent is under the age of 25. This young and enterprising population pulses with optimism. This new generation is eager to learn how to improve their own lives, and the older generation has helped to make Bangladesh one of our most successful recipients of development assistance by achieving substantial progress in reducing poverty and improving a wide range of development indicators. Opinion polls show that Bangladeshis have a largely positive view of the United States, and that Bangladeshis like America more as they know it better. As a former Peace Corps Volunteer, I believe Bangladesh is a quintessential Peace Corps country. I am a firm believer in the power of Peace Corps to advance U.S. interests by bringing some of America's best and brightest to conduct people-to-people diplomacy in the towns and villages, where most of Bangladeshis live. These Volunteers could advance America's interests by supporting key programs in the sectors of food security, civil society strengthening, health, education, and the environment, among others. The Government of Bangladesh has requested that Peace Corps return to their country, where over 250 Americans have served with distinction.

- c. If sufficient funds were available in what we all know is a tight budgetary environment, would you support a resumption of programming in Bangladesh?

Answer. Reopening a Peace Corps program in Bangladesh would be one of my top goals as Ambassador, if confirmed. I would argue that, despite a tight budgetary environment, Peace Corps is a program that would bring high returns on a modest investment by strengthening the relationships and bonds between the people of our two countries and our two governments. A Peace Corps program would also pay rich dividends in building a better informed and internationally aware citizenry at home.

TRAFFICKING-IN-PERSONS

*Question.* In the State Department's "Trafficking in Persons Report," Bangladesh has been designated as a Tier-2 Watch List country for the last 3 years following its Tier-2 designation in 2008. The country remains a major source and transit country for sex trafficking and forced labor.

Men are recruited for work overseas under fraudulent employment offers and subjected to debt bondage, while some women who willingly migrate to find work outside of their country find themselves forced into prostitution. Children also face such exploitation, sometimes being sold into bondage by their parents.

The GOB has drafted comprehensive antitrafficking legislation that would, among other measures, combat trafficking through criminal prosecutions and provide protection services to the populations vulnerable to trafficking and forced labor. Bangladesh, however, has yet to enact the legislation into law.

- a. If confirmed, what steps would you take to encourage the GOB to address effectively and constructively the exploitation of its citizens and foreign nationals that are trafficked in and through Bangladesh? In particular, what are your views on the draft antitrafficking law that was recently submitted to the Cabinet?

Answer. Our Embassy in Dhaka, the Department's Office to Monitor and Combat Trafficking in Persons, and the Bureau of South and Central Asian Affairs assisted the Government of Bangladesh in the drafting process of this countertrafficking legislation, which we believe is strong, effective legislation. This legislation was bolstered by several rounds of local and national consultations involving experts, law enforcement, returning migrants and trafficking victims. If confirmed, I would work to ensure that Bangladesh enacts this countertrafficking legislation, preferably before the end of the year. I would also work with the government to help them draft and operationalize regulations and policies needed to effect the new legislation. The Bangladeshi Cabinet has approved the draft legislation, and it now awaits formal passage by Parliament, which reconvenes in October.

- b. If Bangladesh succeeds in passing the antitrafficking law, what capacity-related challenges does it face in enforcing these measures, and how might the United States be helpful in this area?

Answer. If confirmed, I would engage on trafficking issues with Bangladesh through the recommendations and rankings in the TIP Report, action plans, foreign assistance, and diplomatic relationships. I would urge Bangladesh to criminalize the activities of fraudulent labor recruiters and to ensure that its embassies, particularly in the gulf, adequately protect Bangladeshi citizens. If confirmed, my aim would be for Bangladesh to show such progress that it would move from the Tier-2 Watchlist to Tier 2 and eventually to a Tier-1 designation.

Bangladesh's principal capacity-related challenge in enforcing these measures is a need for technical and foreign assistance. The U.S. Government, through the Department's Office to Monitor and Combat Trafficking in Persons, USAID's Actions for Combating Trafficking in Persons program, and the Department of Justice's programs, has a number of capacity-building projects underway in Bangladesh. These programs, which played a central part in helping the Government of Bangladesh draft this antitrafficking legislation, would also help Bangladesh in crafting policies and regulations to ensure effective implementation of the legislation.

LABOR

*Question.* In the last year, Bangladesh has witnessed many protests by garment workers arising out of perceived mistreatment and low wages. The government increased the minimum wage in response but the increase fell short of worker expectations, prompting more demonstrations. We have received reports that human rights defenders and labor leaders have been targeted by authorities.

- Human rights and labor organizations state there are three pending cases against the leadership of the Bangladesh Center for Worker Solidarity, an internationally respected, nonpartisan labor rights NGO. These individuals reportedly face unsubstantiated criminal charges, and the organization has been deregistered. We understand that the U.S. Embassy in Dhaka is closely monitoring this case, the outcome of which could have significant ramifications for human and labor rights in Bangladesh. If confirmed, what steps would you take to encourage a resolution that defends labor rights?

- There are in some in the GOB and civil society who are calling for genuine union rights for garment workers. Unfortunately, inadequate development and deficiencies in human rights go hand in hand, one reinforcing the other. How

would you work to strengthen voices for labor rights, and protect those who defend workers' rights in Bangladesh?

Answer. If confirmed, I would ensure that Embassy Dhaka regularly engages with the Government of Bangladesh on the important role of labor rights in building a robust, sustainable economy, one that can participate effectively in the global marketplace. The 10 cases pending against the three leaders of the Bangladesh Center for Workers' Solidarity (BCWS) are especially important as they also concern the Government of Bangladesh's commitments to due process and equitable treatment. The Embassy regularly attends hearings on these cases, and the Government of Bangladesh at all levels is aware of our continuing interest in these cases.

The Embassy continues to work with the BCWS and the Government of Bangladesh to get the organization reregistered with the Ministry of Social Welfare. The Ministry's decision was not final, and we are encouraging BCWS to utilize the option of a judicial appeal.

Protection of core labor rights is a standard of U.S. foreign policy around the world, especially in Bangladesh, where the booming ready-made garment industry and a decidedly mixed record on labor rights makes this issue particularly resonant. Progressive actors inside and outside the Government of Bangladesh have long called for genuine union rights. USAID's Global Labor Program funds the American Center for International Labor Solidarity (ACILS) in Bangladesh, and ACILS is working to strengthen union capacity by identifying and supporting honest actors in the movement. Recently, the Government of Bangladesh registered a new ready-made garment union, the country's second in 4 years, in the port city of Chittagong. Embassy Dhaka and ACILS are working with other nascent unions to capture the momentum and build on this success. Embassy Dhaka regularly engages with the Government of Bangladesh through the Ministry of Labor and the Prime Minister's Office to encourage positive attitudes toward union creation.

The Embassy also urges the International Labor Organization to move expeditiously in implementing what will be its largest ever program to improve labor conditions, the Better Work Bangladesh program. This program will use financial incentives to encourage companies to adhere to core international labor standards.

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RESPONSES OF THOMAS C. KRAJESKI TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* While the Arab Spring has seen calls for reform, political inclusion, and human rights across the region, it seems clear that the movement is not monolithic, and that each country that has sought democratic change has done so for unique reasons and in different circumstances. What leverage can the administration employ to ensure that calls for reform in Bahrain are taken seriously by its government?

Answer. The United States and Bahrain have a longstanding partnership and we speak frankly with one another. We will continue to urge all parties, across the political spectrum, to engage constructively in an ongoing process of political accommodation in order to achieve meaningful reform.

Bahrain has introduced reforms to address some of the protesters' demands. The government initiated a National Dialogue and an Independent Commission of Inquiry as mechanisms to move forward on reconciliation and begin the process of genuine reform. We believe, however, that more can be done. Genuine reform will allow Bahrain to enjoy a more stable and security future.

*Question.* The Government of Bahrain launched a national dialogue in July to bring together the people of Bahrain to discuss demands for reform. Key members of the opposition and the labor movement, however, were excluded, and Bahrain's main Shia opposition, Al-Wefaq, pulled out of the dialogue after initially only being offered nominal participation. In your testimony you highlighted the importance of the national dialogue. If confirmed, what can you do as Ambassador to ensure a more meaningful, inclusive, and credible dialogue process?

Answer. If confirmed, I will support and encourage initiatives the Government of Bahrain takes toward reconciliation and reform. We have welcomed recent steps to promote reconciliation and political dialogue, but more needs to be done. The National Dialogue that took place in July was the first formal step in what I hope will be a broad and comprehensive reform initiative. We expect that future dialogues will bring a wider range of Bahraini stakeholders to the table to discuss the way forward. As President Obama said in May, it is difficult to have a dialogue when several of the main opposition leaders are in jail. It is also difficult, however, when the main opposition group refuses to participate. Facilitating genuine, con-

certed and energetic effort toward reconciliation, dialogue, and reform in Bahrain will be one of my highest priorities.

*Question.* The State Department has reported that Bahrain's Shia majority faces discrimination by the Government of Bahrain. If confirmed, will you make this issue a priority in your discussions on reform with Bahraini officials?

Answer. If confirmed, I will urge the Government of Bahrain to confront concerns that Shia citizens face discrimination as evidenced by lower socioeconomic indicators and less access to the political decisionmaking process than the Sunni minority. As noted in my testimony, it is important that all communities in Bahrain play a role in determining Bahrain's future.

*Question.* You noted in your testimony that there has been no evidence of instigation by Iran in the unrest in Bahrain but that there is concern of Iran exploiting it. How is this influence likely to manifest itself in the coming months and what preparations is the administration making to mitigate Iran's influence in Bahraini affairs?

Answer. We do not see evidence that Iran instigated protests in Bahrain. The initial protests were called by Bahrainis for Bahrainis demanding reforms and greater political participation. However, we have seen and expect we will continue to see Iran attempting to exploit and exacerbate unrest to advance its agenda in neighboring countries and undermine peace and stability in the region.

One of the greatest bulwarks against Iranian influence is a strong and stable Bahrain that is inclusive and respects the rights of all its people. Recent efforts by the Bahraini Government to restore confidence and promote reconciliation are good first steps. Meaningful reforms have the potential to lessen sectarian tension, thus denying Iran the ability to exploit unrest to its gain.

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RESPONSES OF MICHAEL A. HAMMER TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* In what ways do PA's activities overlap with the public diplomacy activities of the other Bureaus under the organization of the Under Secretary for Public Diplomacy and Public Affairs? How does the Bureau of Public Affairs coordinate with those public diplomacy bureaus? How does PA coordinate with PA offices in other "non-R" bureaus?

Answer. Organizationally, the Bureau of Public Affairs (PA) falls under the Under Secretary of Public Diplomacy and Public Affairs (R) along with three other entities: the Bureau of Educational and Cultural Affairs (ECA), International Information Programs (IIP), and the Center for Strategic Counterterrorism Communications (CSCC). The mission of the R-family according to the Strategic Framework for Public Diplomacy and Public Affairs is to advance national interests and national security by informing and influencing foreign publics by expanding and strengthening the relationship between the people and government of the United States and citizens of the rest of the world. Each bureau contributes to this with its own specific mission.

PA is charged with engaging domestic and international media to communicate timely and accurate information with the goal of furthering U.S. foreign policy and national security interests and broadening understanding of American values. In carrying out our mission, the Public Affairs Bureau employs a wide range of media platforms, provides historical perspective and conducts public outreach.

PA is committed to an effective use of resources, avoiding overlap or duplication of effort between bureaus, and streamlining when possible under R's leadership and supervision. The Public Diplomacy Strategic Framework lists as an imperative the need to "deploy resources in line with current priorities . . . [and to] strengthen structures and processes to ensure coordinated and effective Public Diplomacy."

PA coordinates with our public affairs colleagues in each bureau on a regular and daily basis. Among the efforts we coordinate are: formulating and deploying press guidance for the daily press briefings; pitching and organizing press interviews and briefings on topical foreign policy matters; and executing strategic communications planning based on the Secretary's and the Department's priorities.

*Question.* The Bureau of Public Affairs oversees the Office of the Historian which is tasked with preparing the "Foreign Relations of the United States" (FRUS) historical series.

- Since placing the FRUS online, how has public use of the information increased; are bound volumes still being produced?

- FRUS is currently behind schedule with the post-30-year inclusion requirement—why is that, how far off schedule is it?
- How many staff work to produce each volume?
- What are the next five volumes scheduled for publication and what are their publication dates?

Answer. The Office of the Historian produces bound volumes for the Federal Depository Library Program (FDLP), since "Foreign Relations" has been deemed by the FDLP to be an "essential title for public use." The Office is also committed to making FRUS available to a much broader audience by placing all volumes on the Office Web site. By placing FRUS online the Office has facilitated the further dissemination of volumes in the series to scholars and other interested parties around the world. In the most recent month, we have received more than 29,000 online visits from 173 countries.

The Office is constantly commended both at home and abroad for making critical documentation on the history of U.S. foreign relations both widely and readily available. For many in the international community, online FRUS volumes represent the only access they have to records concerning the relations between their countries and the United States.

In spite of the overwhelmingly positive response to the Web site, there is still a large demand for FRUS print volumes. In the past 2 years, for example, the Government Printing Office (GPO) has had to double the number of FRUS volumes printed for public sale. While all of the 28 volumes covering the Carter administration will be placed online, roughly half of those volumes will also be printed and delivered to Federal Depository Libraries. More than half of the 46 volumes planned for the Reagan administration, which we have begun researching, will be printed and all will be published online.

The law under which the Office of the Historian produces the "Foreign Relations of the United States" series (PL 102–138) mandates "comprehensive documentation of the major foreign policy decisions and actions" based on access to all foreign policy related files, and that the series be published at the 30-year line. Since 1991, the Office of the Historian has struggled with the tension inherent in these competing requirements, and has only partially met the 30-year publication timeframe. FRUS is currently behind schedule for several reasons. The Office recently completed two studies that examined the compiling, declassification, and publishing timeframes for FRUS. These studies suggest that the length of the declassification process, the steadily expanding scale of the work necessary to document U.S. foreign relations during the 1970s and 1980s, and staffing level and retention challenges (now resolved) that disrupted the Office have contributed to the delay in the publication of FRUS volumes. The Office of the Historian is committed to trying to achieve its goal of publishing at the 30-year line in the near term without jeopardizing the quality of the series.

Because of the unique nature of the "Foreign Relations" series, producing a single volume requires the work of up to five historians to perform various complex production and declassification tasks. One historian conducts archival research, compiles the documentation, and annotates the manuscript for clarity. Supervisors review the manuscript to ensure that it meets the congressionally mandated requirement to provide a "thorough, accurate, and reliable record" of United States diplomatic activity. The Declassification staff coordinates the declassification review of the manuscript, referring documents to the appropriate agencies and ensuring that all declassification decisions and excisions are accurately rendered to protect all classified national security information. The editing staff performs all tasks associated with preparing the volume for publication including, technical editing, proofreading, and the creation of electronic files for the office Web site.

The next five volumes scheduled for publication are:

September 2011: Vol. XIII, Soviet Union, October 1970–September 1971;
October 2011: Vol. XXXIV, National Security Policy, 1969–1972;
October 2011: Vol. XXXVI, Energy Crisis, 1969–1974;
October 2011: Vol. XV, Soviet Union, 1972–1974;
January 2012 Vol. XXVI, Arab-Israeli Dispute, 1974–1976.

*Question.* The Department, through a public-private partnership, is planning a new museum and visitor's center for the U.S. Diplomacy Center, to be housed in the Truman Building. What is the status of the U.S. Diplomacy Center's new museum and visitor's center? How much money has been raised and how much more is needed? Please provide a fuller update regarding the status of the Center.

Answer. A key project the Bureau of Public Affairs is working to realize is the establishment of the United States Diplomacy Center (USDC), which will be dedicated to telling the story of American diplomacy and the Department of State, past,

present, and future, through a dynamic, interactive education center. The USDC has received commitments of nearly $18 million in private donations toward its $50 million capital campaign.

The Bureau of Public Affairs recently released funds to issue a Reimbursable Work Authorization (RWA) contract for 65 percent Design Development of the USDC. As contract administrator, General Services Administration (GSA) receives the funds and issues the contract to project architect Beyer Blinder Belle. The U.S. Commission of Fine Arts has officially approved the design for the center.

We believe that the USDC will offer an opportunity to better educate the American public and foreign visitors about the important work of U.S. diplomacy and the sacrifices that American diplomats make in service to the United States and to address the world's challenges.

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RESPONSES OF THOMAS C. KRAJESKI TO QUESTIONS SUBMITTED BY SENATOR ROBERT P. CASEY, JR.

*Question.* According to human rights activists in Bahrain, the Bahraini Government's National Dialogue process has failed to produce concrete results or a credible path forward on political reform. In his May 19 speech on the Middle East, President Obama stated that "the [Bahraini] government must create the conditions for dialogue, and the opposition must participate to forge a just future for all Bahrainis." The President also underscored that "you cannot have a real dialogue when parts of the peaceful opposition are in jail."

- I agree with the President on the need for a real political dialogue in Bahrain. What leverage does the United States have to encourage meaningful democratic reform in Bahrain based on the precondition set out by President Obama?

Answer. The United States and Bahrain have a longstanding partnership and we speak frankly with one another. We will continue to urge all parties, across the political spectrum, to engage constructively in an ongoing process of political accommodation in order to achieve meaningful reform.

Bahrain has introduced reforms to address some of the protesters' demands. The government initiated a National Dialogue and an Independent Commission of Inquiry as mechanisms to move forward on reconciliation and begin the process of genuine reform. We believe, however, that more can be done. Genuine reform will allow Bahrain and its citizens to enjoy a more stable and security future.

*Question.* The United States has been criticized for not effectively engaging with Bahraini human rights activists when the initial crackdown against peaceful protestors began in February. Eight months later, 34 people have been killed, more than 1,400 have been arrested, and as many as 3,600 people have lost their jobs as a result of the Bahraini Government's continued repression of its own citizens.

- What specific steps will you take to ensure that the United States is proactively and visibly reaching out to Bahraini civil society?
- Will you make an effort to reach out to civil society members beyond the Embassy's traditional interlocutors?

Answer. Bahrain's vibrant civil society has played an indispensible role in setting the country on a path to greater reform and inclusiveness. If confirmed, I plan to support their important work. As Secretary Clinton has said, "Civil society holds governments accountable, keeps them honest, and helps them be more effective." I will engage all elements of Bahraini society and engage the Bahraini Government on the need to protect associational freedom. I hope to meet with many of them face-to-face and engage with new technology such as online townhalls and Facebook. If confirmed, I will work to protect the universal rights of all people to organize, gather peacefully, and speak freely without fear of retribution. I share Secretary Clinton's view that "If we're going to take advantage of this historic moment, we have to tap the expertise, experience, and energy of civil society".

*Question.* There have been reports of possible Iranian intervention in Bahrain's internal political situation. Iranian leaders have criticized the Bahraini crackdown, and Bahrain and Iran have withdrawn their ambassadors from each other's capitals.

- What is your assessment of Iran's role in supporting the Shia opposition movement in Bahrain?

Answer. We do not see evidence that Iran instigated protests in Bahrain. The initial protests were called by Bahrainis for Bahrainis demanding reforms and greater political participation. However, we have seen and expect we will continue to see

Iran attempting to exploit and exacerbate unrest to advance its agenda in neighboring countries and undermine peace and stability in the region.

One of the greatest bulwarks against Iranian influence is a strong and stable Bahrain that is inclusive and respects the rights of all its people. Recent efforts by the Bahraini Government to restore confidence and promote reconciliation are good first steps. Meaningful reforms have the potential to lessen sectarian tension, thus denying Iran the ability to exploit unrest to its gain.

*Question.* Crown Prince Shaikh Salman bin Hamad has long been considered a proponent of democratic reform and has taken steps to accommodate Bahrain's Shiite majority. However, in recent months the Crown Prince has been publicly sidelined by the more conservative Sunni hard-liners, including Interior Minister Rashid bin Abdulla Al Khalifa.

- What role do you see the Crown Prince playing in the future of Bahraini politics, and how might the United States engage with him to support democratic reform and stability?

Answer. We welcome efforts by all members of the Bahraini Government, political associations, and civil society that foster greater inclusion, dialogue, and tolerance. As Ambassador, I plan to work with all parties who are striving for reform in Bahrain, including the Crown Prince, who has demonstrated genuine leadership and vision.

*Question.* There are serious concerns about the state of religious freedom in Bahrain. According to the Bahrain Center for Human Rights, the Bahraini Government has destroyed 43 Shia mosques and religious structures since the protests began in February, and, despite assurances from the government to rebuild destroyed mosques, no such construction has begun. Moreover, the State Department's recently released International Religious Freedom Report noted that the Sunni Muslim population enjoys favorable status in the government, while the Shia population continues to face systematic discrimination in employment, housing, and military service.

- How will you work to protect religious freedom for the Shia majority in Bahrain, including the rebuilding of mosques and Shia religious sites that were destroyed during the government crackdown?

Answer. We take violations of religious freedom seriously and continue to be concerned by reports of discrimination against the Shia community. If confirmed, I will raise the issue of the alleged destruction of sites of religious worship in Bahrain and urge the Government of Bahrain to comply with its international obligations under the International Covenant on Civil and Political Rights, to which it is a signatory. I will also urge Bahrain to refrain from any violations of religious sites or impede the personal practice of religion. If confirmed, I will expect the Government of Bahrain to allow the Bahrain Independent Commission of Inquiry, a body with a broad mandate to investigate recent alleged abuses, to conduct thorough and transparent investigations into any human rights violations that may have been committed and to take appropriate steps to redress these violations.

*Question.* The Defense Security Cooperation Agency (DSCA) notified Congress on September 14 of a possible Foreign Military Sale (FMS) to Bahrain worth an estimated $53 million. The proposed sale includes Armored High Mobility Multi-Purpose Wheeled Vehicles, TOW Missiles and associated equipment, parts, training and logistical support. Given credible reports of human rights violations by Bahraini security forces, I am concerned that this proposed sale could send the wrong signal to the Bahraini people at a time of increasing government repression.

- In your view, should the United States reexamine its military assistance to Bahrain in light of the ongoing government crackdown?
- What specific steps will you take to ensure the effective implementation of the Leahy Law (section 620J of the Foreign Assistance Act) to ensure that Bahraini military, police, and other security units receiving U.S. assistance are not credibly alleged to have committed a human rights abuse? Will you raise the importance of this legal requirement directly with the Bahraini Government?

Answer. The United States continually evaluates our military assistance to all countries. Every new assistance program and sale undergoes a thorough section 620J review process that ensures that there is no credible evidence that the recipient has committed gross violations of human rights. Bahrain is no exception. Our Embassy in Manama and the Department of State in Washington continue to gather information on the conduct of Bahraini forces surrounding the events of February, March, and beyond. The Bahrain Independent Commission of Inquiry, a commission with a broad mandate to investigate human rights violations during the crackdown,

will also assist in this process. All new information is considered during the vetting process and informs any determination on security assistance or training. If confirmed, I plan to discuss our military assistance program with the Government of Bahrain and remind them of these legal requirements.

*Question.* The Bahraini Government continues to commit systematic human rights abuses, including the denial of medical services, while simultaneously targeting medical providers as evidenced by the arrests of 23 doctors and 24 nurses from the Salmaniya Medical Complex earlier this year. As recently as September 15, human rights groups reported the detention of individuals seeking medical care for injuries sustained from the excessive use of tear gas by riot police.

- As Ambassador, how will you prioritize the protection of medical neutrality to ensure Bahraini compliance with its international obligations under the Geneva Conventions, which offer special protections to medical facilities and personnel who assist the wounded during times of conflict?

Answer. The United States remains firmly committed to the principle of medical neutrality, which requires that health care professionals be allowed to treat any individual regardless of background and identity.

We are deeply concerned by reports of violations of medical neutrality in Bahrain during this spring's unrest. Human rights organizations have alleged that security forces arrested patients while in treatment and instructed medical personnel not to treat those who may have been injured during protests. We condemn the violation of medical neutrality, a right enshrined in the Geneva Conventions.

These alleged incidents fall under the purview of the Bahrain Independent Commission of Inquiry, a fact-finding mission convened by the government and led by international commissioners of sterling reputation. I will urge the Government of Bahrain to take the report's recommendations seriously and take needed action on medical neutrality concerns and the many other issues raised during this period.

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RESPONSES OF DAN W. MOZENA TO QUESTIONS SUBMITTED BY SENATOR ROBERT P. CASEY, JR.

*Question.* For decades, Bangladesh has borne witness to gross human rights abuses including war crimes committed during the 1971 war of independence. According to the State Department's 2010 Human Rights Report, Bangladeshi security forces continue to commit extrajudicial killings and are responsible for custodial deaths, torture and arbitrary arrest. Although it has been effective in combating militant extremism, there are particular human rights concerns regarding the Rapid Action Battalion's activities.

- a. What is the U.S. assessment of the Rapid Action Battalion?

Answer. The Rapid Action Battalion (RAB) has a dismal human rights record, as detailed in the State Department's annual Human Rights Report. According to credible sources, members of the Rapid Action Battalion have committed extrajudicial killings and other serious human rights violations with impunity and little, if any, accountability.

Because of the Rapid Action Battalion's poor human rights record, the United States has limited its engagement with the RAB to efforts to improve the RAB's record on respecting human rights. On September 20, a retired U.S. DEA agent arrived in Dhaka to be "embedded" with the Rapid Action Battalion for 3 months to help it establish and operationalize an independent internal affairs unit that would investigate allegations of misconduct and, I hope, improve the organization's record for respecting human rights. The Rapid Action Battalion's success (or lack of) in utilizing this internal affairs unit to rein in its members will be a litmus test for assessing whether and, if so, how we will further engage with the Rapid Action Battalion.

- b. What specific steps will you take to ensure the effective implementation of the Leahy Law (section 620J of the Foreign Assistance Act) to ensure that Bangladeshi military, police, and other security units receiving U.S. assistance are not credibly alleged to have committed a human rights crime? Will you raise the importance of this legal requirement directly with the Bangladeshi Government?

Answer. As required by the Leahy amendment and other law, all Bangladeshi security force personnel who receive training supported by U.S. funds are vetted by the Department of State. In cases where credible evidence exists that an individual has committed a gross violation of human rights, U.S.-funded training is denied. If confirmed, I would continue discussions on the requirements of the Leahy amend-

ment and U.S. insistence on respecting human rights with the Government of Bangladesh and, more specifically, the leadership of the Bangladesh security services.

*Question.* The ruling Awami League (AL) has achieved significant gains in the fight against Islamic extremism, including the arrest of the militant leader Maolana Sheikh Farid in April. However, serious concerns remain over the opposition Bangladesh National Party's (BNP) longstanding ties to Islamist parties such as Jamaat-i-Islami, which led a countrywide protest earlier this week that resulted in 50 people injured and 480 detentions.

- How do you assess the current Bangladeshi Government's commitment to fighting Islamic extremism?
- As Ambassador, what steps will you take to address the roots causes of terrorism in Bangladesh?

Answer. The Government of Bangladesh is strongly committed to combating violent extremism, including regional and transnational terrorism. Bangladesh is cooperating with its neighbors, most importantly India, to fight terrorism. This cooperation has resulted in the arrest of terrorist suspects who were hiding in Bangladesh. The Bangladeshi Government has also taken increasingly more aggressive actions against regional and domestic terror organizations. Our growing counterterrorism engagement with Bangladesh has supported the government's campaign against violent extremism.

If confirmed, I would increase our support of Bangladeshi efforts to counter violent extremism through programs such as our "Leaders of Influence" program, which taught local imams how to work with the NGO community to bring development to their people. This program focused on those areas of Bangladesh most susceptible to radicalization. More than 20,000 local religious and secular leaders, over 10,000 of whom were imams, participated in this program, which offered alternative paths to increasing opportunities for development. Our programs would also include a significant youth component, targeting the very group that tends to be the most easily manipulated by extremist factions. Embassy Dhaka also uses English instruction as a platform for engagement, development, and countering violent extremism in Bangladesh. Students and teachers from governmental (alia), nongovernmental (qaumi) religious schools/madrassas, and community religious leaders/imams are engaged through English language training. As an added effect, students, teachers, and influence makers share their training with nonparticipants as well as the positive perceptions about the U.S. developed during their participation in the training.

A U.S.-funded community-based policing program is improving public trust and cooperation between local police and the communities they serve. This program, too, is focused in an area considered especially vulnerable to extremist ideologies. In addition, Embassy Dhaka is also working to improve Bangladesh's counterterrorism capabilities through military-to-military engagement. U.S. experts have provided training to Bangladesh's nascent Special Warfare and Diving Salvage Unit (its version of the Navy Seals), Coast Guard, and select army units to enhance their capacities to combat terrorism.

If confirmed, I would further address the root causes of violent extremism by redoubling efforts to promote economic prosperity through both development programs and expanded U.S. trade and investment in Bangladesh. By working to encourage entrepreneurship and increase economic growth, we would reduce space for violent extremists to recruit unemployed and underemployed youth who are frustrated by limited economic opportunities.

*Question.* I have serious concerns about the Bangladeshi Government's ability to combat human trafficking. Bangladesh is a Tier-2 human trafficking watch country and a major source and transit country for men, women, and children subjected to forced labor and sex trafficking. While I welcome the Bangladeshi Government's recently introduced comprehensive antitrafficking legislation, more needs to be done to protect the rights of innocent Bangladeshi and foreign citizens.

- As Ambassador, how will you support the Bangladeshi Government's efforts to fully and effectively implement its comprehensive antitrafficking legislation?
- How is the United States engaging with other source countries in the region, particularly in the gulf, to combat human trafficking?

Answer. Our Embassy in Dhaka, the Department's Office to Monitor and Combat Trafficking in Persons, and the South and Central Affairs Bureau helped the Government of Bangladesh draft effective, countertrafficking legislation. If confirmed, I would work to ensure that Bangladesh enacts this countertrafficking legislation, preferably before the end of the year. I would also work with the Government to help them draft and operationalize regulations and policies needed to effect the new legislation.

The Department of State engages on trafficking issues with Bangladesh through the recommendations and rankings in the TIP Report, Action Plans, foreign assistance, and diplomatic relationships. The Department urges Bangladesh to criminalize the activities of fraudulent labor recruiters and to ensure that its embassies in the gulf adequately protect Bangladeshi citizens. The Department urges the destination countries in the gulf to reform their sponsorship systems (which contribute to labor trafficking) to ensure that migrant workers can obtain legal redress, to criminalize passport withholding (or to enforce those laws, if already passed), and to prosecute human traffickers.

*Question.* Demographic pressures and environmental challenges pose a serious threat to Bangladesh's food security. Rising sea levels and increased salinity in low-lying areas have led to lower crop yields at a time of increasing population growth, with some estimates predicting the population could double to 300 million by 2050.

- What steps is the United States taking to help mitigate the adverse effects of climate change to ensure Bangladesh's future food security?
- As Ambassador, how will you work to promote the long-term sustainability of U.S. and international assistance programs in Bangladesh, such as Feed the Future, the Global Health Initiative, and the Global Climate Change Initiative?

Answer. The U.S. Government climate change strategy in Bangladesh is aligned with the Government of Bangladesh's Climate Change Strategy and Action Plan, which recognizes that the adverse effects of climate change are a major development challenge. Through the Feed the Future, Global Health and Global Climate Change Initiatives, the United States is working to improve the management of natural resources while diversifying livelihood opportunities, managing climate risk and enhancing capacity for low emission development, so Bangladesh can mitigate the adverse effects of climate change while also providing sustainable economic benefits and clean energy resources.

For example, under the Feed the Future Initiative, the United States is supporting efforts to develop and apply innovative technologies to increase agricultural productivity while helping farmers adapt to the effects of climate change. Accounting for 48 percent of the actively employed labor force and 21 percent of gross domestic product, agriculture plays an integral role in the lives of the people of Bangladesh. The USG is supporting research efforts to develop pest and climate shock-resistant crop varieties with higher yields and increased nutritional content. Once these improved varieties have been developed and tested, they will be scaled up to benefit farmers across Bangladesh. The USG is also introducing best practices in agricultural management such as conservation agriculture using minimum tillage, fertilizer deep placement and alternative wet-dry irrigation.

The USG is also focusing on improving fisheries and aquaculture production through improved brood stock, disease-free seed and the introduction of cage production technologies. These technical efforts will be complemented by capacity-building programs for farmers, business and government representatives, as well as efforts to improve the business enabling environment and overcome production and marketing bottlenecks.

USAID has embarked on an ambitious procurement reform effort that aims to channel significant portions of our development funding through local organizations. Thus, USG programs in key sectors are increasingly implemented by local experts and organizations. These reforms build capacity and technical skills in addition to advancing USG objectives in food security, agriculture, health and climate change. All activities have sustainability plans that focus on our ultimate goal of "working ourselves out of a job."

If confirmed, I would continue to coordinate with the Government of Bangladesh and other donors to ensure that our collective efforts are complementary and aimed at achieving sustainable results. The GOB has developed national strategic plans in key sectors that correspond with our Feed the Future, Global Health and Global Climate Change Initiatives. The USG is a member of the local consultative group, a mechanism for donor coordination that is led by the GOB Ministry of Finance. By coordinating with other donors and aligning our programs with GOB strategic planning, Embassy Dhaka ensures the sustainability of USG development programs.

*Question.* I have been impressed by the administration's stated intention to engage more deeply with civil society around the world. It is imperative that the United States forge broad coalitions across all sectors of civil society, including political activists, academics, business leaders, faith-based communities and NGOs.

- What specific steps will you take to engage with civil society in Bangladesh?

- Will you make a special effort to reach out to civil society members beyond the Embassy's traditional interlocutors? Will you travel to all regions of the country to ensure a broad-based approach to the Embassy's civil society outreach?

Answer. Nowhere is engagement with civil society more important than in Bangladesh. Civil society in Bangladesh has led and sustained much of the progress Bangladesh has made in recent decades on many fronts, including maternal and child health, women's empowerment, disaster preparedness and management, and education. Pioneering civil society organizations include BRAC and the Nobel Peace Prize-winning Grameen Bank, which revolutionized the concept of microfinance by providing millions of poor people, especially women, with access to capital through microloans. Civil society also encompasses hundreds of smaller organizations outside the international limelight, including some that partner with USAID on a number of foreign assistance projects. If confirmed, I would work tirelessly to ensure that foreign and local NGOs are able to continue their good works without undue restriction, helping Bangladeshis to help themselves, while bolstering democratic institutions and fostering economic development. I would continue my predecessors' tradition of consulting regularly with civil society leaders as I seek to build on and expand Embassy Dhaka's already robust engagement with Bangladeshi civil society groups.

I know from personal experience, especially my Peace Corps service in then-Zaire over 35 years ago, that engaging with civil society leaders is important not only in capitals, but in towns and the countryside, where, in the case of Bangladesh, most of the people live. Though many of these places may be remote and difficult to get to, if I am confirmed as Ambassador, I would visit all 64 of its districts. Harkening back to my Peace Corps days, I'm not afraid of getting my hands dirty, and I want to meet and hear from the people doing the hard work of development at the grassroots level.

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RESPONSE OF ROBERT A. MANDELL TO QUESTION SUBMITTED BY SENATOR JEANNE SHAHEEN

*Question.* In 2010, Luxembourg spent approximately 0.6 percent of GDP on defense, which is well below the 2.0 percent of GDP that is the NATO target. Should Luxembourg contribute more to NATO?

Answer. The Luxembourg Army is the sole military force for the Grand Duchy, which has no air force, navy, or air defense force. The Luxembourg Army has an approximate strength of 1,000 troops. A founding NATO member, Luxembourg contributes troops to nine international missions, including 23 troops to the Kosovo Force (KFOR) and 9 troops to the International Security Assistance Force (ISAF) in Afghanistan, which are embedded with Belgian troops in Kabul. Luxembourg also contributes a troop contingent to NATO, as well as territorial facilities and logistic support, with the NATO Maintenance and Support Agency (NAMSA) headquartered in Capellen and U.S. Air Forces in Europe Central Region Storage Facility in Sanem. Recognizing the limitations of direct military contributions due to its small size, Luxembourg has sought other avenues to make meaningful contributions. Luxembourg has made a long-term commitment to purchase A400M heavy cargo aircraft to address strategic lift shortfalls in NATO, which will be based in Belgium and maintained by the Belgian Air Force. Luxembourg also provided overseas development assistance in 2010 in the amount equal to 1.05 percent of GDP, which is well above the international target norm of 0.7 percent of GDP. The Government of Luxembourg believes that consideration should be given to its overall contributions, as well as to its defense contributions on a per capita basis, since the population of Luxembourg is approximately 500,000.

We recognize Luxembourg's strong contributions given its size, and we continue to encourage all NATO allies to commit 2 percent of GDP to defense. If confirmed, I will work closely with the Government of Luxembourg to ensure that it continues to support NATO and its burden-sharing responsibilities within the alliance.

# NOMINATIONS

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**WEDNESDAY, OCTOBER 5, 2011**

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

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Susan Denise Page, of Illinois, to be Ambassador to the Republic of South Sudan
Adrienne S. O'Neal, of Michigan, to be Ambassador to the Republic of Cape Verde
Mary Beth Leonard, of Massachusetts, to be Ambassador to the Republic of Mali
Mark Francis Brzezinski, of Virginia, to be Ambassador to Sweden

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The committee met, pursuant to notice, at 10:06 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Christopher A. Coons, presiding.

Present: Senators Coons, Lugar, Inhofe, and Isakson.

## OPENING STATEMENT OF HON. CHRISTOPHER A. COONS, U.S. SENATOR FROM DELAWARE

Senator COONS. Good morning. I would like to call this nomination hearing to order.

I am honored to chair this hearing for the ambassadorial nominees to South Sudan, Mali, Cape Verde, and Sweden. All four nominees have impressive records of accomplishment in international affairs, and I very much look forward to hearing their priorities for advancing our national interests and goals.

If confirmed, all three nominees for Africa will serve at an exciting, critical, and challenging time as we seek to deepen our economic ties and investments, promote essential development and health initiatives, expand our security cooperation in counterterrorism and counternarcotics, and broaden our conversations about our shared values and priorities for the future of Africa.

In Europe, we expect, we hope, to continue our long tradition of close cooperation with Sweden as it works through the United Nations, the EU, and NATO on shared international priorities.

Our first nominee this morning is Susan Page, nominated to be the United States very first Ambassador to the new nation of South Sudan. This nomination recognizes the central role the United States played in the birth of that country and the importance of our longstanding relationship with the people of South Sudan.

The jubilation surrounding the July 9 independence has subsequently been somewhat tempered by the sobering realities of the challenges facing the world's newest country. Many issues with Sudan remain unresolved, including the status of Abyei, arrangements on oil transit and revenues, the demarcation of disputed borders, and many others. Fierce fighting in the regions of South Kordofan and Blue Nile has resulted in death, displacement, and a lack of access for humanitarian workers. South-south violence is also significant. Poverty is endemic. Health and education infrastructure are all seriously inadequate.

And despite these challenges, South Sudan is a place of hope for millions of residents who have waited decades for their freedom. The south has significant oil reserves and, with the proper agricultural assistance, the potential to be a regional bread basket.

Ms. Page is no newcomer to Sudan, having served from 2002 to 2005 as the legal advisor to the Sudanese mediation process where she helped negotiate and draft key provisions of the CPA, or the Comprehensive Peace Agreement. She also served as Director of the Rule of Law and Prison Advocacy at the U.N. peacekeeping mission to Sudan in Khartoum. Ms. Page has worked previously for the State Department and USAID in Botswana, Rwanda, and Kenya, and currently serves as Deputy Assistant Secretary of State for African Affairs at the State Department.

Moving westward, we consider the nomination of Mary Beth Leonard to be Ambassador to Mali, a poor, land-locked nation which has emerged as a model of democratic governance in the past 2 decades and has developed vibrant economic sectors in gold mining and cotton production. After decades of dictatorship, Mali's transition to democracy in the 1990s led to unprecedented civil liberties for their people and resulted in their first-ever democratically elected President turning over power peacefully to his successor after serving two terms.

The United States has had excellent relations with Mali and found it a committed partner in fighting terrorism in the Sahel. We remain deeply concerned about the activities of AQIM and the possible spillover of arms from the current conflict in Libya and concerned about Mali's low standards of living as evidenced by its rankings near the bottom of the world in indicators of health and education.

Ms. Leonard is well placed to answer these challenges, having served previously as Deputy Chief of Mission at our Embassy in Mali and currently serving as Director of West African Affairs at the State Department. Her other Foreign Service postings include Surinam, South Africa, Togo, Namibia, and Cameroon, as well as a number of tours here in Washington.

Adrienne O'Neal is Ambassador-nominee for Cape Verde, a small island nation off of Africa's West Coast with historic ties to Portugal and a striking record of economic growth in recent years with an average per capita income of $3,000, a literacy rate of 84 percent, high rates of immunization, and low rates of maternal death. Cape Verde's average standard of living is much higher than many of its regional neighbors, and in 2010, it successfully completed a 5-year MCC compact focused on improving the investment climate and upgrading infrastructure. Cape Verde's sandy beaches bring

tourists to its shores, and its fishing industry provides important employment as well as export revenue. U.S. interests in Cape Verde include a large expatriate diaspora community in the United States, particularly in New England, as well as maritime security and counternarcotics cooperation with the government.

Ms. O'Neal brings to her position experience as a senior Foreign Service officer currently serving as director in the Office of Career Development. She is a Portuguese speaker who served as Deputy Chief of Mission in Lisbon and held positions in Mozambique, Rome, Rio de Janeiro, and Buenos Aires, and in the State Department's Bureau of African Affairs.

Finally, we welcome a nominee to a country far from Africa, Mark Brzezinski, to be Ambassador to Sweden. Sweden is a strong ally of the United States, supporting NATO and the U.N. and participating in critical multilateral military missions in both Libya and Afghanistan. Sweden is well known in the developing world as a generous and effective donor in the fields of humanitarian and development work.

Sweden's responsible management of its own economy spared it from the fiscal woes currently facing many of its European neighbors and I might dare say our own Nation, but even Sweden faces critical challenges in the future. The rise of the Sweden Democrats as a political party with supremacist and racist, arguably, roots signal wider discontent among the younger and unemployed and raise questions about the direction they might take.

Mr. Brzezinski brings to this challenge of serving in Sweden significant experience and background. He is an attorney currently at McGuire Woods, focusing on international law. He made a name for himself as an expert in Russian affairs, worked at the NSC in the Clinton administration as Director of Southeastern European Affairs, serves on the Fulbright Foreign Scholarship Board, and has worked at Columbia University School of International Affairs where he has taught.

I welcome all four of today's distinguished nominees and look forward to hearing from each of you in turn.

I will now turn the floor over to Senator Isakson for his opening statement.

Senator Isakson.

## OPENING STATEMENT OF HON. JOHNNY ISAKSON, U.S. SENATOR FROM GEORGIA

Senator ISAKSON. Thank you, Mr. Chairman, and welcome to all of you and congratulations on your nomination. And thank you for your willingness to serve the United States of America.

I particularly want to welcome Mr. Brzezinski. I will have to show a little preference here. I am a second generation Swedish American. So when I learned today that you would be here for confirmation, I got here promptly on time——

[Laughter.]

Senator ISAKSON [continuing]. Because, A, I wanted to meet you and, B, I wanted to share with all my relatives I had talked to the new Ambassador who is on the way to Stockholm.

But Sweden is a great country. My grandfather emigrated here in 1903. He was a stone mason who built the first post office in

George West, TX, and later came to Atlanta, GA. Fortunately for me, he and his wife, Josephine, had a young son, who was my father, and I became a second-generation American when I was born here in 1944.

But Sweden is a great country and a great partner and a great visionary in terms of clean energy and green energy and a lot of things that they have taken a real leadership role in. So you will enjoy your stay in Sweden and we appreciate very much your accepting the nomination.

To Ms. Leonard, Ms. O'Neal, and Ms. Page, thank you very much. You are all going to some very challenging places. You are going to a place where you will have to work overtime and do a lot of things probably no other ambassador would ever think they had to do. But all of you are going to places that are critical to the United States of America and critical to our relationship with the African Continent.

I have said on many occasions I think Africa is the continent of the 21st century for the United States of America. I think it is critical that we continue to do what we have done there in terms of PEPFAR and MCC, but also in building democracies, doing away with corruption, and elevating the economy of the African countries.

And, Ms. Page, I have been to the Sudan. I have been to Darfur. I worked with the Comprehensive Peace Agreement team, led by the U.N. team. And I know you worked with the U.N. leading up to some of the laws that are currently being implemented now in a free South Sudan. So we have many challenges in the next 2 years and we are going to go one way or another. I hope it goes to new heights for that country, but there are lots of challenges and your leadership is going to be critical in seeing to it that neither terrorism nor corruption end up dominating a new fledgling nation in the South Sudan.

But to all of you, thank you very much for your willingness to serve your country, and thank you for being here today.

Thank you, Mr. Chairman.

Senator COONS. Thank you, Senator Isakson.

I would now like to invite the ranking minority member of the full committee, Senator Lugar, to make an opening statement.

**OPENING STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA**

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

I join my colleagues in welcoming each of the nominees today. I have reviewed your credentials. I believe that each of you is well qualified to represent the United States at embassies in Africa and, in the case of Mr. Brzezinski, in Europe.

I appreciate the willingness of each of you to serve at this critical time to undertake the family sacrifices that often accompany such an ambassadorial post.

Somewhat like my colleague, Mr. Isakson, I want to offer a special welcome to Mark Brzezinski who is a near neighbor and has been nominated to be Ambassador now to Sweden. We were, many of us, in the House of Sweden last evening, state persons from all over the world celebrating the 10th anniversary of the Nuclear

Threat Initiative, and we appreciate very much the hospitality of the Swedes. They are looking forward to having you aboard representing our country, Mark.

I have known Mark personally for many years. He possesses a first-rate intellect, a talented communicator who would be adept at framing United States interests for the people and the Government of Sweden. His extensive knowledge of European history, culture, and politics are informed both by his scholarship and his personal experience. His academic and legal credentials are impressive, having earned a law degree from the University of Virginia, a doctorate in political science from Oxford University.

As he has pursued his legal practice, he has made foreign policy analysis and civic involvement a central part of his career. In addition to his service on the National Security Council, he has written prolifically about U.S. foreign policy, the Atlantic alliance, Middle East dynamics, and many other topics.

Beyond his outstanding credentials, he is a serious and thoughtful individual of high character, demonstrating a keen sense of responsibility to lead a life of achievement and service to our Nation. I am confident he will make an excellent Ambassador to advance our interests in Sweden.

I thank you very much, Mr. Chairman, for the opportunity to make this statement.

Senator COONS. Thank you, Senator Lugar.

Senator Inhofe, also a member of the committee and whose interest and engagement with Africa is legendary, also would like to make an opening statement.

Senator Inhofe.

**OPENING STATEMENT OF HON. JAMES M. INHOFE, U.S. SENATOR FROM OKLAHOMA**

Senator INHOFE. I will make it very brief because I may have to leave before the conclusion of this meeting.

But I support all four nominees, and I have met personally with three of the four. I think I recall saying to Ms. O'Neal, having visited Cape Verde on numerous occasions, I might consider swapping jobs with you. [Laughter.]

And I want to say to Ms. Page 4 days ago I was in South Sudan. It is so exciting to see a new country to develop intimate relations with the leadership of that country. We had 20 Members of Parliament and five members of the ministry in one room for over 2 hours, getting to know each one of them individually, as I told you in my office we were planning to do. Well, that happened.

And I can see the challenges are incredible there. I mean, just the fact that it is a new country.

So I think you are the right one to do this, but I wanted you to know that we broke them in for you. So they will be waiting for you when you get there. And I will look forward to spending some time with you and with those 25 that we have met and gotten to know on a personal basis.

Thank you, Mr. Chairman.

Senator COONS. Thank you, Senator Inhofe.

We will now hear in order, if we might, from each of our four nominees, our witnesses today. Please start, if you would, by also

introducing your families. As each of us has commented, we recognize the significant sacrifice that taking on these posts will mean for you and for your extended families. So we are grateful for their willingness to join with you, work with you, and support you in undertaking these missions as well.

So if we might first, Ms. Page.

**STATEMENT OF SUSAN DENISE PAGE, OF ILLINOIS, TO BE AMBASSADOR TO THE REPUBLIC OF SOUTH SUDAN**

Ms. PAGE. Thank you very much, Chairman Coons, Ranking Member Isakson, and members of the committee. It is an honor to appear before you today as the nominee to be the first United States Ambassador to the Republic of South Sudan. I am grateful for the confidence the President and Secretary of State have shown by nominating me to this position and for the support of Assistant Secretary for African Affairs, Ambassador Johnnie Carson.

First, let me acknowledge my family members as you have invited me to do. My husband, Damien Coulibaly, and my son, Marius. And I have extended family and friends who have been longstanding supporters of me both professionally and personally, and I really thank them for being here. My parents, although they are not with us here today—they are hopefully watching on TV. But I would like to thank them especially for their support and instilling in me a desire to serve and my love of foreign affairs.

Let me turn to South Sudan and also acknowledge the presence of members from the Government of South Sudan who are here today, and it is a pleasure to see them in the audience.

Mr. Chairman, as the newest member of the international community and the 193rd country admitted to the United Nations, the Republic of South Sudan is home to American Embassy Juba, the newest U.S. mission in the world. If confirmed, I would be honored to lead Embassy Juba in advancing U.S. interests with our growing team of mission personnel. The work Embassy Juba will do in South Sudan will represent a new chapter and a deep history between the United States and the people of South Sudan. And I am delighted that already Senator Inhofe has made his way and made things easier for me if I am confirmed.

Mr. Chairman, our main interests in South Sudan are stability, strengthening democracy, economic viability, and internal and regional peace and security. As the largest bilateral donor since 2005, the United States will need to multilateralize our approach as we work with the South Sudanese on meeting its development needs, enabling prosperity and success for all South Sudanese.

Mr. Chairman, as you know, our focus will remain on promoting a peaceful relationship between the Republic of South Sudan and the Republic of Sudan, particularly in Abyei Area and in the two Sudanese states of Southern Kordofan and Blue Nile. The avoidance of a return to war between Sudan and South Sudan and the speedy resolution of the remaining CPA issues will remain a priority.

We also remain concerned by the regional threat posed by the Lord's Resistance Army. The United States will need to assist the south in navigating these challenges, maximizing civilian protection, individual human rights, and fundamental freedoms. The

United States will need to continue to promote the professionalization of the Sudan People's Liberation Army, the SPLA, under civilian control with respect for human rights.

Mr. Chairman, the establishment of a strong economic and development foundation is critical to the long-term success of South Sudan. If confirmed, I will work closely with USAID to help South Sudan provide basic services to its citizens, diversify its economy, and accelerate the development of critical infrastructure, human capacity, investments in the agricultural sector, and strong regional economic relationships.

South Sudan will receive an estimated $4 billion to $5 billion in oil revenues annually and will have the necessary resources to invest in building strong institutions run by capable individuals. This is a unique opportunity to get it right by managing its resources efficiently, creating fiscal transparency, ending corruption, and avoiding the pitfalls that beset so many resource-rich nations. The United States has been the leading donor in the area of democratic reform and good governance, and if confirmed, I will work to ensure the effective financial oversight of these programs.

Finally, Mr. Chairman, if confirmed, my highest priority will be the protection of American citizens and the promotion of American business interests. We will need to expand opportunities and trade for American companies by emphasizing that South Sudan is free from sanctions and is open for business.

Currently assignment to Mission Juba is unaccompanied, and I like everyone else at post will leave behind my family. As the U.S. Embassy expands in South Sudan, the mission will need to consider its current infrastructure and footprint, as well as future needs, ensuring that we have the safest and most secure facilities available.

Mr. Chairman, if confirmed as the first U.S. Ambassador to the Republic of South Sudan, I will draw upon my experience negotiating and drafting the Comprehensive Peace Agreement, my time living and working in Khartoum and in Juba, and my current management experience as the Deputy Assistant Secretary in the Bureau of African Affairs at the State Department.

If confirmed by the Senate, I look forward to working closely with the members of this committee and I would hope to welcome you to Juba during my tenure.

Mr. Chairman, thank you again for the honor to appear before the committee today. I would be happy to take any questions you may have. Thank you.

[The prepared statement of Ms. Page follows:]

PREPARED STATEMENT OF SUSAN D. PAGE

Chairman Coons, Ranking Member Isakson, and members of the committee, it is an honor to appear before you today as the nominee to be the first United States Ambassador to the Republic of South Sudan. I am grateful for the confidence the President and Secretary of State have shown by nominating me to this position, and for the support of Assistant Secretary for African Affairs Ambassador Johnnie Carson.

First, Mr. Chairman, let me acknowledge my immediate family members who are here today. I am truly grateful for the love and support of my husband, Damien Coulibaly, and my son, Marius, who is a freshman in high school. They have endured numerous separations from me, particularly as I worked for nearly 3 years away from home on the mediation team to negotiate and draft what turned into the

Comprehensive Peace Agreement (CPA) for Sudan. Their understanding and encouragement have meant more to me than they can possibly know. I would also like to thank my colleagues and friends who are present today. They have offered me wisdom, guidance, and friendship on a wide range of subjects—both professional and personal—throughout the years. I'm delighted that they could be here today. While my parents, Dr. and Mrs. Harold Page, are not here in person today, they deserve much of the credit for my accomplishments and for instilling in me a desire for service and the love of foreign cultures and international travel.

Mr. Chairman, as the newest member of the international community, and the 193rd country admitted to the United Nations, the Republic of South Sudan is home to American Embassy Juba, the newest U.S. mission in the world. If confirmed, I would be honored to lead Embassy Juba at this unique moment in history, in advancing U.S. interests with our growing team of Foreign and Civil Service personnel, military staff, and locally engaged employees. The work Embassy Juba will do in South Sudan will represent a new chapter in a deep history between the United States and the people of South Sudan.

Mr. Chairman, our main interests in South Sudan are stability, strengthening the nascent democratic state that came about through a historic self-determination referendum this past January, economic viability, and internal and regional peace and security. As you know, the United States has long been a steadfast partner to South Sudan; we are its largest bilateral donor, having providing its people more than $10 billion in humanitarian, development, peacekeeping, and security assistance since 2005 when the CPA was signed. However, given shrinking budgets, the United States will need to work hard to expand the number of countries and organizations involved in South Sudan to ensure its long-term political and economic success moving forward. As the South begins to address its capacity-building and development needs, the United States will need to be prepared to work more closely, collaboratively, and creatively with a wide range of actors to build on previous and ongoing local and international efforts to assist the Republic of South Sudan, enabling the achievement of its goals of prosperity and success for all South Sudanese regardless of ethnicity, political affiliation, or origin.

Mr. Chairman, as you know, our focus will remain on taking the necessary steps to ensure a peaceful relationship between the Republic of Sudan and the Republic of South Sudan, particularly with the unresolved status and borders of Abyei Area, and the ongoing violent conflicts in the two Sudanese states of Southern Kordofan and Blue Nile being waged between the Sudan Armed Forces (SAF) and the Sudan People's Liberation Movement/Army-North (SPLM/A–N). The avoidance of a return to war between Sudan and South Sudan and the speedy resolution of the remaining CPA issues will remain a priority in these nations, and, if confirmed, I will work closely with colleagues at Embassy Khartoum, as well as through multilateral organizations like the African Union and the United Nations to secure a peaceful future for the citizens of South Sudan. If confirmed, Mr. Chairman, I will continue to reinforce our bilateral relationship as well as contribute to efforts promoting a stable, functioning, and peaceful South Sudan.

Mr. Chairman, South Sudan remains confronted with internal conflict and violence incited by former military commanders and political actors who seek to destabilize the south. The actions of militia groups and ethnic disputes continue to create instability in regions of South Sudan, and could have devastating consequences for the newly formed country. We also remain concerned by the regional threat posed by the Lord's Resistance Army. The United States will need to continue to assist the Republic of South Sudan in navigating these challenges, in a manner that maximizes civilian protection and individual human rights and fundamental freedoms. To this end, the United States is actively engaged in supporting international partner efforts to help transform the Sudan People's Liberation Army (SPLA) into a sustainable and professional military that operates under civilian control and respects human rights.

Mr. Chairman, the establishment of a strong economic and development foundation also will be critical to the long-term success of South Sudan. If confirmed, I will work closely with our USAID colleagues to help the South Sudanese deliver on their promises to end corruption, provide basic services to its citizens, and accelerate the development of critical infrastructure, human capacity, investments in the agricultural sector, and strong regional economic relationships with neighboring countries and organizations. I look forward to working with our South Sudanese partners on these issues and firmly believe that inclusiveness, good governance, diversification of the economy, access to basic social services, (including adequate health care and education), as well as the development of all of the people of South Sudan, are the cornerstones of the country's future success and internal and external peace.

South Sudan is recovering from decades of war and will require continued support and assistance to develop strong institutions. South Sudan also will receive an estimated $4–$5 billion in oil revenues annually, and will have the necessary resources to invest heavily in building strong institutions run by capable and strong individuals. South Sudan is now faced with a unique opportunity to manage its resources efficiently, ensuring effective budgeting, and taking the necessary steps to create fiscal transparency to avoid the pitfalls of corruption that beset so many resource rich nations. While the CPA timeline has ended, critical agreements must still be reached between the new country and the Government of Sudan. While part of the promise of the CPA was realized by allowing the people of South Sudan to chart their own future, some of the broader goals, albeit intended for a united Sudan, should continue to apply for the new Republic of South Sudan: democratic governance; fair and equitable distribution of resources and revenue between the center and the peripheries; and the right of all people to participate in the running of the affairs of the country. The United States has been the leading donor in the area of democratic reform and good governance and, if confirmed, I will continue to make these programs a priority.

Finally, Mr. Chairman, if confirmed, my highest priority will be the protection of American citizens, including mission personnel, living and traveling in South Sudan, and the promotion of American business interests. With only a few private Americans in-country, we will need to work hard to welcome American companies and expand opportunities and trade, by emphasizing that South Sudan—having emerged as an independent state, and free from the sanctions that still plague its northern neighbor, Sudan.

Currently, assignment to Mission Juba is unaccompanied, and I, like everyone else at Post, will leave my family behind. As the U.S. Embassy expands in South Sudan, the mission will need to consider its current infrastructure and footprint as well as future needs. We will need to carefully consider both the living and working environment to ensure that the Embassy compound will provide the safest and most secure facilities available.

Mr. Chairman, if confirmed as the first U.S. Ambassador to the Republic of South Sudan, I will be drawing upon my prior experience negotiating and drafting the CPA and my time living and working in Khartoum and Juba from 2005 to 2007 while heading up the U.N. peacekeeping mission's (UNMIS) Rule of Law and Corrections Advisory Unit. I also expect my current management experience as the Deputy Assistant Secretary in the Bureau of African Affairs, my previous work as a State Department legal adviser and Foreign Service officer, as well as my work as regional director for Southern and East Africa at the National Democratic Institute for International Affairs, will serve me well, if confirmed as U. S. Ambassador to South Sudan. If confirmed by the Senate, I look forward to working closely with the members of this committee, and would hope to welcome you to Juba during my tenure.

Mr. Chairman, thank you again for the honor to appear before the committee today. I would be happy to take any questions you may have.

Senator COONS. Thank you, Ms. Page.

Ms. O'Neal.

## STATEMENT OF ADRIENNE S. O'NEAL, OF MICHIGAN, TO BE AMBASSADOR TO THE REPUBLIC OF CAPE VERDE

Ms. O'NEAL. Chairman Coons, Ranking Member Isakson, and members of the committee, I am here today as President Obama's nominee to be the next U.S. Ambassador to the Republic of Cape Verde. I am honored and grateful to President Obama and Secretary Clinton for this tremendous vote of confidence and for this opportunity to appear before you.

I have no family members here this morning. However, I did receive very early text messages from my son, Quincy, and my sister, Deborah. Welcome to the 21st century.

But I do have here today with me two of my oldest and dearest friends, Professor Patricia Aufderheide who is the director of the Center for Social Media at American University and many other

things, and Dr. Robin Madrid who was recently one of NDI's most successful program officers in Yemen.

I will also claim the support of Ambassador Johnny Young, who was a tremendous role model to me throughout my career and is here today also to support me, as well as others.

The 10 islands that compose the Republic of Cape Verde lie just 300 miles from the coast of West Africa. In stark contrast to the countries in its neighborhood, Cape Verde boasts an unbroken tradition of civilian rule since its independence in 1975. It is a wonderful African success story of progress toward lasting political stability and the creation of functional democratic institutions.

Cape Verde's relationship with the United States has been strong since we opened our first consulate there in 1818. Today, with more than 450,000 Americans of Cape Verdean origin, we can truly say that Americans from Cape Verde participate fully in our most treasured traditions and safeguard our most heartfelt values. One of the most salient examples of this is the late George Lima, an American of Cape Verdean descent, who was among the ranks of the celebrated Tuskegee Airmen in the Second World War.

From the platform of the deep affinity between our two countries, the United States engages with Cape Verde on a number of serious challenges. Among them, maritime security and transnational crime are key. The country's vast territorial waters and its strategic position to north-south sea routes made it a natural to host NATO's first live military exercise in Africa in 2006. The Government of Cape Verde has strongly supported counternarcotics maneuvers and is a willing host to U.S. ship visits. In this regard, Cape Verde is a model in the region for strategic partnership. If confirmed, it is my goal to maintain and enhance this multilateral and interagency collaboration.

U.S. engagement in support of Cape Verde's economic and commercial development has yielded encouraging results. Cape Verde's first Millennium Challenge Compact was successfully completed in 2010, producing significant gains in all three of its projects, namely, improvements in transportation networks facilitating integration of internal markets; improvements in water management and soil conservation which promoted increases in farms' profits and incomes; and support to Cape Verdean microfinance institutions. Cape Verde's continued strong governance has resulted in its selection as the first country to qualify for a second Millennium Challenge Compact. It is my hope, if confirmed, to engage Cape Verde in consolidating these gains.

Peace Corps activities have contributed to strengthening Cape Verde's civil society since 1988. The 50-plus volunteers currently serving across seven islands work with the Cape Verdean Government to enhance the teaching of English as a second language, train English language instructors, and develop small enterprise and entrepreneurship. If confirmed, I intend to build upon Peace Corps successes to encourage higher education opportunities and stimulate small business development with U.S. partners.

Mr. Chairman, prior assignments to United States missions in Lusophone nations, Brazil, Portugal, and Mozambique, have equipped me with a cultural knowledge and language skills to connect smoothly with the Cape Verdean Government and with the

Cape Verdean people. Similarly, if confirmed, I will draw upon expertise gained in positions of leadership I have held throughout my 28-year tenure in the Foreign Service to address the peculiar challenges entailed in managing the U.S. mission in Cape Verde. These include a small and crowded workplace and the mentoring of entry-level officers who staff the majority of the Embassy's positions. In addition, if confirmed, I intend to uphold and execute the primary responsibility of every United States Embassy which is to promote the safety and welfare of American citizens abroad.

I would be pleased to take your questions now.

[The prepared statement of Ms. O'Neal follows:]

PREPARED STATEMENT OF ADRIENNE S. O'NEAL

Chairman Coons, Ranking Member Isakson, and members of the committee, I am here today as President Obama's nominee to be the next United States Ambassador to the Republic of Cape Verde. I am honored and grateful to President Obama and Secretary Clinton for this tremendous vote of confidence and for this opportunity to appear before you.

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uphold and execute the primary responsibility of every United States Embassy, which is to promote the safety and welfare of Americans citizens abroad.

I would now be pleased to answer any of your questions.

Senator COONS. Thank you, Ms. O'Neal.

Ms. Leonard.

**STATEMENT OF MARY BETH LEONARD, OF MASSACHUSETTS, TO BE AMBASSADOR TO THE REPUBLIC OF MALI**

Ms. LEONARD. Chairman Coons, Ranking Member Isakson, members of the committee, it is an honor to appear before you today as the nominee to be the next United States Ambassador to the Republic of Mali. I am grateful for the confidence the President and Secretary of State have shown by nominating me to this position and for the support of Assistant Secretary for African Affairs, Johnnie Carson.

First, Mr. Chairman, let me acknowledge family and friends and colleagues who are like family who are here today. I am accompanied by my sister Ann Marie Stroika and her husband David; and behind them, by a cousin, Matthew Kerry. I am also delighted to welcome Ambassador Johnny and Mrs. Angelina Young, as well as valiant Mali Desk Officer, Manuela Borges, and other colleagues from African Affairs.

I would also like to acknowledge and signal my gratitude for the presence of Ambassador Toure who is Mali's Ambassador to the United States.

Mr. Chairman, if confirmed, I look forward to leading Embassy Bamako and advancing U.S. interests in Mali, a constitutional democracy rooted in principles of free expression and tolerance that offers an example for West Africa and beyond. These qualities make Mali a valued partner for the United States.

Our main interests in Mali lie in consolidating that democracy, furthering economic development, and countering the incursion of terrorism that threatens Mali's physical security as well as its most cherished ideals.

Mali is poised to enter a new era in its democratic journey. President Amadou Toumani Toure has made clear his intention to leave office at the end of his second term next June as prescribed by the constitution. If confirmed, I would look forward to shaping U.S. activities to encourage constructive popular participation in the 2012 elections and to support ongoing democratic consolidation.

Mr. Chairman, the environment for addressing security challenges in the Sahel, notably the threat posed by al-Qaeda-linked terrorists, Al Qaeda in the Islamic Maghreb, or AQIM, is also evolving. Events in Libya pose delicate challenges for Mali as it ponders the possible impact of combatants and weaponry leaking into an already uncertain Sahel. This prospect provides a powerful impetus for cooperation among Mali and its neighbors to safeguard the Sahel. This regional counterterrorism cooperation is an important counterpart to United States efforts to build the capacity of Mali's military, and I would be honored to further hone these activities to Mali's needs and plans, if confirmed.

Mr. Chairman, U.S. development efforts bring well focused interventions in health, education, agriculture, and governance to what remains a desperately poor nation. These programs are closely inte-

grated with our democracy and counterterrorism goals in a well-coordinated interagency effort. In decentralizing the provision of health and education services, we also help Mali amplify the message at the heart of the essential contract of democracy, that a government exists to serve its people. In the remote north of Mali, an area that faces terrorist incursions, development reinforces the tolerant Malian people's rejection of extremism and strengthens the ties that bind the state with even its farthest flung citizens.

Finally, Mr. Chairman, if confirmed, my highest priority will be the protection of Americans and American business interests, including mission personnel, living and traveling in Mali. I would look forward to engaging U.S. businesses and nongovernmental organizations on consular and security matters.

The mission is fortunate to have occupied a new embassy compound nearly 5 years ago. One of the most impressive structures in Bamako, it is an important symbol of our long-term commitment to Mali. If confirmed, I would be closely engaged in ensuring the good stewardship of this significant U.S. Government investment.

Mr. Chairman, I believe my Foreign Service experience to date has prepared me to serve as Ambassador to Mali. Should the Senate's confirmation permit me to return to Bamako where, as you noted, I previously served as Deputy Chief of Mission before becoming West African Affairs Director, I hope that my familiarity with Malian issues and contacts would serve our interests well. Many of Mali's finest citizens make up the locally employed staff at our Embassy, and it would be an honor to work with them again as Ambassador to Mali.

If confirmed by the Senate, I look forward to working closely with you and other members of the committee and would hope to welcome you to Bamako during my tenure.

Mr. Chairman, thank you again for the honor to appear before the committee today, and I would be happy to take any questions you may have.

[The prepared statement of Ms. Leonard follows:]

PREPARED STATEMENT OF MARY BETH LEONARD

Chairman Coons, Ranking Member Isakson, members of the committee, it is an honor to appear before you today as the nominee to be the next United States Ambassador to the Republic of Mali. I am grateful for the confidence the President and Secretary of State have shown by nominating me to this position, and for the support of Assistant Secretary for African Affairs Johnnie Carson.

First, Mr. Chairman, let me acknowledge several family members and friends and colleagues who are like family here today.

Mr. Chairman, if confirmed, I look forward to leading Embassy Bamako in advancing U.S. interests in Mali, a constitutional democracy rooted in the principles of free expression and tolerance that offers an example for West Africa and beyond; these qualities make Mali a valued partner for the United States. Our main interests in Mali lie in: consolidating that democracy; furthering economic development; and countering the incursion of terrorism that threatens Mali's physical security as well as its most cherished ideals.

Mali is poised to enter a new era in its democratic journey. President Amadou Toumani Touré has made clear his intention to leave office at the end of his second term next June as prescribed by the Constitution. If confirmed, I would look forward to shaping U.S. activities to encourage constructive popular participation in the 2012 elections and support ongoing democratic consolidation.

Mr. Chairman, the environment for addressing security challenges in the Sahel—including, but not limited to, the threat of al-Qaeda-linked terrorists—is also evolving. Events in Libya pose delicate challenges for this near-neighbor, as it ponders the possible impact of combatants and weaponry leaking into an already uncertain

Sahel. This prospect provides a powerful impetus for cooperation among Mali and its neighbors to safeguard the Sahel. This regional counterterrorism cooperation is an important counterpart to U.S. efforts to build the capacity of Mali's military, which I would be honored to further hone to their needs and plans if confirmed.

Mr. Chairman, U.S. development efforts bring well-focused interventions in health, education, agriculture, and governance to what remains a desperately poor nation. These programs are closely integrated with our democracy and counterterrorism goals in a well-coordinated interagency effort. In decentralizing the provision of health and education, we also help Mali amplify the message at the heart of the essential contract of democracy—that a government exists to serve its people. In the remote north of Mali—an area that faces terrorist incursions—development reinforces the tolerant Malian people's rejection of extremism as espoused by AQIM, and strengthens the ties that bind the state with even its farthest flung citizens.

Finally, Mr. Chairman, if confirmed, my highest priority will be the protection of Americans and American business interests, including mission personnel, living and traveling in Mali. I would look forward to engaging U.S. businesses and nongovernmental organizations on consular and security matters. The mission is fortunate to have occupied a New Embassy Compound nearly 5 years ago. One of the most impressive structures in Bamako, it is an important symbol of our long-term commitment to Mali. If confirmed, I would be closely engaged in ensuring the good stewardship of this significant U.S. Government investment.

Mr. Chairman, I believe my Foreign Service experience to date has prepared me to serve as Ambassador to Mali. Should the Senate's confirmation permit me to return to Bamako, where I previously served as Deputy Chief of Mission before becoming West African Affairs Director, I hope that my familiarity with Malian issues and contacts would serve our interests well. Many of Mali's finest citizens make up the Locally Employed Staff at our Embassy, and it would be an honor to work with them again as Ambassador to Mali. If confirmed by the Senate, I look forward to working closely with you and other members of the committee, and would hope to welcome you to Bamako during my tenure.

Mr. Chairman, thank you again for the honor to appear before the committee today. I would be happy to take any questions you may have.

Senator COONS. Thank you, Ms. Leonard.

Mr. Brzezinski.

## STATEMENT OF MARK FRANCIS BRZEZINSKI, OF VIRGINIA, TO BE AMBASSADOR TO SWEDEN

Mr. BRZEZINSKI. Chairman Coons, Ranking Member Isakson, Senator Lugar, and distinguished members of the Senate Foreign Relations Committee, thank you for the privilege of appearing before you today. I am deeply grateful to President Obama and Secretary Clinton for their support and confidence in nominating me to be the United States Ambassador to the Kingdom of Sweden. If confirmed by the Senate, I pledge to devote all my energy to represent the United States to the best of my ability.

Let me add my heartfelt thanks to you, Chairman Coons, Ranking Member Isakson, and Senator Lugar, for the words that you said at the outset of this hearing. It is one of the proudest days of my life.

I want to also acknowledge that Swedish Ambassador Hafstrom is here today.

If you will permit me, I would like to introduce to the committee my wife, Natalia Brzezinski. We are the very proud parents of Aurora Emilie, a rambunctious and wonderful little girl, aged 2 and a quarter. Life is a team sport and our little family is the source of so much pride, love, and support.

My wife and I are both children of immigrants from Eastern Europe. My father and mother, immigrants from prewar Poland and Czechoslovakia respectively, instilled in me the belief that pub-

lic service is the highest calling and that America is a beacon for the world.

As a Fulbright grantee in Eastern Europe just after the collapse of the Berlin Wall, I witnessed how important American leadership is for democratic development and free market growth. This lesson has informed my experiences in international affairs since then, from my service on the National Security Council in the 1990s to my private legal practice where I counsel companies on anticorruption compliance. If confirmed, I will bring these experiences with me to Sweden, which is such an important partner in promoting democracy, human rights, and economic growth around the world.

Sweden has risen to the global security challenges of our time and joined with the United States and other countries as an active contributor in international security missions. For example, Sweden contributes to the NATO missions in Afghanistan and Libya.

Sweden understands, as does America, that military and diplomatic efforts are not the only tools for combating instability. Development plays a very important role. If confirmed, I pledge to advance the United States-Swedish cooperation on democratic development from Belarus to Ukraine to the Middle East and North Africa and beyond.

America and Sweden are committed to combating terrorism and preventing violent extremism. In the last year, the suicide bombing in Stockholm, the horrific attacks in Norway, and the arrests of terrorist cells in the region highlight that counterterrorism is a common focus in our bilateral and regional relationships.

The United States and Sweden share a strong commitment to political participation of women. This is personified by the inclusion of Sweden's former Minister of Enterprise and Energy, Maud Olofsson, on Secretary Clinton's International Council on Women's Business Leadership. If confirmed, I pledge to advance our collaboration with Sweden to promote women in politics and business.

The United States and Sweden share an important trading partnership and a commitment to green energy. If confirmed, I will build on the close cooperation our Embassy has forged with Sweden on alternative energy and environmental sustainability.

This year, Sweden took over the rotating chairmanship of the Arctic Council. If confirmed, I look forward to working with Sweden to advance our common goals of protecting the environment and conserving the Arctic's biological resources while promoting economic cooperation and protecting Arctic communities with other Arctic Council members.

As a former Fulbright recipient, I appreciate the value of international exchange programs. If confirmed, I envision fostering further support for exchange programs, especially those that advance green energy and clean technology.

Let me close with a personal story. My grandfather, Tadeusz Brzezinski, served as Poland's consul general in Leipzig, Germany, from 1931 to 1935. As consul general, he provided Polish passports to Jews, even if they were not Polish citizens, so they could be freed from imprisonment or leave Nazi Germany. His story is part of what informs my belief that public service is the highest calling. In 2012, Sweden will celebrate the 100th anniversary of the birth of Raoul Wallenberg, a diplomat whose efforts to save Hungarian

Jews from the Holocaust clearly demonstrate what a difference one person can make. If I am confirmed, it will be my mission to advance the American-Swedish relationship in a way that honors the spirit of Wallenberg's legacy.

Thank you for your time, and I look forward to your questions. Thank you.

[The prepared statement of Mr. Brzezinski follows:]

PREPARED STATEMENT OF MARK F. BRZEZINSKI

Chairman Coons, Ranking Member Isakson, and distinguished members of the Senate Foreign Relations Committee, thank you for the privilege of appearing before you today. I am deeply grateful to President Obama and Secretary Clinton for their support and confidence in nominating me to be the United States Ambassador to the Kingdom of Sweden. If confirmed by the Senate, I pledge to devote all my energy to represent the United States to the best of my ability.

If you will permit me, I would like to introduce to the committee my wife Natalia Brzezinski. We are the very proud parents of Aurora Emilie—a rambunctious and wonderful little girl—age two and a quarter. Life is a team sport, and our little family is the source of so much pride, love, and support.

My wife and I are both children of immigrants from Eastern Europe. My father and mother, immigrants from prewar Poland and Czechoslovakia respectively, instilled in me the belief that public service is the highest calling and that America is a beacon for the world. As a Fulbright grantee in Eastern Europe just after the collapse of the Berlin Wall, I witnessed how important American leadership is for democratic development and for free market growth.

This lesson has informed my experiences in international affairs since then, from my service on the National Security Council in the 1990s to my private legal practice, where I counsel companies on anticorruption compliance. If confirmed, I will bring these experiences with me to Sweden, which is such an important partner in promoting democracy, human rights, and economic growth around the world.

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brate the 100th anniversary of the birth of Raoul Wallenberg, a diplomat whose efforts to save Hungarian Jews from the Holocaust clearly demonstrate what a difference one person can make. If I am confirmed, it will be my mission to advance the American-Swedish relationship in a way that honors the spirit of Wallenberg's legacy.

Thank you for your time and I look forward to your questions.

Senator COONS. Thank you, Mr. Brzezinski, and thank you to all four of our witnesses today both for sharing with us your professional background, your familial and professional supporters who are present with us, and your views about the challenges and opportunities you face in the nations to which you will be going, should the Senate confirm you.

We are now going to begin rounds of 7-minute questions. My first question is for Ms. Page, Ambassador-nominee to South Sudan.

Ms. Page, you mentioned in your testimony that South Sudan has unique oil wealth, yet enormous development challenges, and that the United States has carried much of the development assistance burden or opportunity in the last decade with this region of Sudan. How will you accomplish the goal of, as you put it, multilateralizing development investment in South Sudan, and how do you strike a balance on two issues, sanctions that were previously imposed on Sudan but do not apply to South Sudan, but much of South Sudan's oil must go through the north? How do we manage through our own sanctions and then, second, what is going to be the most effective tool for you in dealing with corruption, fighting corruption? Several of you referenced your work in transparency and anticorruption, and I am particularly interested in what you view as the major resource you need to be successful in that.

Ms. Page

Ms. PAGE. Thank you very much, Mr. Chairman.

In terms of multilateralizing our assistance, one of the areas that we plan to work on quite soon is an international engagement conference. This will provide the Republic of South Sudan the opportunity to show off what it has in terms of resources, to explore with the international community at large what it would be like to invest in Sudan, what their own priorities are for development, for support to companies and businesses. We are planning to host that conference with both Turkey, as well as with the assistance of our troika partners, our traditional partners that helped with the peace agreement. That is Norway and the United Kingdom. We are hoping to host that before the end of the year. So it would be really not a pledging conference but more like an investment conference, an opportunity for South Sudan to provide its vision for development and assistance, as well as for investors to see what the opportunities are.

In that light, it is important that people understand that while the sanctions do not formally apply to South Sudan, that it does have a clean slate, it is important that they know that we are exploring opportunities with the Treasury Department's Office of Foreign Assets Control to make it clear to people—they have put out some new explanatory regulations that make it clear what U.S. persons and U.S. businesses have to do. But there is still the likelihood that they would have to apply for a license. And I think what we are hoping to have in the near future would be some companies

apply for licenses so that we have something to actually act upon. So those are some of the ways that we hope to go forward.

With respect to corruption, I believe it is important to note what President Salva Kiir has recently said both before the United Nations General Assembly as well as at independence during the inauguration of the South Sudan Legislative Assembly, and he has pledged to root out corruption. Of course, we need more than just words. But one of the steps that he has taken is to allow the Anti-Corruption Commission to have prosecutorial powers. So as lawyers ourselves, we know how important that is to be able to provide accountability and to bring people to justice when these types of incidents occur. I think good governance is going to be key to that, and the South Sudanese will need to make sure that the legislature, especially with the development of the new constitution, provides for those opportunities to strengthen the legislative regime to be able to have oversight of the bodies that are doing procurement, making sure that there is accountability. So these would be some of the areas that I would be looking to work with them on.

Senator COONS. Thank you, Ms. Page.

I also want to specifically thank your husband, Damien, and son, Marius, for their willingness to have you go to this post that will be, I know, quite a challenge.

I am going to jump, if I might, to Mr. Brzezinski around those same questions about anticorruption, something you have worked on professionally. A development partnership is something you mentioned in your testimony. Sweden is renowned for its effective engagement in development assistance, particularly in the energy field, and a number of Scandinavian countries, most principally Norway, have a great record of having been good stewards of their mineral and petroleum resources in a way that they have shared with African nations.

Please, if you would, share with us, Mr. Brzezinski, how you hope to build on our relationship with Sweden as effective development partners in ways that might advance United States interests both in counterterrorism and in stabilizing nations which we hope to see move toward peace and security.

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

You are right. Sweden has a remarkable record of generosity when it comes to development assistance and has a standing policy of devoting 1 percent of its GDP annually to overseas development assistance. So in real numbers in 2011, that means $5.7 billion from a country of 9 million people being devoted to development assistance outside its borders. And it has done so very constructively.

Within the region of, say, north central Europe, you take a look at the way Sweden is engaged in promoting energy diversification in the Baltic States, human rights in Belarus, rule of law in Ukraine, and through the EU leading the Eastern Partnership to expand Europe.

In Africa, its engagement in the Horn of Africa in Somalia is in the many millions of dollars, and in this age of austerity here in America, there are ample opportunities to explore with the Swedes ways that we can collaborate to advance our shared objectives,

whether it is antipoverty, environmental protection, rule of law, and the like.

Senator COONS. Thank you, Mr. Brzezinski. I was pleased to hear Ambassador Hafstrom has joined us today. As I mentioned to you, he was with me in Wilmington, DE, the first site of the landing of Swedes in America, at a celebration of that just 2 weeks ago.

And I am also grateful to your wife, Natalia, and your daughter, Aurora, for her rambunctiousness——

[Laughter.]

Senator COONS [continuing]. And her willingness to serve like you. I know that public service is a team sport.

With that, Senator Isakson.

Senator ISAKSON. Thank you, Mr. Chairman.

Ms. Page, I have read that there is some conversation about some in the South Sudan wanting to move the capital from Juba. Do you have an opinion on that? Is that movement growing?

Ms. PAGE. Yes, thank you, sir.

Actually they have talked about moving the capital to a location where they would have more space, but my understanding is that that would be a move that is more like 20 years away as opposed to something immediately. So that, I hope, will not preclude us from moving forward with a new embassy compound which I think is really going to be very critical as we increase our staffing and our footprint in South Sudan.

Senator ISAKSON. Thank you.

You know, the chairman and I traveled to West Africa in May and June, and it occurs to me, based on listening to your testimony, that there are two people you might use as a resource as you deal with the developments in the Government in South Sudan. One is Commissioner Jega in Nigeria, who was the commissioner of elections who really conducted the first democratic elections that the public accepted in the history of Nigeria. The chairman and I had the chance to meet with him. He is probably one of the most competent people I think I have ever had the privilege of meeting with. And the other is President Mills in Ghana. President Mills probably has done a good, if not the best, job in West Africa in terms of rooting out corruption, both in his government, as well as in the business community. And both of them are big on democracy and I am sure would be supportive. So if you get the chance to meet with them, I think they would be of help to you.

One other question regarding South Sudan. The north Sudan is pretty much Muslim. South Sudan is more Christian. Is that not correct?

Ms. PAGE. Correct.

Senator ISAKSON. Other than the oil issue in Abyei, was the proximity of Muslims and Christians to each other in Abyei also a part of the problem?

Ms. PAGE. Thank you, sir.

No, not so much. It is less of a religious issue over Abyei and more—not even so much oil really. It is ancestral territory and people have been using Abyei to transit the north and the south. It has really always acted as a bridge, not so much between Muslims and Christians as much as between the north of the country and the south of the country. So I think the recognition that it is ances-

tral territory for the Ngok Dinka, as well as an important place for the nomadic ethnic groups, notably the Misseriya, but there are many others as well who transit through the area to graze their cattle. So this will be something that will be important as they resolve the boundaries and the border dispute to make sure that people still have access even if they are crossing partly an international border so that they can continue to have feed livestock that is fed and watered.

Senator ISAKSON. Well, Abyei probably is the single biggest challenge to South Sudan and north Sudan developing a peaceful future. That is going to be a big challenge for you and we wish you the best of luck.

Ms. PAGE. Thank you very much, sir.

Senator ISAKSON. Mr. Brzezinski, I have never seen anybody who has been published as much as you have been published. It's about eight pages of titles. And as I am looking through the titles, I noticed that you probably ought to be a part-time consultant to these three ambassadors because you have written extensively on corruption and even written on the state sanctions against north Sudan with regard to terrorism, if I am not mistaken. Is that correct?

Mr. BRZEZINSKI. That is right.

Senator ISAKSON. So you all ought to use him as a part-time advisor because he has written extensively on both of those subjects.

And on the subject, the article you wrote about North Korea and South Sudan in 2006—I do not know if you recall it, but I think that was about the sanctions we imposed on north Sudan in terms of state sponsorship of terrorism. Is that not correct?

Mr. BRZEZINSKI. Right.

Senator ISAKSON. I think it is important to note that we leveraged that to get the north Sudanese to actually come to the table, turn around what they were doing, and in fact they will be going off that state sponsorship as a part of the deal to get these elections conducted peacefully. So I am sure you had no idea in 2006 you would be testifying here in 2011, but I think Ambassador Page would recognize that was probably one of the keys to pulling off the Comprehensive Peace Agreement. And your knowledge of that might also be a good consulting knowledge as far as they are concerned as well.

Last, when you go to Sweden, I want you to go to Ostersund, and when you go to Ostersund, you go to my grandfather's farm. His heirs are still there. It is the geographic center of Sweden. It is the last stop before the Arctic. So be sure and go by and visit them and give them my regards, if you will.

Mr. BRZEZINSKI. Senator, my wife and I will commit to going to Ostersund. We cannot wait to get there.

Senator ISAKSON. You will love it when you get there.

Mr. BRZEZINSKI. On sanctions, if I could just build on your highly accurate words, one of the things that we have seen Sweden join us in is on sanctioning countries that we have sanctioned like Iran and Syria. Sweden has joined the U.N. sanctions on Iran, the EU sanctions on Iran, and I think it sends an important and global message to the Iranians through that tool.

On Syria, particularly given recent developments in Syria, the Swedes have refused to purchase and have stopped the purchase

of Syrian petroleum, and they have sanctioned high-level Syrian officials, including President Assad, which also sends a key message at a key time.

So thank you, Senator, for your point on sanctions.

Senator ISAKSON. Well, and thank you for referring to the Swedes in the U.N. and with their aid in Afghanistan. I think they are No. 1 in terms of accepting refugees from Iraq in that conflict. It is a great country and they have been a great partner with the United States in trying to seek out peace in the Middle East and will be a key to that as it is ongoing in Sweden, and your help will be tremendously valuable as well. So thank you for mentioning that.

Mr. BRZEZINSKI. Thank you, Senator. And as you know, Sweden is not a member of NATO, but they have joined NATO missions and operations in Kosovo, in Afghanistan, 500 troops in Afghanistan. They lead a PRT in Mazar-i-Sharif and in Libya where they contribute reconnaissance and surveillance aircraft. So even though they are not a formal member of NATO, they have joined us in deed. And I think that that is very important.

Senator ISAKSON. And they have recently made additional commitments of financial investment in Afghanistan in terms of women's education and other areas as well, which is greatly appreciated.

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

Senator COONS. Thank you, Senator Isakson.

Senator Lugar.

Senator LUGAR. Thank you, Mr. Chairman.

Ms. O'Neal, you have described the number of Americans in Cape Verde or those who have come from Cape Verde to the United States. Give some background as to why these relationships occur and why so many citizens are coming and going from the two countries.

Ms. O'NEAL. Thank you, sir, for that question.

There has always been a strong relationship between America and Cape Verde, but the consequence of two seasons of drought really inspired a strong exodus of Cape Verdeans to America and to other places. Americans of Cape Verdean descent have always kept close ties with Cape Verdeans on the island, and remittances from Americans of Cape Verdean descent are about 15 percent of the economy. And so it has always been a very strong relationship and it continues to grow.

I understand that there have been a lot of conversations about whether or not a second MCC compact for Cape Verde, and I would just like to interject in that context that Cape Verde is a country whose relative size and population does not adequately reflect the magnitude of its accomplishments and of its potential to be a role model in the region. Cape Verde, since 1975 when it was liberated from the Portuguese, has demonstrated strong democratic governance. And additional aid from us would allow Cape Verde to hone its already burgeoning institutions to levels of efficiency that are unprecedented in the developing world.

Cape Verde is one of two countries in Africa that has managed to move its economy from a lower income classification to a lower middle-income classification. With a little bit more assistance from

us, it could be that Cape Verde could move its economy toward an economy that is not donor-driven solely but that is based on private sector revenues and enjoy those underpinnings as well.

Finally, the location of Cape Verde makes it a natural partner for us in terms of maritime security and in terms of combating illicit drugs and other products that might be coming through the islands to Africa and to Europe. The United States Coast Guard has acknowledged that Cape Verde is its strongest partner in the region, and I think with added assistance, a bit more assistance from us, this partnership can become much larger and can be a leader in terms of training other West African countries in these types of activities.

So if I am confirmed, I will support Cape Verde in all of these areas, and in the event that there would be a second MCC compact awarded to Cape Verde, as Senator Obama's representative on the ground, I would engage with the Cape Verdean Government and with Cape Verdean institutions to ensure that each of the collateral projects of that compact would be executed with efficiency, with productivity, and with transparency.

Thank you.

Senator LUGAR. Well, thank you very much for that information. It was very comprehensive.

Ms. Page, we have had testimony before this committee within the past year, as affairs in Sudan as a whole evolved, that independence for South Sudan was probable. Then it became reality. But at the same time, as you have mentioned in your testimony, the independence is not necessarily threatened but under stress as you go to this new state. At least we have had some testimony that the boundaries, even the independence of some sections of the country may be in some jeopardy. What is your own view of this? And what should the United States position be? How will you react and how will you lead in this situation?

Ms. PAGE. Thank you, Mr. Senator.

I believe it is very critical that we encourage strongly the partners to return to the negotiating table. There are outstanding issues. There has been some progress made, but on oil revenues and at least sharing whatever kind of pipeline arrangement that they make really needs to be solidified and quite quickly. Right now, both sides are allowing the oil to continue to flow and to be exported, but without something solid pretty quickly, both countries will really face some serious economic stresses.

Already the north, Sudan, has lost a significant portion of its oil revenues, but economically prices are increasing, people are starting to feel the pinch of the loss of a third of their territory. Cross-border trade is being hindered. Some of that is partial. Some of that is purposeful I believe. And it is important that they make sure that those links continue.

Special Envoy Lyman has been in negotiations with the parties, with both Khartoum and Juba, or with the Sudan and South Sudan, to try to encourage at least the central bank governors to develop a partnership so that they can work out some of these details and the arrangements because so much of it depends on the kind of relationships. And the longer these crises go on between the SPLM-North in Sudan and the National Congress Party or the

Sudan armed forces, the more the likelihood is that things will not be resolved quickly. So I think negotiations are really critical and I think we need to continue to support the AU High-Level Implementation Panel, Special Envoy Lyman, and the U.N. Special Representative, Haile Menkarios, to try to continue to carry out these negotiations.

Senator LUGAR. Thank you very much.

Thank you, Mr. Chairman.

Senator COONS. Thank you, Senator Lugar.

I would like to turn, if I could, in our second round of questions first to Ms. Leonard and to thank your professional supporters for being here as well and encouraging you.

You made reference to the Tuareg, to the sort of remote corners of the far north of Mali and to the real threat opposed to the Malian tradition of tolerance and central government by AQIM. Speak, if you would, just in a little more detail about what is the scope and nature of the threat posed by al-Qaeda in the Islamic Maghreb, and how do you think the Government of Mali will be most effectively able to counter armed terrorists in the vast and fairly remote northern part of the country. And then how does the historic dynamic with the Tuareg who have often felt disenfranchised and lacked security and at times engaged in active rebellion against the central government—how can development assistance, how can security assistance from the United States—how can you in your role, should you serve as our Ambassador, help the nation of Mali address these core challenges?

Ms. LEONARD. Thank you, Senator, for that question.

I think the Government of Mali is acutely aware of the negatives associated with the presence of AQIM in its uncontrolled territories. It is a threat to their ability to carry out development activities in the north, which is very closely related to the political accommodations that have helped resolve past Tuareg rebellions. So that is a very important linkage there. It has been a big threat and it has really decimated tourism in many areas. And it is also a threat to their international reputation in the sense that people wonder why the problem has not already gone away.

I would characterize the presence of AQIM in Mali very much as an incursion onto their territory. No one in the north of Mali or hardly anyone in the north of Mali—the extremist message of AQIM does not find purchase among Malians, whether they be Tuareg, Barabeesh, or from southern areas in Mali are not attracted by that sort of extremist ideology. So it is rather an incursion onto a territory than a case of actually converting people in Mali to that cause.

I think it is safe to say that AQIM aspires to become something much more threatening than it is now, but that is not a reason to be complacent. That is a reason to prevent them from attaining those aspirations.

In order for Mali to successfully combat and make ineffective the presence of AQIM on their territory, I think that they need three or four things. They need assistance in developing the capacity of their military. They need equipment for the logistics of such operations, and most importantly, they need the cooperation of all of

their neighbors because no one military in that region is, in fact, capable of combating it. It needs to be a joint effort.

In terms of U.S. assistance, we are involved very much not only on those first two areas of military capacity and equipment provision, but also in the development side of it. You are trying to bring development to the north of Mali so that, for example, you do not disappoint the hopes of the Tuareg people who accepted that sort of as the basis of the political accommodation and cause an internal distraction that would make it difficult for Mali to participate in activities against AQIM. You engage in, for example, community radio training and programmings to reinforce the ties between the state and the people to reinforce the inherent tolerance.

I think on the last point of regional cooperation, events in Libya have very much sharpened the focus of attention of the various regional partners in that cooperation.

Over time, the cooperation has sometimes faltered because of domestic diversions for individual partners or trying to come to a common strategy. I think as they view the increasingly scary place that the Sahel can become as combatants and arms come into the area, you are seeing a much more acute awareness of the need to cooperate quickly as evidenced most recently by a meeting of Foreign Ministers in Bamako and also a meeting in September in Algiers which also invited the outside donors and participants.

If I am confirmed, I would look forward to further honing and refining not only with Mali but with my colleagues in the region about how we might best support those efforts to ensure that AQIM does not become the much more dangerous thing that we would all fear and ceases to threaten the security and the development of northern Mali.

Thank you.

Senator COONS. Thank you, Ms. Leonard, for that thorough and thoughtful answer about the regional potential solutions to security.

Ms. O'Neal, if I might, I would like to turn back to the conversation that Senator Lugar started about the second MCC opportunity that Cape Verde faces. My father was long active in the fishing industry in Rhode Island and Massachusetts, and so the size and scope of the Cape Verdean diaspora population in New England is familiar to me.

One of the things I am trying to urge that we take greater advantage of is the opportunity posed by a large African diaspora community in the United States which often is involved not just in remittances but also in possible entrepreneurial activity, building bridges between the United States, our institutions, and their nations of origin, much as many other nationalities historically in the United States have played that bridging role, whether United States-Sweden or elsewhere.

So if you would, please, comment just two things. Should there be a second Millennium Challenge Compact with Cape Verde, what would be its principal areas of focus? Would they be the same as the first and simply continue them and strengthen them, or would there be different priority areas? And help me understand how we best justify. You have made a good start. But questions have been raised given the relative size of Cape Verde of why a second com-

pact there when there are so many other nations on the continent that have such great development needs.

And then, second, if you had any comment on how we might strengthen trade relations with the United States under AGOA or other ways that we might take advantage of the diaspora community and strengthen the economy of Cape Verde in partnership with the United States. Please.

Ms. O'NEAL. Thank you for that question, Senator.

I think you are absolutely right that the presence of the strong diaspora community here has not been profitably exploited. Secretary Clinton has recently set up a program in which the Department of State can engage diaspora communities and where the Department can actually help to make the ties and to inspire the types of commercial activities between them that would be profitable for the country. So if I am confirmed, I would like to engage in that program and go with the Cape Verde Ambassador up to New England to meet some of the players and sit down and establish a game plan as to how that would proceed going forward.

In terms of the MCC compact, it is definitely not always evident if you look only at Cape Verde's size and population, the strong role that it can play in the region in terms of being a partner to the United States in terms of upholding the goals and values and the foreign policy priorities that we have and in terms of being a model for its neighbors because Cape Verde has become a country that is looked to in terms of practices and techniques and capability for maritime security, for example.

The economy in all of this is key, and the substantial gains that have been made in the economic growth because of the first compact truly need to be bolstered and reinforced. The Millennium Challenge Corporation has upped the ante this time, I understand, with this second compact in requiring Cape Verde to show strong signs and evidence of becoming a private sector-based economy. And so things that have already been in discussion—there is actually a Cape Verdean Government commission to prepare for what would be done in terms of regulation and in terms of economic reform in the second compact.

We would need to strengthen, for example, the capacity of Cape Verdeans to have credit. They have an outline to opening a credit bureau. They have already integrated microcredit into the practice of the central bank, but if they were able to establish this credit bureau, that would be a key component of making available funding for more entrepreneurship and for institutions to be able to get credit.

We also have made strong strides in infrastructure reform so that the way that you navigate the islands—and you know, managing a 10-island archipelago is more than a notion, but making sure that the roads and the ports are more viable and can support more activity would be another activity that would be addressed by the second compact.

So I think the second compact is key in getting over a major hump for Cape Verde to become a country that can manage its own open economic practices rather than depend on other countries and other donors to pick up the slack.

I would also like to assert that when the MCC compact projects begin, there is always some buy-in from other countries who are our allies, and this is something that the MCC corporation has also made as a requirement for Cape Verde for the second compact to include a more multilateral approach to their development.

Senator COONS. Thank you very much, Ms. O'Neal.

Senator Isakson.

Senator ISAKSON. Mr. Chairman, unfortunately I have an 11:15 commitment that I must make. So rather than ask a question, let me just congratulate each of you on your nomination. I intend to support each one of the nominees for their confirmation.

Let me also add particularly to the three who are going to Africa, a lot of times when you go to places, like where you are going, you become out of sight, out of mind. We want you to know that this subcommittee wants to be a resource of support for each of you, especially in a fledgling country like the Sudan where resources are going to be important. So we hope you will feel free to call on the chairman, myself, and all the members. Obviously, the same to Mr. Brzezinski, but Sweden and Africa are two entirely different places. All of you have important roles, and we congratulate you on your nomination.

Thank you, Mr. Chairman.

Senator COONS. Thank you so much, Senator Isakson.

Senator Lugar.

Senator LUGAR. Thank you, Mr. Chairman.

Mr. Brzezinski, let me just note that some in Sweden have become concerned about the Nord Stream natural gas pipeline that will run from Russia to Germany and will reportedly cross part of Sweden's maritime exclusive economic zone. In particular, some are concerned with disturbances to the Baltic Sea bed where chemical weapons and ammunition have been resting since World War I. How do you see the nature of this problem both in terms of environmental and energy security consequences for Sweden and its neighbors?

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

It is important to note that Sweden in May took over the chairmanship also of the Arctic Council which has an important environmental and biological stewardship role as well. And the country is very motivated and focused on environmental protection, sustainability, climate issues, and the like.

On the energy side of the question that you asked, I am pleased to note that Sweden supports our objectives in promoting European energy security by promoting diversification of sources and transport corridors. And that is seen in their support of the southern corridor to bring Caspian gas through Turkey to Europe, of the electric cable from Sweden to Lithuania.

With regard to the specific concerns that you asked about the subseabed environmental damage and so forth, if it is OK with you, I would like to come back to your office with a more complete and thorough answer to that question.

Senator LUGAR. Very good.

Let me just add this thought that I attended 2 years ago, I think, a meeting of the European Union people boosting the so-called Nabucco pipeline. The idea obviously, just following your reasoning,

was to have an independent source of oil or natural gas or both that were not involved with Russia and offered, therefore, a competitive element. It did not exclude the Russian natural gas or oil coming into other countries, but it would obviate the cutoffs and the disruption of service that has occurred in some European countries.

And so I am curious whether—the Nabucco pipeline is, of course, much more of a southern European phenomenon, although it will come up to Austria and the Czech Republic and what have you. Is Sweden involved at all in those conversations? It is not clear, in fact, whether Nabucco ever will occur, but as with many of these alternatives, they are important at least to European countries.

Mr. BRZEZINSKI. Senator, you are right. And energy diversification, diversification of sources, and transport corridors is a conversation that we are having with the Swedes and with other European partners. To me it is good that they join with us in terms of these shared common energy security goals.

With regard to their specific involvement in Nabucco, if it is OK with you, I would love to come back to your office with a more complete and thorough answer to that question because I want to be absolutely spot on in terms of my response.

Senator LUGAR. Thank you very much.

Thank you, Mr. Chairman.

Senator COONS. Thank you very much, Senator Lugar. I am grateful you were able to join us today in this confirmation hearing. Your questions always add breadth and depth to the questioning we are able to conduct.

Like Senator Isakson, I also have commitments to which I need to turn.

I also serve on other committees and would look to a sustained relationship with each of you. On the Judiciary, we are considering some possible revisions to the Foreign Corrupt Practices Act. On the Energy Committee, the possibility of deploying clean energy throughout West Africa in particular but throughout the Continent of Africa, hopefully in partnership with our technology partners in Sweden, is of genuine interest to me.

And of course, on this committee, I just wanted to echo Senator Isakson's invitation to you as you serve as Ambassadors in some particularly remote and challenging places and in some particularly beautiful and welcoming places. We know that each of you face various challenges in terms of your staffing, your security, your physical site at the Embassy, and we hope that you will communicate with us regularly, allow us, hopefully, to be a resource to you. It is our hope to continue to travel together regularly to visit the continent and to contribute what we can to supporting your endeavors. I am grateful for your willingness to appear before the committee and to answer all of our questions today.

Did you have any further questions you wanted to raise today?

I did want to say that we will keep the record open until the close of business Friday, October 7, should any of the committee members who were not able to join us today have questions for you they would like to submit in writing.

That having been said, we now conclude this hearing.

Thank you very much.

[Whereupon, at 11:16 a.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF SUSAN D. PAGE TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* What are the particular challenges involved with serving as the first Ambassador to South Sudan? Your experience in Sudan and with the CPA will clearly be assets in this new position, if confirmed. How has your background prepared you to take up the management challenges of this post, including the need to begin construction on a new Embassy, high turnover of staff with most serving in 1-year postings, and other potential issues in this challenging environment?

Answer. If confirmed as the first U.S. Ambassador to South Sudan, I believe the challenges will be many; however, this is a unique, once in a lifetime opportunity to work closely with the world's newest nation. As the Government of the Republic of South Sudan works to stand up its ministries, and build internal capacity, I welcome the opportunity to work collaboratively on strengthening a democratic state that promotes inclusiveness and good governance. I will also work to reinforce accountability and transparency while helping the South Sudanese deliver on their promises to end corruption, diversify and develop their economy, and improve access to basic social services.

Facing these challenges is a tall order, and as you noted, I will be drawing upon my prior experience negotiating and drafting the Comprehensive Peace Agreement (CPA) and my time living and working in Khartoum and Juba from 2005 to 2007 while heading up the U.N. Peacekeeping Mission's (UNMIS) Rule of Law and Corrections Advisory Unit. As the first director for the Rule of Law Unit at the then-newly stood up UNMIS, I created the Unit, established all three offices (Khartoum, Juba, and Darfur) and recruited all personnel. I then supervised and directed a multinational, multilingual staff of 35 (mostly senior lawyers and corrections officers) in three locations. Key to staffing the offices was an ability to understand the hardships employees suffered in a nonfamily duty station in difficult conditions. For instance, in Juba, employees lived for the first year in tents, most without fans, and with shared bathroom and other facilities on a compound with staff from numerous backgrounds, customs, and cultures.

As a Deputy Assistant Secretary, I am responsible for overseeing the work of two of the nine offices in the Bureau of African Affairs and managing the work of 23 ambassadors and their missions, ensuring careful coordination as well as the formulation of strategies and implementation of policies. In representing the Bureau at the Kimberley Process diamond certification meetings, I served as a key advisor to the Assistant Secretaries in resolving key disputes between the African block and Western countries, articulating and negotiating solutions. Along with the Chief of Mission, Africa Bureau and other Department senior leadership, I encouraged the leadership of the Democratic Republic of the Congo to hold military and civilian officials accountable for sexual- and gender-based violence, mineral exploitation, and other atrocities, leading to the recent detention and trial of several military officers and the implementation of the beginnings of a process to better ensure clean mineral trading and protection of civilians. Finally, while in Kenya serving as a regional legal adviser, I served as a key member of the task force in the evacuation of U.S. citizens from Rwanda at the beginning of the genocide and conducted the first USG fact-finding mission on behalf of State and USAID to post-genocide Rwanda. I will draw on each of these experiences, and they will inform and contribute to my ability to navigate the unique set of challenges that both the mission and South Sudan will undoubtedly face.

As the mission footprint grows, so will its needs. The former USAID office building is being reconfigured to meet State's needs, including consular services, on an interim basis. A New Embassy Compound (NEC) is planned for FY 2013. We have sufficient housing to meet current needs. If staffing increases, we will address that. We are examining the possibility of designating Juba as an accompanied post and extending its tour of duty to 2 years; it is currently a 1-year, unaccompanied post, separating families and loved ones. As such, it is more important than ever that we identify land so that we can move forward with the planned New Embassy Compound (NEC), which includes a residential area scheduled for FY13 according to OBO's Capital Security Construction Program list. The exciting opportunities, and challenges, of working with the newest nation in the world are attracting highly

professional and dedicated Foreign Service officers and South Sudanese staff, with immense regional and technical expertise, and morale at post is good.

An extension of the length of tour would help increase continuity and add further depth to the already formidable knowledge base of U.S. Government staff. It would also require a thorough review of the current security environment as well as programmatic planning to address the growing need for both office and residential space for USG employees and staff. As I move forward to face these challenges, I will work closely with my colleagues in the State Department, and you, Members of Congress, to address these issues that will strengthen Embassy Juba.

*Question.* Section 620J of the Foreign Assistance Act of 1961 imposes restrictions on assistance to any unit of a foreign country's security forces for which there is credible evidence that the unit has committed gross violations of human rights. U.S. embassies are heavily involved in ensuring compliance with this requirement.

- a. If confirmed, what steps will you take to ensure that the Embassy effectively implements section 620J?

Answer a. If confirmed, I will personally ensure that this is incorporated into the work requirement statements for all relevant officers and I will further stress to those staff the personal importance I place on the mission's full compliance with 620J. As a lawyer who has spent the past 15-plus years focused on democracy, rule of law, and human rights issues, I will continue to push all sectors of the South Sudanese Government to respect human rights and fundamental freedoms. In Washington, the Bureaus of African Affairs and Democracy, Human Rights, and Labor each conduct vetting procedures, and I will direct the staff of Embassy Juba to coordinate with U.N. agencies; including the Office of the High Commissioner for Human Rights, that are doing human rights monitoring to ensure we have as much information as possible. My personal commitment and integration of 620J implementation into the work requirement statements of relevant officers will create a "fail-safe" that will ensure compliance and effective implementation of 620J.

- b. In particular, what actions will you take to ensure, in a case in which there is credible evidence that a gross violation of human rights has been committed, that assistance will not be provided to units that committed the violation?

Answer b. Consistent with section 620J of the Foreign Assistance Act of 1961, in situations where there is credible evidence of gross human rights violations, I will send immediate notice to the State Department. The State Department will subsequently notify the Secretary of Defense of the findings, so that assistance can be halted if the unit has committed a gross violation of human rights, unless all necessary corrective steps have been taken.

- c. What steps will you take to ensure that the Embassy has a robust capacity to gather and evaluate evidence regarding possible gross violations of human rights by units of security forces?

Answer c. If confirmed, I will expect relevant staff of Embassy Juba to monitor the performance of those security forces we have trained, investigate incidences as necessary, and make available the relevant embassy resources, and relationships to fully and robustly bring resolution to outstanding allegations of gross violations of human rights by units of security forces. Furthermore, relevant staff of Embassy Juba will be assigned responsibility for recording findings in the International Vetting and Security Tracking (INVEST) system, as well as reporting their findings to the COM without delay.

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RESPONSE OF MARY BETH LEONARD TO QUESTION SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* As you noted in your testimony to the committee, one of the U.S. Government's main interests in Mali lies in furthering economic development in that country. What do you see as Mali's key economic policy goals and challenges and why do you think Mali is not expected to meet most of the Millennium Development Goals?

Answer. Mali is one of the poorest countries in the world, ranking 163 out of 164 countries evaluated on the United Nations Development Program's Human Development Index in 2010. Life expectancy is only 48 years; infant mortality remains extremely high at 102.5 per 1,000 live births. The population is undernourished at rates most often seen in war zones and emergencies, with almost 40 percent of children permanently stunted and 85 percent anemic. Mali's literacy rate is only 26.2 percent, and primary school completion rates, especially for girls, are extremely low.

The low base from which Mali starts is one explanation for the country's challenge in meeting the Millennium Development Goals. Nevertheless, Mali is making progress toward the goals. The Malian Government's emphasis on health and education demonstrates its commitment to improving human capital, and thus the ability of its people to participate productively.

Agriculture is the main occupation of Malians, therefore it is the basis for the government's emphasis on the agricultural sector in its economic growth strategy. The Millennium Challenge Corporation compact, with its focus on improving agricultural lands and roads as well as upgrading the airport, points to opportunities in value-added agricultural production. Meantime, Mali has steadily improved its business climate. In the 2011 World Bank's Doing Business report, the country ranked among the top 10 most improved economies (153 of 183 economies) due to improvements in procedures for procuring constructing permits, reduction of property transfer taxes for firms, and reducing the time for trading across borders.

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RESPONSES OF ADRIENNE O'NEAL TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* In your testimony to the committee, you also highlighted the importance of consolidating Mali's constitutional democracy and expressed your hope to shape U.S. activities to encourage constructive popular participation in the 2012 elections. How would you assess the Malian Government's preparations for the 2012 elections and what are your expectations for the constitutional reforms that should precede those elections?

Answer. A constitutional and multiparty democracy since 1991, Mali is one of Africa's most stable and progressive democracies; in 2011, it was one of only a handful of countries in the Organization of the Islamic Cooperation to be ranked by Freedom House as politically free. It is currently preparing for its fifth national election and second peaceful transfer of power. All four previous elections have been judged generally free and fair, and expectations are that the 2012 elections will continue to meet international standards. Major challenges to organizing fair elections remain, including the establishment of a reliable electoral list and disagreements over the distribution of seats to opposition party members on the country's Independent Electoral Committee. Malian society embraces dialogue and compromise, and there is no reason to believe these issues cannot be reconciled. USAID has obligated over $2 million for election assistance and is developing a plan for technical assistance and voter outreach prior to and during the 2012 elections. Public diplomacy programs provide ample opportunity to engage the Malian public on issues of civic participation and the value of open public debate.

In the runup to the elections, President Amadou Toumani Touré has embarked on a plan to reform key government institutions, with an eye to increasing transparency and strengthening anticorruption efforts. This plan also includes constitutional amendments recently approved by the National Assembly that would streamline the electoral system and add an upper chamber. These measures will be subjected to a national referendum, most likely paired with either the Presidential or legislative elections in 2012. Some observers have expressed concern about the Malian Government's ambitious plans to hold a national referendum just prior to an already ambitious electoral calendar. In order to prepare for this, the government will need to educate Malian voters on the key reforms. Generally, this concerted attention to issues of transparency and accountability is to be congratulated and efforts to bring them to fruition encouraged.

*Question.* While Cape Verde is eligible for tariff preferences under the African Growth and Opportunity Act (AGOA), trade under the program remains very limited. What do you see as the main barriers and are there ways that Cape Verde can increase trade under the program?

Answer. A key barrier to Cape Verde's ability to increase trade under AGOA has been its lack of economic diversity. While Cape Verde has experienced recent economic success, much of that success has been driven by Cape Verde's tourism sector, which accounts for approximately 75 percent of GDP.

There are several strengths which Cape Verde can rely on in its efforts to further increase trade under AGOA. For instance, Cape Verde was recognized by the World Bank as sub-Saharan Africa's second-most-improved economy on the overall regulatory ease of doing business. Cape Verde should use its open business environment to attract international investment.

*Question.* One of Cape Verde's main transnational security challenges is the threat of narcotics trafficking and you stated in your testimony that the Govern-

ment of Cape Verde has strongly supported counternarcotics maneuvers and is a willing host to U.S. ship visits. What is the extent and nature of the reportedly growing problem of cocaine transshipment through Cape Verdean territory and are there ways that you would recommend improving aspects of United States-Cape Verde cooperation on these issues?

Answer. Cape Verde's location off the coast of West Africa makes it vulnerable to narcotics trafficking, especially cocaine, from South America to Africa and on to Europe. Cape Verde's capacity and political willingness to seize and search vessels are strong signals for us to engage with them on maritime security. In June 2011, Cape Verdean vessels seized a shipment of marijuana, demonstrating its willingness to be a strong partner in combating narcotics trafficking.

We will continue to develop the partnership with Cape Verde through a Bilateral Law Enforcement Agreement already under negotiation and I would encourage Cape Verde's participation in joint maritime partnership programs with Portugal, Spain, France, and others.

In 2010, the State Department provided an interagency Fusion Center that equipped Cape Verde's security forces with a system of maritime transponder monitors. Once fully operational, this unit, called "COSMAR" in Portuguese, will enable Cape Verde to track and share information about ships operating off its coasts.

If confirmed, I will continue to support INL, AFRICOM, and the U.S. Coast Guard to enhance programs to upgrade Cape Verde's capacity to patrol its territorial waters.

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RESPONSES OF MARK F. BRZEZINSKI TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* As Ambassador to Sweden, what would you indentify as your top priority for Swedish Relations? And why would that issue be more important than others?

Answer. Sweden is a key partner for the United States in addressing global challenges. My top priority, if confirmed, will be to deepen and strengthen the Swedish-United States partnership in order to advance the President's agenda. If confirmed, I will work to deepen our ties and keep our relationship strong including by focusing on: international security, democracy and development, the Arctic, energy and climate.

*Question.* In the last election, the Swedish Democrats won 20 seats in Parliament. To what do you attribute their relative success? What effect have they had on Swedish policymaking over the past year? Is there any reason to believe that Swedish Democrats will gain more influence in the future?

Answer. The Sweden Democrats gained seats in Parliament for the first time in 2010 and were particularly successful in getting votes from the unemployed, laborers, men, and those between 18 and 30 years old. The Sweden Democrats describe its main priority as protecting Swedish culture and values, mostly by reducing immigration to Sweden. Commentators note they are widely seen as having a minimal, indirect impact on policy since other parties are often unwilling to work with them. Given that the next parliamentary elections are expected in 2014 it is difficult to predict how many seats the party may lose or gain at that time.

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RESPONSE OF MARK F. BRZEZINSKI TO QUESTION SUBMITTED BY SENATOR RICHARD G. LUGAR

*Question.* Many countries, including Sweden, have become concerned about the Nord Stream natural gas pipeline that will run from Russia to Germany and reportedly cross part of Sweden's maritime Exclusive Economic Zone. In particular, there have been concerns with potential disturbances to the Baltic seabed where chemical weapons and ammunition have been resting since World War I. How do you see the consequences of this pipeline, both in terms of the environmental effects for Sweden and its neighbors and in terms of regional energy security?

Answer. The United States neither supports nor opposes the Nord Stream natural gas pipeline. In general, U.S. policy is to support transparent and commercially viable pipeline projects that meet environmental safety standards.

With respect to Sweden, Sweden has been supportive of the Nord Stream pipeline and has been an advocate for diversifying Europe's natural gas sources and energy supply routes. The Government of Sweden approved the pipeline's construction in November 2009, following an environmental impact assessment and offered assur-

ances that the Baltic Sea environment is a high government priority. In announcing approval for the pipeline, then-Swedish Environment Minister Carlgren emphasized that Sweden's Government set strict requirements for Nord Stream that addressed both environmental and munitions-related concerns.

Sweden shares our belief that Europe can better serve its energy needs by diversifying its natural gas sources and energy supply routes. Moreover, if confirmed, I will build on the close cooperation our Embassy has forged with Sweden on alternative energy and environmental sustainability issues.

# NOMINATION

**WEDNESDAY, OCTOBER 12, 2011**

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

Dr. Michael Anthony McFaul, of California, to be Ambassador to the Russian Federation

The committee met, pursuant to notice, at 2:37 p.m., in room SD–419, Dirksen Senate Office Building, Hon. Jeanne Shaheen, presiding.

Present: Senators Shaheen, Menendez, Lugar, Rubio, and DeMint.

## OPENING STATEMENT OF HON. JEANNE SHAHEEN, U.S. SENATOR FROM NEW HAMPSHIRE

Senator SHAHEEN. Good afternoon, everyone. Good afternoon, Dr. McFaul.

Senator Lugar and I were at the business meeting of the Senate Foreign Relations Committee, so please excuse us for being tardy, but I think that is probably an excused absence.

This afternoon the Senate Foreign Relations Committee meets today to consider the nomination of Michael McFaul to be the U.S. Ambassador to Russia. I want to welcome Dr. McFaul and his family here and congratulate him on his nomination. Thank you for choosing to take on this new responsibility at such an important time for our country.

It has been over 3 years since the summer of 2008 when the Russian invasion and occupation of Georgia led to perhaps the lowest point in United States-Russian relations since the fall of the Soviet Union. The deteriorating relationship threatened to plunge our two nations back into a new cold war marked by mutual distrust and escalating tensions.

In response, the Obama administration sought to define a new direction, one based on cooperation over confrontation. The "reset," as this new policy has come to be known, was founded on the notion that the United States and its allies had more to gain from a more cooperative relationship with Russia.

It has now been nearly 2½ since the reset button was first pushed in March 2009, and there is little doubt that the shift has produced some significant, concrete progress for the United States, our allies, and the world. The New START treaty is perhaps the

most high profile example of success. Because of New START, the United States and Russia have the fewest deployed warheads aimed at each other since the 1950s. In addition, onsite inspections and data exchanges instituted under New START are providing the United States with a transparent, detailed picture of Russian strategic forces.

We have seen significant cooperation between the United States and Russia in Afghanistan, rather remarkable considering that just over two decades ago our two countries were engaged in a proxy war in that country.

Russian cooperation was critical in passing a fourth round of sanctions against Iran in the U.N. Security Council, and its decision to cancel the delivery of a missile system to Iran was welcomed by the international community.

Some early critics of the reset argued that these efforts would come at the expense of our allies abroad. The facts, however, have proven these concerns unfounded, as our allies in Central and Eastern Europe, for the most part, have been some of the strongest proponents of the shift in our relationship.

One has to see the reset and the concrete benefits it has produced as a success to date. However, the real test of the reset still lies in front of us, not behind us. Whether or not we are able to sustain these initial successes and expand progress on much more difficult, yet still mutually beneficial issues remains to be seen. Areas for further cooperation include missile defense, follow-on arms control agreements to include tactical nuclear weapons, Russia's WTO accession, and additional efforts to stop Iran's nuclear weapons program.

Each of these areas can be a win-win for the United States and Russia, but they are fraught with difficulty. Complicating these efforts is the recent decision by Prime Minister Putin to return to the Presidency of Russia in 2012. Though the White House has said that the reset is about interests and not personalities, there is little question that a Putin Presidency will change the dynamics of the relationship.

And finally, though we do share mutual interests with Russia on a number of critical issues, it is important to remember that we have a significant number of deep disagreements with Russia which cannot be papered over by a shift in tone. Russia vetoed a resolution at the U.N. Security Council condemning the Syrian Government's actions and continues to protect its dictator. Russia's record on human rights and the rule of law is deplorable and by most accounts getting worse. Corruption is rampant and the state of democracy in Russia can only be seen as a failure to date. Russia remains in violation of the 2008 cease-fire agreement with Georgia and continues to illegally occupy Georgian territory. In addition, Russia falsely maintains its right to spheres of influence on its borders, with Prime Minister Putin most recently calling for a Eurasian union of ex-Soviet states.

Despite the improved relationship, we have seen little progress on these disagreements since the beginning of the reset, and so I am going to be very interested, Dr. McFaul, in hearing your thoughts about how the United States can be more effective in finding progress on each of these important areas.

The relationship between the United States and Russia is a complex one with a long and convoluted history. We have been allies fighting side by side against fascism in World War II and bitter enemies threatening nuclear destruction throughout the cold war. It is a relationship marked at times by mutual interests and at others by diametrically opposed values.

But we simply cannot turn our back on this relationship. We will need our strongest, most capable civil servants in Moscow to balance these difficult responsibilities and represent American interests. I believe, Dr. McFaul, that you are up to this challenge, and I intend to support your nomination and hope that we can move forward quickly to confirm you.

[The prepared statement of Senator Shaheen follows:]

PREPARED STATEMENT OF SENATOR JEANNE SHAHEEN

The Senate Foreign Relations Committee meets today to consider the nomination of Michael McFaul to be the U.S. Ambassador to Russia. I want to welcome Dr. McFaul and his family here today and congratulate him on his nomination. Thank you for choosing to take on this new responsibility at such an important time for our country. We look forward to hearing from you about the challenges and opportunities you may face in Moscow.

It has been over 3 years since the summer of 2008 when the Russian invasion and occupation of Georgia led to perhaps the lowest point in United States-Russian relations since the fall of the Soviet Union. The deteriorating relationship threatened to plunge our two nations back into a new cold war, marked by mutual distrust and escalating tensions.

In response, the Obama administration sought to define a new direction—one based on cooperation over confrontation. The "Reset," as this new policy has come to be known, was founded on the notion that the United States and its allies had more to gain from a more cooperative relationship with Russia.

It has now been nearly 2½ years since the "reset" button was first pushed in March 2009, and there is little doubt that the shift has produced some significant concrete progress for the United States, our allies, and the world.

The New START Treaty is perhaps the most high-profile success. Because of New START, the United States and Russia have the fewest deployed warheads aimed at each other since the 1950s. In addition, onsite inspections and data exchanges instituted under New START are providing the United States with a transparent, detailed picture of Russian strategic forces.

We have seen significant cooperation between the United States and Russia in Afghanistan—a rather remarkable turn considering that just over two decades ago, our two countries were engaged in a proxy war in the country. We have seen the successful implementation of the Northern Distribution Network into Afghanistan through Russia, which becomes even more important as United States-Pakistan relations have deteriorated.

Russian cooperation was critical in passing a fourth round of sanctions against Iran in the U.N. Security Council, and its decision to cancel the delivery of a missile system to Iran was welcomed by the international community. We have also seen Russian cooperation on other less high-profile joint efforts, like science and technology, nuclear security, counterterrorism, health initiatives, and human trafficking.

Some early critics of the reset argued that these efforts would come at the expense of our allies abroad. The facts, however, have proven those concerns unfounded, as our allies in Eastern and Central Europe have been some of the strongest proponents of the shift in the relationship. NATO allies were unanimously in support of the New START agreement, and have lobbied for a more cooperative approach in NATO-Russian relations. A new missile defense program is rapidly being developed in Europe with sites in Poland, Romania, Spain, and Turkey. Further, NATO has increased its visibility in key regions, including the Baltic States, and is expected to make a high-level visit to Georgia led by the NATO Secretary General in November.

One has to see the reset and the concrete benefits it has produced as a success to date; however, the real test of the reset still lies in front of us—not behind us. Whether or not we are able to sustain these initial successes and expand progress on much more difficult, yet still mutually beneficial, issues remains to be seen.

Missile defense is one area for further cooperation; however, Russia remains mired in the false cold war belief that the program is aimed at them. Further arms control agreements are also possible, but any agreement must include the tactical nuclear weapons advantage the Russians have in Europe. Russia's WTO accession is closer than it has ever been; however, significant issues evolving from its continued occupation of Georgian territory need to be resolved. In addition, further Russian support will be needed if we are to stop Iran from its continued pursuit of a nuclear weapons capability. Each of these areas can be win-win for the United States and Russia but are fraught with difficulty.

Complicating these efforts is the recent decision by Prime Minister Putin to return to the Presidency of Russia in 2012. Though the White House has said that the reset is about interests and not personalities, there is little question that a Putin Presidency will change the dynamics of the relationship—likely in a more confrontational direction.

Finally, though we do share mutual interests with Russia on a number of critical issues, it is important to remember that we have a significant number of deep disagreements with Russia, which cannot be papered over by a shift in tone.

Russia vetoed a resolution at the U.N. Security Council condemning the Syrian Government's actions and continues to protect its ruthless dictator there. Russia's record on human rights and the rule of law is deplorable and by most accounts, getting worse. Corruption is rampant, and the state of democracy in Russia can only be seen as a failure to date. Russia remains in violation of the 2008 cease-fire agreement with Georgia and continues to illegally occupy Georgian territory. In addition, Russia falsely maintains its right to spheres of influence on its borders—with Prime Minister Putin most recently calling for a "Eurasian Union" of ex-Soviet states.

Despite the improved relationship, we have seen little progress on these disagreements since the beginning of the reset. I will be interested in hearing from Dr. McFaul today about his thoughts on how the United States can be more effective in finding progress on each of these important areas.

The relationship between the United States and Russia is a complex one with a long and convoluted history. We have been allies fighting side-by-side against Fascism in World War II and bitter enemies threatening nuclear destruction throughout the cold war. It is a relationship marked at times by mutual interests and at others by diametrically opposed values.

We simply cannot turn our back on this relationship, and we will need our strongest, most capable civil servants in Moscow to balance these difficult responsibilities and represent American interests. I believe Dr. Michael McFaul is up to this challenge. I will strongly support his nomination, and I hope the full Senate will quickly confirm him and send him to Moscow.

Senator SHAHEEN. I will officially do an introduction, but I would like at this time to turn the microphone over to the ranking member of the full Foreign Relations Committee, Senator Lugar.

## OPENING STATEMENT OF HON. RICHARD G. LUGAR, U.S. SENATOR FROM INDIANA

Senator LUGAR. Thank you very much, Madam Chairman, and I join you in welcoming Dr. Michael McFaul to our committee.

The United States relationship with Russia remains, as you pointed out, critical to many foreign policy priorities, including nuclear nonproliferation, counterterrorism and global energy security, and numerous regional issues in Eurasia. Common interests and economic conditions have created openings for cooperation in specific areas, but we must proceed according to a realistic assessment of what is possible and we should avoid rationing our attitude toward Russia between severe disappointments and excessive expectations.

Last year, the Senate approved the New START treaty for ratification which preserved the foundations of certainty in the United States-Russian strategic relationship. One does not have to abandon skepticism of the Russian Government or dismiss contentious foreign policy disagreements with Moscow to see value in the prac-

tical enterprise of nuclear verification and transparency. In fact, it is precisely the friction in our broader relationship that makes continued engagement on nuclear issues so important. The only nations that would benefit from less nuclear cooperation between the United States and Russia are those such as Iran and North Korea that operate outside international nuclear controls.

The ongoing risks posed by Moscow's nuclear weapons complex were underscored recently when Moldovan authorities interrupted a sale of weapons-grade, highly enriched uranium that reportedly originated in Russia.

Russian-American cooperation through the Nunn-Lugar program and associated efforts has greatly improved controls and security related to WMD materials. The threat that one day weapons or materials of mass destruction will be transferred out of the former Soviet Union remains very real, and such a transfer could have catastrophic results for the United States and the global community. We must make certain that all weapons and materials of mass destruction are identified and continuously guarded and the destruction programs proceed on schedule.

A major challenge for United States policymakers will be to convince Russia to bring transparency to its tactical nuclear weapons arsenal. In the resolution of advice and consent to the New START treaty, the Senate was unequivocal that the next round of arms control negotiations should include Russia's tactical nuclear weapons.

Despite some concrete achievements, we must deal with the reality that United States-Russian relations are likely to be difficult for some time. Russia remains in noncompliance with its 2008 cease-fire obligations in Georgia. Russia's heavy-handed use of its energy predominance over Ukraine, Moldova, Belarus, and the Baltic nations demonstrates that Moscow has not altered its hard-line on regional issues. We frequently face Russian roadblocks in the United Nations Security Council, and the orchestrated transfer of power taking place in Moscow suggests that the civil and political liberties of Russians will remain severely restricted in the years ahead.

We should understand that the outcome of most issues affecting the United States-Russian relationship depends on geopolitical leverage, not simply on our willingness to negotiate. With this in mind, we should continue to strengthen our economic and security relationships with nations in Eastern Europe and Central Asia and the Caucasus. We should also intensify our efforts to open a southern corridor that will circumvent Russia for direct natural gas trade between the Caspian region and Eastern Europe. The next 6 months will be critical in determining which routes, if any, can be constructed to deliver gas to our allies, some of which are overwhelmingly dependent on Russia for their energy.

The United States should also seek to create more ballast in the relationship by broadening the base of stakeholders. American corporate leaders often have functioned as effective advocates for democracy and rule of law overseas. One recent study cited by the Financial Times estimates that Russia will experience more than $70 billion in capital flight this year and that Russia asset values are devalued by up to 30 percent due to political risks created by

Russia's leadership. Russia must meet all technical requirements for accession to the World Trade Organization, an event that could be an important step in locking in economic reforms. In the coming years, negotiation of the U.S.-Russian Bilateral Investment Treaty can provide the United States investors with reliable dispute resolution mechanisms that are currently absent.

I thank the chair again for holding this hearing. I look forward to our discussion of these and many other issues with our witness.

Senator SHAHEEN. Thank you very much, Senator Lugar.

Dr. Michael McFaul currently serves as the President's top White House advisor on Russian policy and the Senior Director for Russia and Eurasian Affairs at the National Security Council where he has served since 2009.

A distinguished academic by trade and a renowned Russian expert who speaks the language, he is widely respected on both sides of the aisle here on Capitol Hill.

He is currently on leave from Stanford University where he is a professor of political science and a senior fellow at the Hoover Institution.

Dr. McFaul has a strong background in democracy promotion and as the former director of the Center on Democracy, Development, and Rule of Law at Stanford and the former codirector of the Iran Democracy Project at Hoover.

Dr. McFaul's background will prepare him well for the challenges and opportunities in Moscow, and we certainly look forward to hearing from him today.

So I hope, Dr. McFaul, that you will take a moment in your opening statement to introduce any family members who are here with you today.

So thank you very much and we will turn it over to you to hear your testimony.

**STATEMENT OF DR. MICHAEL ANTHONY MCFAUL, OF CALIFORNIA, TO BE AMBASSADOR TO THE RUSSIAN FEDERATION**

Dr. MCFAUL. Thank you, Madam Chair. I have a longer statement I would like to submit for the record, but I would like to make oral remarks now.

Madam Chair, Ranking Member Lugar, Senator DeMint, other members of the committee, it is an honor to appear before you today, this time, as President Obama's nominee to be Ambassador to the Russian Federation. I am grateful for the confidence that President Obama and Secretary Clinton have shown in me, and if confirmed, I look forward to working with your committee closely.

I am also delighted that my wife, Donna, and my two sons, Cole and Luke—Cole is the bigger one—are here today. Having hosted dozens of democratic activists from around the world at our home in California, Cole and Luke have heard me talk a lot about democracy over the years. So I thought it would be appropriate for them to be here today to witness a democratic process that might have a direct impact on their personal lives.

Senator SHAHEEN. That was "democratic" with a small D.

Dr. MCFAUL. A small D. Correct, correct. Thank you.

Unlike my sons, I grew up in Montana and had never met somebody from another country until I went to college. But in debate

class in Bozeman Senior High, I did develop, ironically, an interest in United States-Soviet relations, and in particular, in a simple idea that more direct talk with the Soviets could diffuse tensions and make us and the world more secure.

Stints of study in the U.S.S.R., Communist Poland, and Zimbabwe taught me that sometimes talk alone cannot overcome ideological differences or competing interests and that democracies are America's most reliable partners. Therefore, "Advancing Democracy Abroad," the title of my last book, is not only the right thing to do, it is the smart thing to do.

And yet, even when some differences cannot be overcome, greater communications between countries allows for cooperation on mutual interests in other areas and lessens dangerous misunderstanding.

On January 21, 2009, President Obama gave me the opportunity to test these theories in the real world. The President called for a reset with Russia, animated by the belief that greater engagement with Russia could produce security and economic benefits to the American people. Two additional principles have guided our reset strategy. First, we will not seek cooperation with Russia at the expense of our allies and partners. Second, as we engage with the Russian Government, we also seek deeper engagement with Russian society.

The strategy has produced results. Let me highlight a few.

We dramatically expanded the Northern Distribution Network, as you already noted, which supplies our troops to Afghanistan.

We signed and you ratified the New START treaty.

We passed a new U.N. Security Council resolution this spring, which expanded sanctions against Iran. Russia then canceled the sale of S–300 surface-to-air missiles to Iran.

We have continued to fulfill Senator Lugar's vision of reducing threats from weapons of mass destruction, including an agreement this year to dispose of the equivalent of 17,000 nuclear weapons' worth of plutonium in Russia and the United States.

We also have helped to create more trade and investment opportunities in Russia for American farmers and American manufacturers, including pushing for terms of Russia's WTO accession that will benefit our economy while also making sure that countries like Georgia have their interests addressed.

But the reset is not finished, as you have already observed. Two issues, in particular, require more resetting.

First, European security. We have made progress. In the last 3 years, there have not been gas wars, cyber wars, or military wars in Europe. And yet, Russian soldiers still occupy Georgian territory. Tensions between Russia and Georgia remain too high, and that is why we continue to give this issue our highest priority.

Second, democracy and human rights. President Obama and Secretary Clinton have engaged regularly with their Russian counterparts on democracy, human rights, and the rule of law. And our administration has already issued over 80 statements expressing our concern about democratic erosion and human rights violations in Russia. We have taken actions so that human rights abusers cannot travel to the United States. We have deepened our engage-

ment with Russian civil society, and we continue to provide robust support to Russian human rights defenders.

And yet, trends in Russia suggest that more needs to be done. As someone who has worked on these issues for over two decades now, as the first representative of the National Democratic Institute in Moscow in 1992, as a teacher and writer on democracy at Stanford and at the Hoover Institution, or as a member of President Obama's National Security staff, I have the experience necessary to add vigor to our efforts in Russia on these sets of issues.

President Obama believes that we can pursue our security and economic interests and promote universal values at the same time. If confirmed, I look forward to the challenge of executing his vision as the next U.S. Ambassador to Russia.

Thank you for allowing me to appear here today.

[The prepared statement of Dr. McFaul follows:]

PREPARED STATEMENT OF DR. MICHAEL A. MCFAUL

Madam Chairman, Ranking Member Lugar, and distinguished members of the committee, it is a great honor and a privilege to appear before you again today, this time as President Obama's nominee to be Ambassador to the Russian Federation. I am grateful for the President's confidence and for the support as well from Secretary Clinton. If confirmed, I look forward to working closely with the members of this committee to advance and defend U.S. interests in Russia.

I am also delighted that my wife, Donna Norton, and my two sons, Cole and Luke, could be here today with me. For many years, Cole and Luke have heard me talk about the virtues of the democratic process, since I have taught courses on democracy at Stanford for many years and have hosted many democratic activists at our home in California. I thought they should be here to witness a democratic process that might have a direct effect on their personal lives.

Unlike my sons, when I was their age, I had never met an MP from Zimbabwe or a blogger from Iran or discussed the merits of different systems of government. In fact, as someone who grew up in Montana, I had never even met a foreigner until I went to college. But strangely, even while still living in Montana, I did develop an interest in international affairs, and in particular an interest in ending the cold war. In my debate class at Bozeman Senior High School in 1979, I developed the argument that if we could just figure out a way to talk more honestly and directly to the Soviets, we could defuse a lot of tension and make both countries more secure. I took that conviction with me to Stanford University, and in the fall quarter of my freshman year, began to study Russian. Two years later, I went abroad for the first time, not to London or Paris, but to Leningrad. My mother thought I was crazy. She considered California a foreign country.

Several stints of studying in the Soviet Union and then Communist Poland compelled me to adjust my hypotheses about diplomacy developed as a kid in Montana. Sometimes, ideological differences between countries make it impossible to find common ground. Sometimes national interests collide. Regimes, like the U.S.S.R., which repress their citizens are less reliable partners for the United States than democratic allies. And therefore, "Advancing Democracy Abroad"—the title of the last book I wrote before joining the Obama administration—is not only the right thing to do but the smart thing to do.

And yet, while developing these new ideas about the centrality of universal values over time as a student, activist, and scholar, I never completely abandoned my original thesis about the importance of understanding other countries and communicating with their people. Even when some differences cannot be overcome, greater communication between countries allows for cooperation on mutual interests in other areas. And clarifying those disagreements can be useful. Misunderstanding never benefits anyone.

On January 21, 2009, President Obama gave me the opportunity to apply these convictions in the real world. Even before his inauguration, President-elect Obama called for a reset in our relations with Russia. His premise was that through engagement with the Russian Government, we could develop cooperation on some issues that would benefit American security and prosperity. Rather than framing all interactions between the United States and Russia as zero sum contests for power and influence, President Obama proposed that we look for ways to produce win-win

outcomes. As we have looked for such opportunities, the reset has been guided by two additional principles. First, we will not seek cooperation with Russia at the expense of relations with other allies and partners. Second, as we seek broader engagement with the Russian Government, we also have pursued in parallel deeper engagement with Russian society. Borrowing a page from one of my mentors, George Shultz, we call this strategy dual-track engagement.

This new strategy has yielded results.

First, through greater engagement with the Russian Government, we have expanded our northern supply routes into Afghanistan. This complex network of railways, flight routes, and roads known as the Northern Distribution Network, now accounts for more than half of all the supplies that we send to our soldiers in Afghanistan. Since signing a military transit accord with Russia in 2009, we have flown more than 1,500 flights transporting more than 235,000 personnel through Russia. These transit arrangements are a matter of vital importance to our troops as the transit route through Pakistan becomes more problematic.

Second, the President signed and the Senate then ratified the New START treaty. This treaty reduces our nuclear arsenals, but importantly also provides robust verification and transparency measures that will build confidence and predictability on both sides. We thank this committee for all of your efforts in getting this treaty ratified in a timely manner that made sure that our verification efforts experienced no serious disruptions.

Third, on Iran, we worked closely with Russia to craft United Nations Security Council Resolution 1929, which significantly expanded the multilateral sanctions regime. Shortly thereafter, Russia took a very important step by unilaterally canceling a sale of S–300 surface-to-air missiles to Iran. We continue to work closely with Russia to develop additional measures to stop Iran's development of a nuclear weapons program. Most recently, we held constructive meetings with Russia in New York in the "P5+1" format during the United Nations General Assembly on getting Iran to satisfy our common concerns about its nuclear program.

Fourth, on North Korea, we worked together to adopt Security Council Resolutions 1718 and 1874, and we remain committed to denuclearization as our ultimate goal.

Fifth, on Libya, Russia abstained on U.N. Security Council Resolution 1973, which gave international support for NATO successful campaign to protect Libyan civilians.

Sixth, we have continued to work with Russia to follow through on the vision of Senator Lugar and former Senator Nunn to enhance the physical security at Russia's chemical, biological, and nuclear research, production and storage facilities. Last year, Secretary Clinton and Foreign Minister Lavrov signed the Plutonium Management and Disposition Agreement, which will transparently dispose of the equivalent of 17,000 nuclear weapons worth of plutonium. Russia and the United States have worked closely through a well-documented series of bilateral and trilateral programs to improve Russian, U.S., and worldwide nuclear security and have also joined forces to thwart nuclear smuggling as cases arise.

Seventh, with your support, the 123 Agreement with Russia entered into force in January. This agreement provides a solid foundation for long-term United States-Russia civil nuclear cooperation; commercial opportunities for U.S. industry in Russia; and enhanced cooperation on important global nonproliferation goals.

Eighth, we have worked closely with the Russian Government to create the permissive conditions for more trade and investment between our two countries. Most importantly, the administration has been actively supporting Russia's accession to the World Trade Organization, since Russia's membership in the WTO will create new markets for U.S. exports and increase opportunities for U.S. companies, farmers, ranchers, investors, and workers. As a WTO member, Russia will have to lower tariffs, liberalize the conditions under which American services can be sold in the Russian market, and comply with more transparency rules. There are two key outstanding issues related to Russia's accession: Georgia and Jackson-Vanik. As you know, the WTO operates by consensus. That means Georgia must agree to Russian accession, something it has yet to do. The Government of Switzerland has helpfully volunteered to serve as a mediator helping Russia and Georgia resolve their trade-related issues. We have made it clear to Russia that there is no way to go around Georgia: the two countries must resolve their differences through the mediation process. We believe the Swiss have formulated a fair, creative, and balanced proposal that can work, but the parties themselves must find that it is in their interest to come to agreement.

In order for U.S. businesses, farmers, and workers to receive the maximum benefit from Russia's WTO accession, however, we will need to give the same unconditional permanent normal trading relations treatment to Russia's goods that we pro-

vide to those of all other WTO members. That commitment requires us to terminate the application of the Jackson-Vanik amendment and extend permanent normal trading relations to Russia. We look forward to working with you closely to terminate the application of Jackson-Vanik to Russia before Russia joins the WTO. Jackson-Vanik long ago achieved its historic purpose by helping thousands of Jews emigrate from the Soviet Union. Four decades after Jackson-Vanik was passed, a vote to grant Russia PNTR is a vote to help our economy and create jobs. At a time when we need to increase exports to preserve and create American jobs, we cannot afford to put our farmers, manufacturers, and workers at a disadvantage when competing against other WTO members for market share in Russia.

In addition to supporting Russia's WTO membership, the Obama administration has actively supported several major trade and investment deals completed in the last 3 years. For instance, Boeing has secured several major sales to Russian airlines in the last 2 years, worth roughly $11 billion, and securing tens of thousands of American jobs. ExxonMobil, GE, Caterpillar, John Deere, GM, Ford, Nike, International Paper, FedEx, Pepsi, Procter and Gamble, Cisco, and Visa are just a few of the many American companies successfully doing business in Russia and supporting job creation here in the United States. They all report to us that the reset has created a better environment for their businesses. If confirmed, I will continue to do all that I can to support the growth of this economic activity.

As a means for enhancing our engagement of both the Russian Government and society, the administration created the U.S.-Russia Bilateral Presidential Commission, which now has nearly two dozen working groups working on everything from trade and investment to energy efficiency to basketball. In fact, President Obama even took a few shots at the White House with a visiting Russian high school basketball teams last year. He also attended a summit between American and Russian civil society leaders in Moscow in 2009, underscoring that government actors—including even the President of the United States—must not only facilitate contacts between Russian and American civil society organizations, but also interact directly with these nongovernmental leaders, even when they have critical messages to convey.

This comprehensive list represents a positive record of achievement for the Obama administration regarding security and economic issues of the highest importance to our country. Supplying our troops in Afghanistan, reducing the number of nuclear weapons in the world, preventing Iran from acquiring nuclear weapons, creating jobs in America—these are all core national interests for the United States. Moving forward, however, we still seek to reset our relations with Russia on other issues.

For instance, European security. We have made progress, but more needs to be done. Russia's relations with its neighbors had been deteriorating at an alarming pace. There were gas wars, cyber wars, and most tragically, a military war in August 2008. From the very beginning of the administration, we sought to reverse this dangerous trend, first by reassuring and strengthening our security ties with our NATO allies, and second by deepening our relations with Russia as a way to give Russia more to lose from coercive behavior.

Our strategy has yielded dividends. While there is much more to be done, wars of any kind in Europe today, including renewed conflict between Russian and Georgia, are much less likely today than 3 years ago.

And yet, while the probability of conflict between Russia and Georgia has decreased, the potential still remains. There are clearly issues on which the United States and Russia are not going to agree—and Georgia is one of them. Whether in bilateral meetings with the Russians, at international organizations or in multilateral settings, we have consistently and adamantly defended Georgia's territorial integrity, while also providing critical political, economic, and defense-related support to the Georgian Government. President Obama, Vice President Biden, and Secretary Clinton have been clear with the Russian Government on the need to meet its obligations under the 2008 cease-fire agreement and our serious and ongoing concern over the Russian military presence in the breakaway regions of South Ossetia and Abkhazia. There are no military solutions to this impasse, only diplomacy, and we have participated in multiple rounds of talks moderated by the EU, the U.N., and the OSCE in Geneva to encourage dialogue between the parties. If confirmed, I will continue to make progress on this issue one of my highest priorities.

We also have far more work to do to get Russia to join the growing international consensus on Syria. The Russian veto of the U.N. Security Council resolution on Syria on October 4 was a big disappointment. We cannot allow the Security Council to lose its moral voice when the human rights of innocent people are so grossly violated.

Resetting our relations on issues of democracy and human rights also requires more work. Since 2009, the Obama administration has developed and executed a new approach for advancing democracy and defending human rights in Russia.

First, we have elevated these issues in our interactions with Russian Government officials. President Obama has regularly engaged with President Medvedev on democracy, human rights, and the rule of law. The same is true for Secretary Clinton when she meets with Foreign Minister Lavrov and other senior Russian Government officials. Moreover, U.S. Government officials have spoken out publicly and consistently about democratic erosion and human rights abuses in Russia. We created a Web site to catalogue our public pronouncements, which now contains over 80 statements related to democracy and human rights issues in Russia http://www.state.gov/p/eur/ci/rs/c41670.htm). Under the Bilateral Presidential Commission, we created a special working group in civil society, which I personally cochaired, to establish a formal venue for discussing these issues. Sometimes those sessions have been testy, but we continue to believe that dialogue—even tough dialogue—is better than no contact at all.

Second, for those in Russia who abuse human rights, we have taken measures to ensure that they cannot travel to the United States. We have done so both for government officials implicated in the wrongful death of Russian lawyer, Sergey Magnitsky, but also in other cases in which gross violations of human rights occurred.

Third, U.S. Government officials actively engage with Russian nongovernmental leaders and encourage peer-to-peer engagement between American and Russian civil society leaders. During his trip to Russia in July 2009, President Obama met with hundreds of civil society leaders as well as opposition political figures. Vice President Biden, Secretary Clinton, and other senior U.S. Government officials have made it a practice of meeting with civil society leaders and opposition political figures during their visits to Russia. Russian and American NGOs organized two civil society summits in 2009 and 2010 in which our administration participated. Under a new initiative, these annual United States-Russian civil society summits will continue annually.

Fourth, the Obama administration—working with the U.S. Congress—has continued to secure funds to support civil society, rule of law, human rights, independent media, and good governance in Russia. We have prioritized support for small, direct grants to Russian civil society organizations. Working with Congress, we continue to seek new ways to generate greater support for civil society organizations in Russia. For the upcoming parliamentary and Presidential votes in Russia, we have allocated $9 million—$1 million more than spent for the previous round of national elections in 2007–2008—to support activities designed to strengthen free and fair elections.

The sum of these efforts constitutes a robust strategy for supporting democratic change and civil society development in Russia. And yet, the limited results regarding democratic development in Russia over the last several years suggest that we must do more. As someone who has worked on these issues for over a quarter century—be it as the first representative of the National Democratic Institute in Russia in 1992, as a professor teaching and writing on democracy at Stanford University and the Hoover Institution, or as a member of President Obama's National Security Staff—I have the experience necessary to add vigor to our efforts in Russia, if confirmed by you.

President Obama believes that we can pursue our security and economic interests and promote universal values at the same time. If confirmed, I look forward to accepting a new challenge presented to me by President Obama and Secretary Clinton of trying to pursue this vision as the next U.S. Ambassador to Russia.

I am humbled by the President's decision to nominate me to this position, and I am grateful to the committee for inviting me to appear before you today and for considering my nomination.

I look forward to answering your questions.

Senator SHAHEEN. Thank you very much.

I want to start with where you ended, and that is, what do we do to address democracy promotion in civil society? As you point out, more does need to be done. And so if confirmed as Ambassador, how would you take on that issue?

Dr. MCFAUL. As I mentioned in my remarks, the Obama administration has developed a strategy. We call it a dual track engagement strategy. And let me tell you honestly we stole it from Ronald

Reagan and my mentor and colleague, George Schultz, at the Hoover Institution. The idea is a simple one, that we are going to engage with the Russian Government on our national interests, and it would be wrong of us to not engage with them when we have serious security interests and economic interests at stake. In parallel, we are going to engage with Russian civil society.

Now, in both tracks we have tried to raise democracy and human rights in both the governmental track and the civil society track. So, for instance, President Obama, from the very first meeting he ever had with President Medvedev, actually discussed the beating of a human rights activist. Lev Ponomarev is his name, an old friend of mine, by the way. The night before their meeting, he was beaten, and in the first meeting that the two Presidents ever had, President Obama raised the issue and has continued to do so, and not just the easy issues, by the way, very difficult issues including criminal cases against people like Mr. Khodorkovsky. The two Presidents have discussed that at length.

Second, as I said in my opening remarks, we continue to speak publicly, not just privately, about these issues, and we talk about the wide range of issues when we see instances of democratic erosion or human rights abuses.

Third, as I have stated in my opening remarks, we have made sure that human rights abusers do not come to this country.

With respect to Russian civil society, we have done a number of new things in that area as well. We engage directly with Russian Government officials, with Russian civil society leaders. So, for instance, when President Obama traveled to Moscow, he met with President Medvedev. He met with Prime Minister Putin. And then he spent the entire second day of his time in Moscow meeting with civil society leaders, business leaders, and members of the opposition. We support something that we call peer-to-peer engagement between American civil society leaders and Russian civil society leaders, and we support that with bilateral assistance, roughly $40 million, that goes directly to this kind of support, of course, with your support as well.

We need to do more. We need to create the space for those organizations to do their job. And if confirmed as Ambassador, I look forward to that challenge to do that personally, given the long ties I have to that community in Russia.

Senator SHAHEEN. Other than preventing violators from coming into the United States, most of what you have described has been on the carrot side. Are there other sticks that we should be looking to employ to provide incentives or disincentives for Russian behavior in this area?

Dr. MCFAUL. In the Obama administration, we have a firm belief that we should listen to the activists on the ground, those who are on the front line. It is easy to sit here and say they should do this, they should do that. It is a lot harder to be in Russia or harder even yet Udmurtia or Siberia or places that do not get as much attention.

When we talk to these people, they have asked us to do two things, and I would say these are familiar themes. One is speak out when their rights are violated and, two, provide support to what they are trying to do. And by that support, they want rhetor-

ical support, but they also want financial support, to be very blunt, and without that, that support that comes from the United States and other European countries, there are not other places for them to go for that kind of support. So I would emphasize that this could be an issue that we should work on with Congress to find new avenues and new ways to support those people more directly.

Senator SHAHEEN. I do not know if Senator Cardin is going to be here, but I know that he has discussed his legislation with you, The Sergey Magnitsky Rule of Law Accountability Act. And I wonder if you could talk about whether that kind of legislation is effective in moving the Russians or not.

Dr. MCFAUL. Well, first, if he does not show up, please pass on my applause to Senator Cardin for the leadership that he has focused on this particular case, the wrongful death of Sergey Magnitsky but more generally, I would say, for raising this issue as something where action should be taken.

I have to say personally as a U.S. Government official, the hardest day of my life, without question, was the day that I met Sergey's mother in Moscow and brought public attention from the United States, from President Obama, to what happened to her son. And I was also honored that Senator Cardin invited me to speak at the premiere of the documentary film on Sergey Magnitsky that you hosted up here. I say all that to point out and to underscore that we take very seriously what happened to Sergey Magnitsky and remind everybody that the attention that he has received because of Senator Cardin's good work is fantastic. These kinds of human rights abuses happen every day.

So we did take action, prodded by the legislation. We now have in place, through the authorities that Secretary Clinton already had, denial of visas to human rights abusers from Russia. And I would add they are not just affiliated with this case.

Moreover, we have taken more action than that. Last August, President Obama signed Presidential Proclamation 8697 which, in effect, internationalizes what Senator Cardin was seeking to do in his legislation. And we are very proud of that fact that we have done this, that this is not just an issue for Russia. This is an issue that unfortunately happens in many countries around the world. And with that Presidential proclamation, Secretary Clinton and the State Department have new authorities now to do the same for violators around the world.

And finally, I would say we have raised these concerns privately and publicly. I have been with President Obama when he has raised these issues. I know Secretary Clinton has. I have been with her when she has raised them with Foreign Minister Lavrov and will continue to do so.

Senator SHAHEEN. Thank you very much.

I should point out that I am also a cosponsor of that legislation.

Since my time is almost expired, I am going to turn it over to Senator Lugar.

Senator LUGAR. Thank you very much, Madam Chairman.

Fifteen years ago, Senator Nunn and I created or helped create the International Science and Technology Center in Russia to prevent the proliferation of WMD know-how and technology from the former Soviet Union. The ISTC has peacefully reemployed thou-

sands of former weapons technicians for WMD destruction and become a center for technology cooperation with more than 70 U.S. companies.

Now President Medvedev recently signed a decree that would terminate Russian participation in the ISTC. At a time when institutional cooperation is as important as ever, what has been your response to Russia's withdrawal from the ISTC and what further action can we take?

Dr. MCFAUL. Well, let me start, Senator Lugar, by again thanking you for the vision that you have given to this set of issues over the last 20 years. You may not remember, but I was a young Ph.D. student working for a fellow by the name of Bill Perry before he was Secretary Perry. I remember meeting you back then. And when I think about over the last two decades what you have done, what Senator Nunn has done, what various administrations have done in terms of making the world safer through Cooperative Threat Reduction and its sister programs at the Department of Energy and the State Department, it is a remarkable, innovative program, that we are all safer as a result of that. So I want to start with that.

Second, you know better than most, but I think he has made very clear how seriously President Obama takes this set of issues. He laid out an ambitious agenda in his Prague speech. He then hosted the first nuclear security summit here in Washington last year, and we are now making preparations for the Seoul summit next year. I hope you can attend.

And I would say two things with respect to Russia and then get to the ISTC that you mentioned.

Although we made tremendous progress, I want to remind the committee that there is still a lot more work to be done in Russia. I think sometimes we think, well, this is no longer an issue: we need to move on to third countries and other issues. It is not. There is still a lot of work to be done, and the vast majority of these weapons of mass destruction are in our two countries and the security of them in Russia still remains a top priority for our administration.

Second, with your guidance, we also seek to cooperate with Russia in third areas, and I think we will hear more about that when we meet in Seoul next year.

With respect to the ISTC, again I think the historians will judge. I used to be a historian, and I have talked to people who have written about this. I think it was a fantastic achievement at a very important time when you remember what was going on with the collapse of the Soviet Union. I know you remember that. I do not know if my boys over here remember, but it was a very scary time when I was living there when you thought about all the stuff that was there not locked down, insecure, and you did not know what the future of the Russian state was going to be. We now know in retrospect this has been a relatively peaceful collapse of the Soviet Union, but at the time when you were initiating our thinking about this, we did not know that. And ISTC ensured that some dangerous things that could not happen did not happen. And I know it is always hard to document as a social scientist the events that do

not happen—right—the dogs that do not bark. But I think on this particular set of issues, we have to remember that.

With respect to the center, our administration has been involved now for 2 years in active negotiations seeking to preserve it. We still think it should be preserved. We have not been able to reach agreement with Russia yet. We continue to do so, and in particular, we continue to try to think about new ways to frame the agenda that more appropriately meets the challenges that we have today. But I want to be honest. Right now we have not reached agreement with the Russians yet.

Senator LUGAR. Well, I appreciate your response very much because I am hopeful as Ambassador you will be able to work in behalf of the center and/or other ways in which the dangers are decreased because clearly many people, as you have pointed out, say, well, the real problem now is Iran potentially or North Korea and so forth. The Russians. This is old hat. But the facts of life are that the bulk of nuclear weapons are still in our country and in Russia. That will be the case for a long time. And the danger is not only of that but the personnel involved with that and the proliferation of ideas or leadership or what have you is really critical for both of our countries. So I am hopeful you will be able to make headway there, and we look forward to working with you.

On another issue that you have worked on very hard. The Senate made clear in the resolution of advice and consent of the New START treaty, the next round of arms control negotiations would have to address Russia's excessive and opaque tactical nuclear weapons arsenal. Russia has refused to negotiate over these weapons. Why in your view has Russia taken such an intransigent view over the next round of negotiations? What is your hope as to when this next round might occur and under what circumstances?

Dr. MCFAUL. Well, Senator, we have made very clear to our Russian counterparts that the next round of negotiations has to include the weapons you just mentioned, nonstrategic weapons. We have a kind of general agreement that these negotiations have to take place and, obviously, in consultation with our allies because this affects European security.

To answer the question, to explain, because you asked me to explain why Russia has resisted, I would say right now the answer they give to us is we want to have a holistic view. And in particular, they want to discuss issues of missile defense. They have made that clear, that without some progress in a pretty profound disagreement we have with them right now about missile defense, on certain aspects of that, they are not going to move forward with those negotiations.

We continue to negotiate. We have a team over there right now in Moscow negotiating on these set of issues. We have started something that we call "strategic stability talks," and per our commitment to you during the ratification of the New START treaty, we fully expect that the next round will include those weapons.

Senator LUGAR. I would mention, as you well know, this is of great interest to many of our friends in Europe. The new Ambassador to the United States from Germany mentioned this in a conversation we had yesterday and Volkarua who is back in Washington visiting with some. In fact, the Germans have tactical

nuclear weapons. They are not unique but they are an important country. So that the question is not simply a bilateral one, but it is one of total European security or world security for that matter. But as you point out, the missile defense situation, which obviously the Germans and others are also involved, is either a complicating factor or one that has to be taken into consideration. So I am hopeful that during your tenure there, you will be able to help make progress and to inform the administration as to how the arms negotiators might do so.

I thank you.

Senator SHAHEEN. I would like to pick up on the missile defense question because it is an area—as I know you remember, that was a big point of contention during the New START treaty debate. As you point out, as Senator Lugar pointed out, the Russians continued to express their concerns with NATO's phased adaptive approach.

So maybe you could talk about what the status of discussions on missile defense cooperation are currently and whether, given our historical differences on this issue, it is realistic to think that we can reach agreement.

And then if you could comment on the statement by the current U.S. Ambassador to Russia earlier this month when he said he was confident that Russia and NATO would reach a cooperative agreement by the NATO summit in Chicago in May 2012. Do you agree that that is realistic? So if you could address all of those.

Dr. MCFAUL. Thank you, Senator.

Let me first start by reminding everyone that we very militantly kept out any discussion of missile defense from the New START treaty negotiations. Having been personally involved in that from the beginning to the end, I can tell you that at every stage of the way, including when President Obama himself personally was involved in the negotiations—and he probably was more than he wanted to be, by the way. But that was never an issue, and there were no side deals done and there are no constraints in that treaty whatsoever. Let us also be honest. The Russians wanted that and we resisted that to the very end.

Second, we have continued to roll out and deploy EPAA, as you mentioned, in a rather rigorous and vigorous way as we had committed. It started in March 2011 with the deployment of the USS *Monterrey,* an Aegis missile ship. September 13, we signed a deal with the Romanians. The 14th, we signed a deal with the Turks about a radar. September 15, we extended our agreement with Poland. And then just last week, the Spanish agreed to host other Aegis ships. So we are moving forward with or without Russian cooperation on missile defense, and I think it is important for people to understand that we are going to do what is necessary to protect ourselves and our allies with or without the Russians.

With respect to Russia, we believe that our security, the security of our allies, and the security of our partners in Europe can be enhanced through cooperation with Russia. That is our working assumption. And in particular, tracking data that Russia has better access to, or earlier, and the sharing of that data could make both Russia, NATO, and our partners in Europe more secure. And

so that is why we have had a very vigorous program of trying to negotiate to get that started.

Last fall in Lisbon, I think we had a very productive exchange with President Medvedev at the NATO-Russia Council where we committed to seeking some kind of an agreement.

But of late, the negotiations have been difficult. In particular, they have broken down over a Russian demand that we sign a legally binding agreement that we will not undermine their strategic deterrent. And what we have responded to that is our missile defense systems are not aimed at Russia, and we do not seek to undermine strategic stability. And at the same time, we are not going to sign any legally binding agreement that would in any way constrain our missile defense systems. Because Russia believes, wrongly in our view, that phase 4 of the EPAA would be a threat to their ICBMs, we are at an impasse right now on those negotiations.

We will continue to work it. We will continue to talk to them. After all, a lot of this is about physics. This is not about perceptions. And we will see what we have as we prepare for the summit next May. I am not optimistic right now, but we are going to continue to work this issue.

Senator SHAHEEN. So it is not likely, based on what we know now, that we will have an agreement by the time of the summit next May.

Dr. MCFAUL. I would put it this way. We want to maintain progress, and I think it is important for everyone to remember how neuralgic this issue has been for decades in United States-Soviet and United States-Russia relations. So no one should be surprised that after one meeting in Lisbon, that we have not been able to find missile defense cooperation with Russia in the last several months. I most certainly am not surprised by that. I think it is going to take a lot of hard work. I think it will take work by experts and track 2 folks to help educate our societies about what is a real threat and what is not a threat. And so our objective, as the Obama administration, is to continue to find progress, however incremental, as we move toward the NATO summit and well beyond that because I suspect we will be working this issue not just for the next month but for years and years to come.

Senator SHAHEEN. Thank you.

As a cochair of the Atlantic Council's Georgia Task Force, tomorrow I am going to be among those who release a new policy report providing recommendations for the United States, Europe, and Georgia on how we can advance Georgia's Euro-Atlantic integration. And as I know you are aware, one of the big stumbling blocks remains Russia's occupation of Georgian territory, and we have seen little progress on this issue. In fact, some would say that things have gotten worse since the cease-fire agreement was signed.

So how can we take on Russia's continued occupation of South Ossetia and Abkhazia, and how can we make progress with Russia on this issue? And if you could also speak to how you see your role as Ambassador in addressing this issue.

Dr. MCFAUL. Well, thank you.

Obviously, we consider this to be a very serious issue. That is the reason I mentioned it in my opening remarks. We reaffirm, whenever we can, Georgia's territorial integrity, and strengthening Georgia's security remains a top priority for the Obama administration. We do that in a multifaceted way, and if I may, let me tell you about some of these.

First, on the diplomatic front, we do several things and we continue to do so. We seek to dissuade other countries from recognizing Abkhazia and South Ossetia, and in the spirit of the dogs that do not bark, those are important achievements that that has not gone forward further than it should. Here we radically disagree with the Russians, and we do when the Presidents meet. We do when Secretary Clinton meets with Foreign Minister Lavrov, and I will continue to do so if confirmed as Ambassador to Russia.

Second, we affirm Georgia's territorial integrity in multilateral negotiations, whether that is over the CFE regime or the WTO accession. We are very persistent in those multilateral forums.

Third, we support Georgia's Euro-Atlantic aspirations. We continue to do that.

Fourth, we continue to press Russia to adhere, as you rightly pointed out, to the 2008 cease-fire agreement which we believe they are not respecting.

Fifth, we continue to push for international monitors and greater humanitarian access to Abkhazia and South Ossetia.

And sixth, we work directly with Moscow to try to reduce the pressure and sometimes coercive pressure that they put on Georgia. Part of our argument and part of what we have tried to do is to develop a substantive relationship with Russia so that the costs of coercive behavior in that part of the world are higher to Russia than they may have been 3 years ago. President Obama has personally engaged President Medvedev on these sets of issues, and we will continue to do so throughout.

Second, it is not just diplomatic but it is in our economic assistance working with you all here at the U.S. Congress to try to support what Georgia is trying to do internally. We believe, like you do—I have a copy of the report—as you note on page 2, that supporting Georgia's consolidation of liberal democracy is actually a very important part of making Georgia more secure. And second, as you also note in this report, supporting economic growth in Georgia we think is also an important component of making Georgia more secure.

And third, I would add, especially given some recent events in the region, we need Georgia to succeed as a democracy because at a time when other countries that we had greater hopes for—there are some very troubling things happening, including just in Ukraine yesterday. When a democracy in the post-Soviet world can succeed, that sends a very powerful message, again, to the small "D" democrats throughout the region. So that is why it is important that we do that on the second front.

And third, in terms of military terms, we seek broad cooperation especially in two fronts. First, on the comprehensive reforms that Georgia is undertaking to modernize its ministry of defense, and second, in the training and equipping of Georgian soldiers that are serving with us in Afghanistan. And let me just mention that in-

cludes military service and it includes training of soldiers that are very important to us. They have lost 11 soldiers now; 50 have been wounded. We consider these very important contributions to the way we look at security and what we are trying to do in Afghanistan.

Senator SHAHEEN. Thank you.

Senator Lugar.

Senator LUGAR. I would like for you to consider a couple of issues sort of side by side. One is that in 2007, Russia suspended implementation of the Conventional Armed Forces in Europe Treaty and has not provided any CFE data since that time. Despite the attempts by the United States to revive the treaty, these have been rejected by the Russians.

Now, at the same time, France recently concluded an unprecedented sale of military equipment to Russia in the form of Mistral amphibious assault ships. Subsequently other NATO allies, including Spain, Italy, and Germany, have reportedly contemplated comparable sales.

Now, on the one hand, there are reports that Russia has an ambitious modernization plan for its conventional forces. This is one reason for asking for the CFE data so that they—we, and the Europeans have an idea. At the same time, there are also reports that things have not have progressed quite so rapidly as Russians might have suggested, that the conventional forces have not grown that dynamically.

How does the weapons purchase business fit together with whatever is occurring, and what is your judgment of, in fact, where the conventional forces are, quite apart from whether we can revive, for the sake of transparency and international reassurance, the CFE Treaty?

Dr. MCFAUL. Thank you, Senator. There are a lot of complex issues here that you have mentioned.

With respect to the CFE Treaty, we initiated earlier this year—Ambassador Nuland was our negotiator—a very rigorous and comprehensive set of diplomatic interactions with our allies and with Russia to try to come up with a framework agreement to try to enhance and expand the CFE regime.

Frankly, the talks have broken down with Russia despite the efforts of Ambassador Nuland. There are some smaller issues, but the main issue of where Russia could refuse to accept the definition that every other signatory to the CFE Treaty accepted was over the issue of host nation consent. And here, obviously, we are talking about Georgia.

So we are not optimistic that there will be a way forward right now, and before the next set, the planned set of exchange of information this December, as you well know, occurs, we are now consulting with our allies about how best to form a unified policy about what to do before that December deadline. And I expect you will be hearing from us very shortly on that.

With respect to other bilateral sales and the modernization, I think you are right in your assessment that the modernization inside Russia has not gone as fast as some would like. It is a debate in Russia, just so you understand. In fact, the Finance Minister of Russia recently resigned just a few days ago over a dispute that

he had with President Medvedev over how much of their budget should go to these efforts and to expanding Russia's military. So there is not a firm agreement on that. It is a real domestic issue in Russia.

With respect to other countries' sales, I do not think I should comment on that other than to say we noted what President Sarkozy said when he was in Tbilisi just a few days ago affirming many of the same things that I just said about our joint project to affirm Georgia's territorial integrity and to enhance Georgia's security.

Senator LUGAR. This is an oversimplification, but some analysts have indicated that as oil and natural gas increased in price worldwide, economic problems that were severe for Russia began to dissipate. And as a matter of fact, during President Putin's regime when much of this happened, there became general approval of the central government because the military could be paid, so could civil servants, so could most Russians achieve some degree of prosperity. Others have noted what goes up can come down.

Therefore, I am curious as a student of Russia, as you have been, to what extent is the Russian budget really dependent still upon these external sources in that it does not appear, given President Medvedev's leadership, there has been the kind of dynamic or even large investment from abroad in what was hoped to be a Silicon Valley type situation or various other ways in which Russians could make money. The dependence upon these resources still seems to be there and as you mentioned, the conventional forces and their defense budget, as we are having this debate in our country, how much our defense budget depends upon how our own budget business works out. This must be a more severe problem for Russians given the huge cyclical changes in these energy prices.

Dr. MCFAUL. Well, Senator, I have learned in 3 years working at the White House, that I am no longer allowed to be just a student of Russia. I am an administration official before you. I look forward to the freedom of Stanford and Hoover some day in my future.

But let me give you a more serious answer. I think your analysis is absolutely right. I think the coincidence of the rise of oil prices over the last 10 years before 2008 and the rise of Russia's economy was not a coincidence. That correlation is firm. And by the way, that correlation goes back further. You can see the rise and fall with the Soviet Union as well.

Russia did experience an economic crisis like the rest of the world in 2008 and 2009, and that sparked a very serious debate inside Russia that continues to this day. And I would just oversimplify to say—it is exactly along the lines you just described, which is some realize that just relying on the export of oil and gas is not a future to the 21st century or the 22nd century. And some day that will run out. That is cyclical. And if Russia just does that, they are going to fall off the charts in terms of the largest economies and their place in the world.

President Medvedev believes that. He has made that very clear. And as you noted, he has talked about economic modernization and, in particular, trying to capture—which after all are some of the most educated people still in the world, especially in math and

physics. And he has initiated this idea that we need to have our own Silicon Valley too. He traveled to Stanford. He traveled to Silicon Valley when he was here last year, and we encouraged that because I think spending a little time there, having lived there for the last three decades, there is nothing like experiencing the place as opposed to reading about it.

And having visited their Silicon Valley with Vice President Biden earlier this spring, I can tell you they have a long ways to go. Right now it is just an idea. But the idea is the correct one because in the long run, that is where Russia's future is, and encouraging people to invest both where they live and where they invest intellectually and also financially. That will not happen without better institutions to protect property rights, including intellectual property rights, in Russia.

And moreover, I would say it will not happen without a modern political system as well. I think history has shown that you can have economic modernization at low levels of economic development, and we know of lots of countries, including the Soviet Union in the early periods of its development, where you can do that. But at higher levels of economic development, it does not work that way. You have to have political modernization as well.

Let us take one issue that is a really big issue in Russia today: corruption. Well, there are some ways to fight that with a stronger state, but as we know, again history has shown and our own country has shown, by the way, another important mechanism for fighting corruption is democracy. It is independent media. It is a real opposition party. It is a real Congress that holds the executive branch accountable right as we are doing right here today. It is an independent judiciary. Those are very important mechanisms for fighting corruption and helping to support economic modernization.

I have spoken about these issues as a Government official, and as Ambassador I hope to engage in these debates with the internal debate that is happening in Russia today on this set of issues.

Senator LUGAR. I would just say parenthetically President Medvedev chose to visit Stanford and Silicon Valley first when he came last year and those of us in Washington second in terms of priorities, which are probably in terms of Russia's consideration. But when I asked him directly how can you anticipate this investment given the climate of corruption and judicial difficulties, he only responded: Well, that is a very interesting question. And here is the dilemma I think.

Thank you.

Senator SHAHEEN. Senator Menendez.

Senator MENENDEZ. Thank you, Madam Chairlady.

Dr. McFaul, I am enthused by your nomination for this post. Not only have you been a scholar of the region, but you have also lent your expertise and time to organizations such as NDI and Freedom House that promote human rights and democracy. A commitment to sustaining democracy, supporting indigenous efforts to expand civil society and enhancing respect for human rights are issues I feel passionately about. I am sure that if you are confirmed, you will continue to hold those views as the U.S. Ambassador to Russia.

Now, I do have a line of questioning that is very important to me, and I just want to reflect a moment on your yearning for academic freedom. And as I have said in the past to other nominees that have come before the committee, if you are confirmed, you will take an oath of office and that oath is to the Constitution of the United States. That oath means a constituted government that is both the executive and the legislative branch. And while the President may nominate you, it is the Congress, particularly the Senate, confirms you. So I hope that you will not view yourself only as an administration witness, but more as the nominee.

So with that to preface where I am coming from, I want to talk to you about Russia's relationship with Iran. As the former codirector of the Iran Democracy Project at the Hoover Institution, I think you are very aware of Russia's continued support for Iran's nuclear ambitions. When I served in the House, I had legislation aimed at terminating the IAEA and Russia's support for the building of the Bushehr nuclear facility. As you know, with Russia's support, that facility is now on line, and to me that is a setback in our multilateral efforts as it relates to isolating Iran as it pertains to its drive for nuclear weaponry.

I understand that the administration has sought to reset relations with Russia at least in part to get Moscow's assistance in isolating Iran or dealing with Iran's nuclear threat. Yet, as part of the assistance to Iran in building the Bushehr nuclear facility, Russia has trained approximately 1,500 Iranian nuclear engineers. There is also evidence that Russia, at least Russian companies, may be helping Iran with a nuclear delivery system. And then I see the latest set of events that has taken place with Iran, I ask myself what it will take to get the Russians to understand that they need to cooperate with us and much of the world in having a different attitude toward Iran—both for its own interest as well as ours.

As the United States Ambassador to Russia, what will you be saying to the Russians and what do you think can be done to move them to a better place?

Dr. MCFAUL. Thank you, Senator, for the question.

I think it is fair to say that Iran is right now and has been for the last 3 years if not the most important issue in United States-Russian relations, definitely one of the most important. And President Obama, as I think about the meetings that he has had with President Medvedev, which I have attended every single one and I have briefed him and been part of the conversations on the phone—this issue gets more attention than anything else.

The proposition that we have tried to make to President Medvedev and other Russian Government officials is that we want to make our bilateral relationship between the United States and Russia more important geopolitically to Moscow and more important over the long term economically to Moscow and, at the same time, make the argument that the old pattern of supporting Iran has deleterious consequences for Russia's standing in the world.

I think we have made progress on that. Most certainly you see it in our efforts at the U.N. Security Council and the P5+1 negotiations where time and time again over the last 3 years, Russia has been with us as opposed to against us. And for me and for our administration, most importantly, with U.N. Security Council Reso-

lution 1929, which went farther than any other resolution before in terms of sanctions against Iran, including heavy weapons, that has a direct affect on Russia's bottom dollar, bottom ruble, or whatever you want to call it where the economic effects of 1929 were real to Russia in a way—for obvious reasons were not real for us because we do not do that kind of trading. And I would remind you that 1929 also prohibits any cooperation with ballistic missile programs in Iran as well.

Moreover, Russia then took an action, which we considered to be very important, to cancel a contract that they signed with Iran, by the way, before the Obama administration. They signed it before we came to office—the transfer of S–300s, which we believe, had that contract gone forward, would have been highly destabilizing to security in the Middle East.

So we think we have made real progress in terms of having Russia be part of the international community, being part of the P5+1 as opposed to being on the outside.

Now, with respect to Bushehr, as you rightly mentioned, this was a compromise that was done before us, before we came along. The history—whether it should have been or not—I will leave to those that write about previous administrations.

What I do think is important to acknowledge here, however, is one important piece of an argument that we want to make to the rest of the world, that the regime that Russia has set up with Bushehr to provide the fuel and then to take out the fuel undermines Iran's argument for the need for them to enrich uranium indigenously. We think that practice, if it succeeds, demonstrates to the rest of the world that Iran's argument that they need to enrich—actually there is another way around to do that. So we are going to work with our Russian counterparts to make sure that it does succeed, and we will continue to try to show unity before Iran that will have to include Russia.

Senator MENENDEZ. So these reports of Russian companies helping Iran with a nuclear delivery system would be high on your priority list?

Dr. MCFAUL. Absolutely.

Senator MENENDEZ. And what is it that you think is necessary? You talked about having a relationship that is more important geopolitically to Russia than it is to have with Iran. What is that we need to do to move them even further in that direction?

Dr. MCFAUL. It is a big, long-term proposition. I want to make that clear. It is not going to happen overnight. But the idea is that the weapons that they were selling before, the heavy weapons they were selling before—they have argued to us, well, that hurts our bottom dollar. They said that to the President very directly. Why should we support that? And they point out arms sales that we make in other places. We want to make the argument to them that being part of the international community—and by the way, this is not just a bilateral piece. This is an international piece. We can enhance your economic development along other dimensions, including trade and investment with the United States and Europe. That is the proposition.

And I want to be blunt about it. It is not a proposition that everyone in Russia accepts. It is a debate inside Russia right now,

and it is a debate between different factions that have different interests that see the world differently. Therefore, we have to engage that debate and work closely with those that see ultimately Russia's future as part of Europe and part of that community as a part of being—and to defend and then fight against those that see Russia's future in this different dimension.

Senator MENENDEZ. So, a final question. I appreciate the chair's indulgence.

Hearing you answer that question, it sounds to me like the geopolitical relationship we are talking about is a bottom-line-oriented one as it relates to its economy.

Dr. MCFAUL. With its economy, yes, but also with its geopolitical position, that we want Russia to be a responsible member of the international community, to not be trading with proliferators, to not be supporting those kinds of countries. We were very disappointed, for instance, when Russia vetoed the resolution on Syria last week at the U.N. Security Council. That to me and to the Obama administration was not a demonstration—that it was not an affirmation of this different kind of world we are seeking to have that has Russia with us as opposed to against us.

Senator MENENDEZ. Thank you, Madam Chairlady.

Senator SHAHEEN. Thank you.

Senator Rubio.

Senator RUBIO. Thank you.

Congratulations. Thank you for your service and congratulations on your nomination.

I want to take off from the point you just touched upon which is the veto of the resolution. I also read where they said, however, that it is not a blank check. I think I am correct.

What are the parameters? And I know I am asking you to guess or maybe not. Maybe you know. Where are the outlines of how far they are willing to let this go in Syria before they take a more Turkey-like attitude toward what is happening? Do you have any sense of that?

Dr. MCFAUL. Thank you, Senator.

I have a sense from the negotiations and the conversations we have had with senior Russian officials. Most recently Foreign Minister Lavrov met with Secretary Clinton in New York a couple weeks ago. I attended that meeting. And we had a pretty lengthy and tough discussion about Syria where Secretary Clinton made very clear what we intended to do in New York and why we are doing it.

My assessment would be the following, that Russia understands and takes seriously the violations of human rights in Syria as well. And I would note that just 2 days after they vetoed the resolution, President Medvedev went out of his way to basically suggest that if this continues, Assad has to go. That had not been said. I could be mistaken, but I do not remember the President of Russia ever saying it that boldly. That was a good sign.

Where we had disagreements in the U.N., just to explain, not to excuse, was some nervousness on the part of some of the Russian Government that if we approve this resolution, that will end up like a situation in Libya. And as you will recall, in Libya with U.N. Security Council Resolutions 1970 and 1973, Russia did not sup-

port them, but Russia abstained and were with us in much closer agreement about the violations of human rights there. They worry about a precedent. We have made that very clear that that is not the way we see it and we are going to continue to work with them. I suspect we will be working with them in New York in the coming weeks for another resolution of where we can show agreement.

Senator RUBIO. You are generally optimistic that at some stage here in the near future, there is a point at which they can be partners on some sort of international measure with regards to that.

Dr. MCFAUL. I want to be careful about the word "optimistic." I want to say that we are going to work this very hard.

Russia has to understand the long-term implications of disunity at the U.N. Security Council. We cannot lose our moral voice there. And I think they have to understand that to get on the right side of history as to what is happening in Syria.

It is hard to judge and I want to emphasize when I say Russia, there is no one Russia. There are many Russian voices on this right now. There is a healthy debate inside Russia. There are some officials, for instance, that met and hosted leaders of the Syrian opposition not too long ago in Moscow, and one of those Syrian opposition leaders is an old colleague and friend of mine, and he reported to me a very productive conversation that they had. So I do not want to predict the future. Let me predict our future, which is that we are going to continue to work this very hard.

Senator RUBIO. This may have already been covered. I apologize if it was, but obviously yesterday's developments with the announcement of a plot to assassinate the Saudi and Israel Ambassador and its ties to the Iranian Government—what impact do you think that will have in terms of Russia's role on the Security Council and our search for potentially greater sanctions with regards to Iran and their nuclear ambitions?

Dr. MCFAUL. Senator, as I did say before, we consider our new and more robust cooperation with Russia on Iran to be one of the signature achievements of what we have done with Russia and the reset over the last 3 years. And in particular, U.N. Security Council Resolution 1929, which went farther than ever before in terms of new sanctions, including sanctions against the delivery of heavy weapons that Russia was a principal exporter to Iran and then after that when they took the action to cancel the sale of the S-300s which we consider to be very important.

My prediction. Secretary Clinton called Foreign Minister Lavrov today to brief him on what occurred and the activities we have taken. We have a pretty robust cooperation with Russia already on these kinds of issues and in many areas, by the way, not just vis-a-vis Iran but on preventing and working to thwart other terrorists and terrorist organizations. My prediction is that this will strengthen our cooperation on these kinds of issues.

Senator RUBIO. My last question is a little broader but it has to do with China and Russian relations. Obviously, they have a complicated history and a large border. Just looking at it, I think some have made this argument that if you look at some of the strategic challenges that Russia may face in the region, it ultimately may be coming from China, not from the United States. Is that perceived—I mean, obviously, they are aware that they have large territories

that happen to be rich in natural resources, are not heavily populated, and that a growing China would—you know, growing military ambitions or growing military capacities and growing energy needs and so forth—this could pose some conflict down the road. Is there an awareness of that, that China poses a real potential strategic challenge for Russia not today but in the next 5 to 10 years in terms of regional influence?

Dr. MCFAUL. Senator, your question is very timely because Prime Minister Putin is in China today, and he has made some remarks about their cooperation and trying to enhance their cooperation. China is a very important economic partner for Russia most directly right now in terms of the export of raw materials, energy resources. But as Prime Minister Putin just mentioned today, they want to expand that to other areas of cooperation, and they have announced some pretty big deals during his visit.

That said, I think there is an awareness of what you described, and I think the awareness—there is a divide. There is a debate about China not unlike the debate that we have here in our country about the rise of China and how to manage that. I think the Russians see that the management of China's rise in a way that is good for them and enhances their security is a central foreign policy challenge looking out not just in the years to come but in the decades to come. They do not want to have a confrontation with China, but they want to manage that, and yet they realize that that will be a central challenge to their security. Particularly, as you rightly pointed out, if you look at the demographics and the populations and the way they are growing out there in Siberia, that will be a real challenge for Russia in the coming decades.

Senator RUBIO. I want to talk briefly about our partnership with Russia in space which is critical now in the aftermath of the shuttle program. I mean, obviously, at the NASA level, we get reports about the professional relationships between our space program and their space program. At the policy level, do they view our partnership in space as a leverage point for them on us? Do they view it as an important—what is their view of that partnership from the political standpoint for them?

Dr. MCFAUL. Well, Senator, it has been a very important area of cooperation for a long, long time, as you know well. Through that cooperation, we have developed—in terms of the policy sense, you asked the right way to frame it. I would put it this way. Russia, and even before that, the Soviet Union—we competed, you know, obviously, but they saw themselves as one of the few countries in the world that could make contributions to space exploration, to those areas of your economy which required high technological sophistication. So they are very proud of what they have done in space, and they see that as a place for cooperation with the United States. They see that as an instance, if we can cooperate there, that can lead to other opportunities in the high-tech dimensions. We were talking about the Silicon Valley, for instance, pharmaceutical industries, where their brain power can be leveraged with our brain power and our innovative power and I would say our creativity when it comes to venture capitalism, which they do not have. They see that as areas of cooperation. And I think the cooperation in space can be a kind of analogy for these other kinds

of cooperations that they are now seeking. Nanotechnology is another area, for instance. If we can cooperate in space, on this hard stuff that we have done before, let us see if we can find it in these other places, particularly that would be of commercial benefit to Russian scientists, Russian companies in the high-tech industry and American companies as well.

Senator SHAHEEN. Thank you.

I have two other areas that I would like to explore before we close today.

The first is WTO accession. Obviously, Russia's continued occupation of Georgian territory is a complicating factor for their accession to the WTO. I wonder if you could speak to what is happening with current talks that are going on and the likelihood of success and talk about what the impact of Russia joining the WTO would be.

Dr. MCFAUL. Thank you, Senator.

Let me start by making an obvious point, but it is sometimes misunderstood. The Obama administration is supporting, and vigorously supporting, Russia's accession to the WTO because we believe that it is a good deal for the United States of America. It is in our national interest, particularly our economic interest. And let me just elaborate a little bit because sometimes it is somehow framed as a gift to Russia. We are not in the business of giving gifts to Russia. We are in the business of advancing our national interests.

So, first, lower and predictable tariffs. That is what we get if Russia joins the WTO. By the way, they already have those benefits with us because of the most-favored-nation status.

Second, Russia will accept international food safety standards that will make it harder for them to manipulate these things that in the past have prevented us from exporting poultry and pork in particular. And by the way, President Obama has spent a great deal of time negotiating with President Medvedev over our poultry exports and pork exports. We want to bring Russia into the international community where they adhere to international standards so that we do not have to be using Presidential time to do what should be something that they have to do because of their obligations before the WTO.

Third, Russia will have to accept new obligations for intellectual property rights, not just new laws but new enforcement.

Fourth, the WTO has a dispute resolution mechanism which will offer recourse for American firms that sometimes suffer through some of these shenanigans we just were talking about. Now, it is not a silver bullet. I do not want to overplay what that can do, but it is another leverage. It is another tool, if you will, for our companies.

Fifth, it will open up a whole new set of opportunities for services, particularly banking and insurance, that right now is constrained because Russia is not in the WTO.

And more generally, having Russia in a rules-based international economic regime we think is good for the United States and good for the world economy. And in particular, it will constrain some of the bad actors in Russia, the bad economic actors, and will help the

reformers in Russia that are pushing to see Russia to become a more open and market-oriented economy.

We also believe, most importantly, that because of those things I just mentioned, we will increase American exports to Russia. Some estimates say that it will double our exports to Russia over the next several years, and that means jobs in America. That means maintaining jobs and creating new jobs here in America. And it will not have some of the negative repercussions of other agreements in other countries that have joined the WTO because of the nature of our bilateral trade. And in particular, just to underscore, Russia does not export finished goods to the United States. It is principally raw materials, and that is not going to change. But what will change will be greater access for our consumer goods, including food exports to Russia.

Now, with respect to Georgia, this issue has not been resolved. The WTO works by consensus, and without Georgian agreement to Russia's WTO membership, it will not move forward. The Swiss Government has been leading a very active mediation process between Russia and Georgia, and we are supporting that. We think that the Swiss have come up with some very creative ideas, and we are urging both sides to take those negotiations very seriously.

Senator SHAHEEN. And is that the role that you envision that the United States should be playing at this point? Is there more we should be doing?

Dr. MCFAUL. Well, from time to time, various Russian officials—and in the press maybe you have read there has been talk about votes, talk about, you know, it is our job to roll the Georgians so that Russia can get into the WTO. That is firmly not our view and we have made that very clear to Russian Government officials, including just recently when First Deputy Prime Minister Igor Shuvalov was here just last week. He met with many of us, including the Vice President. And we have made very clear that that is not a road to accession.

Senator SHAHEEN. Thank you.

And finally, obviously, the change in the Presidency and the return of Putin is going to affect our future relationship. Can you talk about whether you see any significant change and what the relationship will be? How will he view the reset compared to how Medvedev has worked with us over the last several years?

Dr. MCFAUL. Madam Chair, I would say first that from the very beginning, as I outlined in my opening remarks, the reset has always been about advancing American national interests. The President was very clear to us. We had a debate about this, and some said, well, we need some symbolic actions to create a better atmosphere, and if we have a better atmosphere, then that will help us on these other things. The President's view was the exact opposite. Let us do real business together that is good for the United States and we presume would be good for Russia because we would not be able to do it otherwise. And through concrete achievements, that will create better atmospherics. And we believe that that strategy has succeeded. It was not a strategy about individuals as it was a strategy about American national interests.

I will remind you that Prime Minister Putin has been Prime Minister for the whole reset. It is not like he has been some side-

line person. He has been present at every step of the way. We have talked to him directly as the President did when we were there 2 years ago. The Vice President met with Prime Minister Putin when we were there in the spring. And we will continue to engage with him if, indeed, he is elected President next year.

But the policy has never been about personalities. It has been our interests. And I would say at this point we will have to wait and see. It is very clear what our policy is, and we look forward to seeing what President Putin brings to the table.

The last thing I would say is just to underscore President Obama did develop and has developed and continues to work with President Medvedev. They do have a good working relationship. They meet frequently because of the nature of international diplomacy. They meet at various international settings. We have found that to be a very productive relationship, and I think we should be proud of the fact that we developed that because, after all, it is through relationships that you advance your interests. And we are going to continue to do so whoever is the next President of Russia and the rest of the Government of Russia as well.

Senator SHAHEEN. And certainly I appreciate that the reset was about how we can address our national interests, but nevertheless, personalities do play a role. At least reading the reporting about how particularly some of the Russian human rights activists feel about Putin's return to the Presidency, there is some concern about what that means for the state of democracy and for the openness for civil society and freedom of the press, all of those things. So how do we expect to address the changes that might occur with a returned President Putin from what we have been dealing with over the last several years?

Dr. MCFAUL. I think we stick to our policy, which is to say we are going to engage with the Russian Government on mutual interests, and in parallel and at the same time, we are going to continue to engage. And I hope, if confirmed, I will be a part of this as Ambassador to deepen our engagement with Russian civil society. And we are not going to allow some false trade that says because you are dealing with us on issue X in the government channel, you cannot do this with Russian civil society. We have firmly rejected that kind of linkage that has been presented before us in the earlier periods of our administration. And again, if confirmed, I see that as a central challenge and a central responsibility that I will have as U.S. Ambassador to Russia.

Senator SHAHEEN. Thank you.

Senator Lugar, any other questions?

I think that is the end of my questions and Senator Lugar's as well.

So I just want to point out that we will keep the record open here on the hearing until noon tomorrow. So there may other questions that come in from members of the committee.

Again, I want to thank you very much for the service that you have already provided to the country and for your willingness to take on this very significant job ahead and hope that we will see a speedy confirmation on the part of the Senate.

Thank you all and the hearing is closed.

[Whereupon, at 4:00 p.m., the hearing was adjourned.]

## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF MICHAEL MCFAUL TO QUESTIONS SUBMITTED FOR THE RECORD BY SENATOR RICHARD G. LUGAR

*Question.* The administration has sought to cooperate with Russia on U.S. missile defense programs in Europe. Last fall, the committee learned that the Russian Federation rejected a draft Defense Technology Cooperation Agreement and Ballistic Missile Defense Cooperation Agreement presented by the United States.

- a. Why did Russia reject these draft agreements?

Answer. The United States and Russia have been negotiating a U.S.-Russia Defense Technology Cooperation Agreement since 2004. This is a broad agreement that, once concluded, would address the Parties' responsibilities and rights with respect to a broad range of defense-related cooperative research and development activities, including missile defense. The administration decided to propose a more limited form of the Defense Technology Cooperation Agreement that would only address missile defense cooperation issues—a Ballistic Missile Defense Cooperation Agreement. The latter would establish a framework to allow for bilateral ballistic missile defense cooperation, including: transparency and confidence-building measures, BMD exercises, data-sharing, and research and development. Details about how to cooperate would need to be negotiated subsequent to a Ballistic Missile Defense Cooperation Agreement. The proposed agreement does not specify any missile defense cooperation measure in particular; instead, it would serve as an umbrella agreement under which future individual technology agreements could be considered. In 2010, the Russian Government indicated that it did not wish to negotiate a Ballistic Missile Defense Cooperation Agreement at that time.

Russia has expressed interest in developing missile defense cooperation, but has asked for legally binding guarantees that U.S. missile defense systems will not threaten Russia's strategic nuclear deterrent prior to engaging in practical missile defense projects. The United States will continue to discuss possible missile defense cooperation with Russia, but will not accept any limits or constraints on our ability to effectively defend the United States, our deployed forces, and our allies and partners from the ballistic missile threat.

- b. What is the status of these or related agreements?

Answer. The Obama administration continues to engage Russia on developing an appropriate political and legal Defense Technology Cooperation Agreement framework that would enable substantive missile defense cooperation while protecting U.S. technology and information. These discussions are taking place in the U.S.-Russia Presidential Commission's Arms Control and International Security Working Group, led by Under Secretary of State Ellen Tauscher and Deputy Foreign Minister Sergey Ryabkov, and the Defense Relations Working Group's Enhanced Missile Defense Sub-Working Group, led by Principal Deputy Under Secretary of Defense for Policy, James Miller, and Deputy Minister of Defense, Anatoliy Antonov. The Department of Defense continues to negotiate a Defense Technology Cooperation Agreement with the Russian Ministry of Defense and the most recent round of negotiations took place in September 2011.

- c. Was there a Circular 175 issued for either of these agreements?

Answer. Yes. A Circular 175 was issued for both of these proposed agreements. Authority to negotiate the Defense Technology Cooperation Agreement derived from a blanket Circular 175 authorization provided to the Department of Defense in 1999 and the Circular 175 authority to negotiate the Ballistic Missile Defense Cooperation Agreement was signed by Under Secretary for Arms Control and International Security Affairs, Ellen Tauscher, in 2010.

- d. Will you share the text of these agreements with the Senate Foreign Relations Committee?

Answer. The administration is committed to keeping Congress informed of our missile defense efforts. These proposals were briefed in detail to Senate staff members in December 2010 during Senate consideration of the New START Treaty. In keeping with the longstanding practice of this and past administrations, the administration would be pleased to provide a classified briefing on the Defense Technology Cooperation Agreement, including developments from the latest round of United States-Russia meetings.

- e. In your view, how could Russia assist with U.S. missile defense plans in Europe?

Answer. The administration is committed to working with Russia to find an approach and configuration for missile defense cooperation that is consistent with the security needs of both countries, maintains the strategic balance, and addresses the potential ballistic missile threats that we both share. Effective cooperation with Russia could enhance the overall effectiveness and efficiency of our combined territorial missile defenses. Russian sensors and interceptors could reinforce and augment our ability to detect, track, and destroy missiles launched by potentially hostile countries, especially from the Middle East.

Irrespective of how cooperation with Russia develops, the NATO alliance alone bears responsibility for defending NATO's members, consistent with our treaty obligations for collective defense. The administration has been clear with Russia that it cannot accept any agreement that would limit or constrain the deployment of United States missile defenses—no nation will have veto power over U.S. missile defense efforts—and that NATO will be responsible for the defense of NATO territory, while Russia will be responsible for the defense of Russian territory.

- f. Does Russia share the same assessment of the threat that U.S. missile defense programs are designed to counter?

Answer. Russia recognizes that ballistic missile proliferation significantly affects regional and global security and Russia actively supports international missile nonproliferation efforts. In May 2011, the United States and Russia completed a classified expert-level exchange on ballistic missile threats. This process showed some areas of agreement, as well as important differences, in each others' perceptions of the ballistic missile threat.

- g. If yes, please describe. If no, how does this affect your answer to (e)?

Answer. Russia is a supporter of international missile nonproliferation efforts and is an active participant in the Missile Technology Control Regime and the Hague Code of Conduct Against Ballistic Missile Proliferation. Russia has also supported a series of United Nations Security Council Resolutions related to Iran's nuclear and ballistic missile programs.

In May 2011, the United States and Russia finished the joint threat assessment work outlined in the joint statements of President Obama and President Medvedev dated April 1 and July 6, 2009. The 2-year process entailed expert-level exchanges between U.S. and Russian security experts. This process was chaired by Acting Assistant Secretary of State Vann Van Diepen, and by Deputy Secretary of the Security Council, Valeriy Nazarov, and Assistant to the Secretary of the Security Council, Yevgeniy Lukyanov.

Even in the absence of full agreement on ballistic missile threats, ballistic missile defense cooperation with Russia is still possible and desirable. Effective cooperation with Russia could enhance the overall effectiveness and efficiency of our combined territorial missile defenses. Russian sensors and interceptors could reinforce and augment our ability to detect, track, and destroy missiles launched by potentially hostile countries, especially from the Middle East.

*Question.* In 2007, Russia suspended implementation of the Conventional Armed Forces in Europe Treaty and has not provided any CFE data since. Recent attempts by the United States to revive the treaty without sacrificing the principles of host-nation consent and reciprocity were also rejected by Moscow.

- a. What countermeasures has the United States executed after 4 years of Russian noncompliance?

Answer. The United States has not yet taken countermeasures in response to Russian noncompliance with its CFE Treaty obligations, although the administration continued to cite Russian noncompliance in the Treaty Joint Consultative Group and in our national compliance documents, the "2011 Report on Adherence to and Compliance With Arms Control, Nonproliferation, and Disarmament Agreements and Commitments" and the "Condition (5)(C) Report: Compliance With The Treaty On Conventional Armed Forces In Europe." During the last 4 years, the United States has led efforts by NATO allies to address the issues raised by Russia and bring it back into CFE compliance. The United States and its NATO allies believed strongly that we needed to demonstrate our commitment to conventional arms control by continuing full implementation of CFE obligations despite Russian noncompliance. The United States and our NATO allies have repeatedly emphasized that this situation cannot continue indefinitely, most recently at the September 29 CFE Review Conference. The administration is discussing with our allies the available legal options with regard to Russia while continuing to implement CFE with regard to the other state parties to the treaty.

- b. Should we be concerned about the lack of transparency surrounding Russia's ambitious modernization plan for its conventional forces?

Answer. The current impasse with respect to CFE does not help increase transparency on Russian force modernization plans, but full CFE implementation would not completely address U.S. concerns on this issue. The CFE Treaty was intended to provide information about existing force structure, rather than provide insights into future organization and force modernization. Russia has provided some information on the goals of its reorganization through our bilateral defense dialogue, and the U.S. Government has received similar information through contacts in NATO and the OSCE. While this information is useful, it does not provide the level of detail about specific locations that could be afforded by restarting CFE on-site inspections.

- c. Do you believe that nonlegally binding disclosures through the Vienna Document are sufficient for the United States to gain an understanding of the disposition of Russian conventional forces?

Answer. The disclosures and military observation visits available through the Vienna Document provide some insight into the disposition of military forces in order to increase confidence among participating states, but they do not allow the same level of intrusive verification and inspections afforded by the legally binding CFE Treaty. The Vienna Document and the CFE Treaty are complementary, not interchangeable. Each has a specific purpose and distinct contribution to overall stability in Europe. As became evident several years ago when an attempt was made to "harmonize" the regimes, there is no simple way to adjust the provisions of the Vienna Document to incorporate all the elements of the CFE Treaty.

*Question.* France recently concluded an unprecedented sale of military equipment to Russia in the form of the *Mistral* amphibious assault ship. One senior Russian military official noted that the ship could be useful in military operations in the Black Sea. Subsequently, other NATO allies, including Spain, Italy, and Germany, have reportedly contemplated comparable sales. What is your view of these military sales to Russia and what effect do these sales have on regional stability and NATO cohesion?

Answer. Decisions about such sales are a matter for sovereign states taking into account a host of factors, including international law and regional stability. All countries should exercise judgment and restraint when it comes to deploying military equipment that could exacerbate tensions in any conflict region. NATO is an enduring alliance that has weathered more than 60 years of sweeping change. The administration remains committed to NATO, and to our mutual obligations to build a safe and secure Euro-Atlantic region.

*Question.* The U.S. Senate made clear in its Resolution of Advice and Consent to the New START Treaty that the next round of arms control negotiations would have to address Russia's excessive and opaque tactical nuclear weapons arsenal. Russia has refused to negotiate over these weapons until a binding agreement is reached on conventional, missile defense, and space capabilities, a condition that appears to merely prevent discussion on Russian tactical nuclear systems. Do you believe that Russia's position is constructive?

Answer. As President Obama outlined in Prague in 2009, the United States is committed to continuing a step-by-step process to reduce the overall number of nuclear weapons, and to the pursuit of a future agreement with Russia for broad reductions in all categories of nuclear weapons—strategic, nonstrategic, deployed, and nondeployed. Russian officials have stressed that further reductions in nuclear forces are connected to a substantial number of other issues. Developing a mutual understanding with Russia of the relevant issues is the first step to achieving a future agreement. As such, the administration has proposed holding broad policy discussions with Russia on issues of stability, security, and confidence-building. The administration sees discussions on strategic stability as an opening that will allow for engagement on future reductions in all categories of nuclear weapons, in a way that will meet the Senate's requirement in the Resolution of Advice and Consent to the New START Treaty that the next round of arms control negotiations address Russia's tactical nuclear weapons arsenal.

*Question.* The OSCE recently announced that it would acquiesce to Russia's demand that only 200 election observers be allowed to monitor the Duma elections in December 2011.

- a. What conversations have you had with Russian officials on this matter?

Answer. The United States has urged Russia to permit international and independent domestic observation of its electoral processes, both in the campaign and on election day. The administration has also made it clear that it supports the integrity of the OSCE's Office of Democratic Institutions and Human Rights (ODIHR) and the OSCE's election observation standards.

Russia's Central Election Commission issued an invitation on October 7 for an Election Observation Mission from ODIHR and the OSCE Parliamentary Assembly. The United States has welcomed the invitation, which represents an improvement from the situation in 2007 and 2008.

The administration understands that ODIHR intends to send 60 long-term election observers (LTOs), and plans to have them on the ground in Russia for 5 weeks before and after election day on December 4. It also plans to send 140 short-term observers (STOs). The OSCE Parliamentary Assembly also plans to send observers. The administration has urged Russia to grant all observers the necessary visas and any other required accreditation in a timely manner. The United States will continue to observe the electoral process in Russia, and looks forward to ODIHR's assessment of the process.

- b. How do the conditions imposed on the OSCE compare to the conditions imposed in 2007, which led to the OSCE's cancellation of its monitoring of the Russian Duma elections?

Answer. In 2007, Russian authorities delayed sending an invitation to ODIHR, and when they finally issued the invitation, they imposed unprecedented restrictions on the observation mission. When ODIHR requested to deploy 70 election experts, Russia denied them visas.

This year, Russian authorities issued a timely invitation letter that did not contain restrictions on the number of observers. ODIHR has confirmed that 60 LTOs will be on the ground in Russia for 5 weeks before and after election day on December 4, and that it will send 140 STOs. The OSCE Parliamentary Assembly also plans to send observers. The administration has urged Russia to issue all observers visas and any other accreditation required in a timely manner.

- c. Do you believe that Russia's demands will impel the OSCE to again cancel its monitoring activities?

Answer. OSCE/ODIHR has confirmed that it will send 60 LTOs and 140 STOs. The administration understands that the OSCE Parliamentary Assembly also plans to send a significant number of observers. The administration has urged Russia to grant all observers visas and any other required accreditation in a timely manner.

The administration strongly supports the integrity of OSCE election observation and, as elections near and events unfold, it will take ODIHR's assessment very seriously as to whether Russian authorities will permit them and other observers to do their work without obstruction.

*Question.* What conversations have you had with Russian officials about allowing a full contingent of international election observers to monitor the Russian Presidential election in spring 2012?

Answer. The administration has regular discussions with Russian officials in which it raises a full range of human rights and democracy issues, including Russia's OSCE commitments to holding free and fair elections and to allowing international and independent domestic election observation, both in the December 2011 elections for the Duma and the March 2012 Presidential elections. Most recently, Assistant Secretary of State Michael Posner raised these issues with senior Russian officials in Moscow the week of October 10.

The United States has welcomed the October 7 invitation by Russia's Central Election Commission for international observers, including an Election Observation Mission from OSCE's Office of Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly, for the December 4 parliamentary elections. This represents an improvement from the situation in 2007 and 2008. ODIHR Long Term Election Observers will be on the ground in Russia for 5 weeks before and after election day on December 4, which will enable them to assess the political climate and ascertain whether parties are granted a level playing field in the runup to the elections.

*Question.* During your tenure in the White House, what conversations have you had with Russian authorities regarding the death of Alexander Litvinenko, who was poisoned with a radioactive substance in London in 2006? Have you pressed Russia to extradite the suspected perpetrator(s), who are residing in Russia?

Answer. The administration coordinates closely with the British government on all aspects of our Russia policy, including ongoing criminal investigations and re-

ports of human rights abuses. Most recently, we held consultations with our British counterparts on this case and other issues on the eve of Prime Minister Cameron's September visit to Russia. I agree with the position outlined by then-Secretary of State Rice in December 2006, soon after Litvinenko's death, "We've been clear to the Russian Government that all of these issues need to be investigated and investigated thoroughly . . . and our principal role is to try to be supportive of the British Government in any way we can." In 2007, the United States also publicly called for Russia's full cooperation in the request for Andrey Lugovoy's extradition, and this is a position I will maintain: "Russia should honor the extradition request and Russia should cooperate fully, because it is not in anybody's interest that we can have a crime committed of this kind and nothing is done about it."

*Question.* How much material has been transported via the Northern Distribution Network in 2009, 2010, and to date in 2011? Please include numbers for lethal (if any) and nonlethal equipment.

Answer. Russia is a critical partner supporting U.S. and coalition efforts in Afghanistan through its participation in the Northern Distribution Network and its support of U.S. military overflights. Since the fall of 2009, under our bilateral air transit agreement, 1,500 flights carrying 240,000 troops have transited Russian airspace en route to the Afghanistan area of operations. Over 51,000 cargo containers have transited the Northern Distribution Network, nearly 34,000 of which have transited over land through Russia under the NATO-Russia ground transit arrangement. There is an agreement in place permitting the two-way surface shipment through Russia of specific categories of wheeled armored vehicles, but no lethal equipment or cargo has yet transited Russia via the Northern Distribution Network in support of U.S. operations in Afghanistan.

*Question.* What rate does the Russian Federation charge, if any, for the transport of this material across its territory? How do these rates compare to those of other distribution routes utilized?

Answer. The U.S. Transportation Command (USTRANSCOM) oversees the flow of cargo in support of coalition forces in Afghanistan. USTRANSCOM does not contract for container movement directly with Russian contractors or pay fees directly to the Russian Government. USTRANSCOM contracts with U.S.-approved contractors at competitive rates to transport cargo from the continental United States to Afghanistan. When contractors transport containers through the Northern Distribution Network to Afghanistan, they may subcontract with various companies for surface transportation or pay fees to transit countries. The 2009 U.S.-Russia air transit agreement is cost-free to flights transporting U.S. personnel and material aboard U.S. military aircraft; commercial flights operated by contractors are responsible for the payment of air navigation fees.

*Question.* How much in total has the United States paid to Russia from 2009 to 2011 for the transportation of goods across its territory?

Answer. The U.S. Transportation Command (USTRANSCOM) oversees the flow of cargo in support of coalition forces in Afghanistan. USTRANSCOM does not contract for container movement directly with Russian contractors or pay fees directly to the Russian Government. USTRANSCOM contracts with U.S.-approved contractors at competitive rates to transport cargo from the continental United States to Afghanistan. When contractors transport containers through the Northern Distribution Network to Afghanistan, they may subcontract with various companies for surface transportation or pay fees to transit countries. The bilateral U.S.-Russia air transit agreement concluded in 2009 is cost-free to U.S. military aircraft; however, commercial charter flights are responsible for the payment of air navigation fees.

*Question.* What do you perceive to be Russian interests in assisting with the U.S./NATO mission in Afghanistan? What types of cooperation has Russia provided during your tenure in the administration?

Answer. Russia's cooperation with the United States in Afghanistan is based on a shared interest in building security, stability, and prosperity for Afghanistan and within the region.

U.S.-Russian cooperation on Afghanistan is one of the achievements of the "reset" policy and continues to expand, particularly in the areas of transit cooperation, counterterrorism, counternarcotics, and regional diplomatic efforts to help facilitate Afghan-led reconciliation. Thanks to Russia's agreement to allow the transit of U.S. personnel and equipment across Russian territory in support of the ISAF mission in Afghanistan, almost 1,500 flights and over 225,000 military personnel have transited this corridor, while Russia's ground transit arrangement with NATO has resulted in the shipment of nearly 34,000 containers of supplies to Afghanistan. To

help build the capacity of the Afghan National Security Forces, Russia has announced a generous contribution of training and parts to the NATO-Russia Council Helicopter Maintenance Trust Fund. This donation, combined with donations from the United States and NATO allies, will meet a critical training goal for Afghanistan. Russia has also announced publicly its support for Afghan-led peace and reconciliation efforts. Russia joined the United States and other U.N. Security Council members in unanimously supporting reforms of the U.N. 1267 sanctions regime requested by the Afghan government. U.S. Special Representative for Afghanistan and Pakistan Grossman engages frequently with his Russian counterpart on political and diplomatic efforts to support stability in Afghanistan, and the administration looks forward to Russia engaging positively at the Istanbul and Bonn conferences later this year.

With regard to counternarcotics, Russia and the United States have expanded law enforcement cooperation through joint investigations, including in support of our Afghan law enforcement partners, and the sharing of financial intelligence to fight drug smugglers and their illicit financing. Last year, in coordination with the U.S. Drug Enforcement Administration and the Counternarcotics Police of Afghanistan's DEA-mentored units, Russian Federal Counter-Narcotics Service personnel participated in a successful joint operation inside Afghanistan, which resulted in the seizure of 930 kilograms of heroin. The United States and Russia are actively engaged in the NATO-Russia Council counternarcotics program, through which more than 1,600 law enforcement officers from Central Asia, Afghanistan, and Pakistan have received training in Russia.

*Question.* Russian President Medvedev has stated with respect to the U.S. Transit Center at Manas, Kyrgyzstan, that, "This base, and this is my position and I say it openly: It shouldn't exist forever." Do you believe that Russia has any role in determining the duration of the existence of the U.S. presence at Manas?

Answer. No. The terms of operation of the Transit Center are a bilateral matter between the United States and Kyrgyzstan. The Transit Center has operated without major interruption for nearly a decade. The administration also has an open, transparent, and continuous dialogue with Russia about operations in and around Afghanistan, as well as our military and political goals going forward. This dialogue is not always easy, but it takes place in a context of partnership rather than rivalry. Although the question of Russia's opinion of American military presence in Central Asia has attracted a great deal of media attention, the results of Russia's cooperation with us in the region have been largely positive. Russian air and land transport corridors are vital components of the allied logistics network.

*Question.* You have noted the need to move beyond "zero-sum" thinking in the U.S.-Russian relationship. Russian troops, however, are still present in several nations, including Moldova and Georgia, without those nations' consent. Additionally, Russia has reportedly pressured many countries throughout the region to withhold defensive military assistance to Georgia. To what extent has this "zero-sum" thinking taken hold in Moscow?

Answer. The administration has been consistent and forthright with Russia about our differences. The United States has consistently rejected the notion of "spheres of influence" and is firmly committed to upholding the principle of host-nation consent for the stationing of foreign forces, a point the administration makes regularly in its meetings with Russian officials, and which I will continue to do if confirmed. As President Obama said in a July 2009 speech in Moscow, "the days when empires could treat sovereign states as pieces on a chessboard are over."

Over the past 2½ years, real progress has been made toward putting the United States relationship with Russia and Russians on a more positive footing. In Afghanistan for example, Russians are providing unprecedented access to its airspace and transportation networks, helping to train and equip Afghan forces, and cooperating with us on antinarcotics operations in the region.

That progress is also reflected in public opinion polls. The respected social research organization Levada conducted a poll in May 2011 and found that 54 percent of Russians hold a positive view of the United States. The All-Russian Center for Public Opinion Research confirmed this trend in September with a poll finding that 55 percent of Russians hold positive views of the United States. By contrast, in November 2008, only 31 percent of Russians had a positive view of the United States, while 55 percent had a negative view.

While historic patterns of thinking continue to influence Russian policy in some areas, this is a legacy that must be overcome if Americans and Russians are to realize the full benefits of the relationship's potential.

*Question.* Article 51 of the U.N. Charter states that "Nothing in the present Charter shall impair the inherent right of individual or collective self-defence if an armed attack occurs against a Member of the United Nations . . . " Do you assess that the nation of Georgia has the capacity to provide for its self-defense?

Answer. All sovereign countries have the right to self-defense in response to an armed attack. The United States has a broad and deepening relationship with Georgia in a number of areas, including security and defense reform. The administration's security assistance and military engagement with Georgia is currently focused in two areas. The first is comprehensive assistance to support Georgia's defense reform and modernization along Euro-Atlantic lines. In particular, the administration is focused on building institutional capacity, supporting personnel and doctrine reform, and contributing to professional military education modernization. The administration has also consulted with the Georgian Government on its National Security Concept. Second, the United States continues to provide the necessary training and equipment to Georgian troops in support of their interoperability and effective participation in ISAF operations in Afghanistan.

*Question.* Under the "brains before brawn" policy, the United States has been assisting Georgia with doctrine, training, and military reform efforts. When do you foresee that Georgia will be ready for defensive military equipment procurements?

Answer. Per standard practice, the administration reviews all requests for export licenses and arms transfers individually, assessing legal, technical, and policy considerations. The United States also continues to have a broad and deepening relationship with Georgia in a number of sectors. Our security assistance and military engagement with Georgia are currently focused on two areas. The first is comprehensive assistance to support Georgia's defense reform and modernization along Euro-Atlantic lines. Second, the United States provides training and equipment suitable to the Afghan counterinsurgency environment in conjunction with Georgia's generous contribution of troops to ISAF operations in Afghanistan.

*Question.* During your tenure, has any assistance been provided to Georgian Special Forces?

Answer. The administration's security assistance and military engagement with Georgia are currently focused on two areas. The first is comprehensive assistance to support Georgia's defense reform and modernization along Euro-Atlantic lines. In particular, the administration is focused on building institutional capacity, supporting personnel and doctrine reform, and contributing to professional military education. Second, the United States continues to provide the necessary training and equipment to Georgian troops in support of their interoperability and effective participation in ISAF operations in Afghanistan. Assistance to the Georgian Special Forces is not currently an element of these two areas of our security assistance and military engagement with Georgia.

*Question.* During your tenure, have you made progress in reinstating an international monitoring mission on the ground in Abkhazia or South Ossetia?

Answer. The administration continues to call on Russia to fulfill its obligations under the 2008 cease-fire agreement, including the return of international monitors to the separatist territories of Abkhazia and South Ossetia. The administration believes that an international monitoring presence in these territories remains essential, and hopes that Russia—which has also said it sees a need for monitors—will accept a return of international monitors. The administration also continues to press for full access to the separatist regions by the European Union Monitoring Mission and international organizations like the OSCE to address ongoing humanitarian and human rights concerns. A positive and concrete step has been the establishment of the Incident Prevention and Response Mechanisms (IPRMs) for Abkhazia and South Ossetia, which meet regularly to address security and humanitarian issues on the ground.

*Question.* Have you had any conversations with other NATO allies to caution against arms sales to Georgia?

Answer. The administration has neither opposed nor advised against other governments' sales of defense articles, including arms, to Georgia.

*Question.* Public reports have linked Russian officers to the recent bombings in Georgia, including one near the gates of the U.S. Embassy compound in Georgia.

- When did you learn about the reported links to Russian officers?
- What was your response?
- Are you satisfied that Russia has conducted a thorough investigation of the allegations?

Answer. The administration takes very seriously any threats against U.S. facilities overseas and is concerned about any threats to peace and security in the Caucasus. The administration coordinated closely with Georgian law enforcement on the investigation into the incident that occurred near the U.S. Embassy. The U.S. Government also raised the allegations by Georgian authorities of Russian involvement directly with the Russian Government at high levels and urged the avoidance of any actions in Georgia that could impact regional stability and security. The administration has urged the Government of Russia to cooperate directly with the Government of Georgia to investigate the incidents. The Government of Georgia's investigation continues.

*Question.* Do you believe that Russia has an interest in resolving Moldova's frozen conflict in Transnistria? If so, please describe those interests.

Answer. Russia is a participant, along with the European Union, the OSCE, Ukraine, and the United States, in the 5+2 process that seeks to find a comprehensive negotiated settlement to the Transnistria conflict. The September 22 announcement by 5+2 participants in Moscow to relaunch official 5+2 negotiations after a 6-year hiatus was a positive development, and at that time, Russian Deputy Foreign Minister Karasin reiterated Russia's support for the 5+2 process. In June, Russian Foreign Minister Lavrov publicly urged both parties to the conflict to compromise and he made clear that Transnistria's special status within Moldova, not independence, was the issue on the table. The administration will continue to work closely with Russia and other participants in the 5+2 process to try to resolve the Transnistria conflict.

*Question.* Do you believe that Russia has been constructive as a negotiator in the 5+2 talks over Transnistria? Do you believe that Russia has leverage over Transnistria in the 5+2 negotiations? What points of leverage exist?

Answer. Russia joined the European Union, Ukraine, and the United States this year in supporting the resumption of official 5+2 negotiations in an effort to reach a comprehensive settlement to the Transnistria conflict. Under the OSCE Chairman-in-Office's leadership, the parties to the conflict and the international participants in the 5+2 process agreed in September to the relaunch of official 5+2 negotiations after a 6-year hiatus. The administration looks forward to working with Russia and the other 5+2 participants to develop a comprehensive agenda and to hold an initial round of negotiations in the coming months.

Transnistria continues to rely on political and financial support from Russia. At the same time, Foreign Minister Lavrov has publicly supported Moldova's sovereignty and stated that Russia supports a negotiated settlement that provides for a special status for Transnistria within Moldova.

*Question.* Moldovan officials recently interdicted weapons-grade highly enriched uranium in Chisinau. Reports suggest that a Russian national, currently in Russia, was involved.

- a. What conversations have you had with Russia on this matter?

Answer. The United States supports ongoing Moldovan efforts to prosecute the traffickers who were caught in June with uranium and to work with Russian and other partners to investigate the original theft of the uranium. The United States has raised this case with Russia. If confirmed, I will continue our robust cooperation with Russia on nuclear smuggling matters.

- b. Are you satisfied with the level of cooperation the United States and Moldova have received from Russia?

Answer. The administration believes that Moldovan, Russian, and other authorities are taking appropriate action on this case and the United States will continue to offer its assistance. The administration routinely works with Russia in this area through, for example, the Global Initiative to Combat Nuclear Terrorism, which is cochaired by Russia and the United States.

- c. Are you confident that the alleged perpetrator will be brought to justice?

Answer. The investigation into this case is ongoing, and for that reason we prefer not to comment publicly on the details of this case at this time.

*Question.* Belarus has announced that a Russian company may soon construct a nuclear power plant near its border with Lithuania.

- a. Are you confident that the proper international safeguards and transparency measures are being complied with thus far?

Answer. The administration is aware that Belarus is moving forward with plans to build a nuclear power plant. The United States has clearly stated that Belarus'

plans should include a competitive, commercial process for the design and construction of a safe, secure plant operating under the International Atomic Energy Agency's safeguards and built to the highest international standards. The administration has also made clear that Belarus—like all countries pursuing nuclear power—should do so in a transparent manner that takes into account the concerns of neighboring countries, as appropriate. The administration supports efforts by Lithuania and other European states potentially affected by the construction of a nuclear power plant in Belarus to seek additional clarifications on Belarus' plans.

• b. Have you raised this issue with Russian officials?

Answer. The United States regularly engages with Russia on issues of nuclear security, including the peaceful uses of nuclear energy. The administration continues to urge all parties involved to ensure that the design and construction of a safe, secure plant operating under the International Atomic Energy Agency's (IAEA) safeguards would be built to the highest international standards. Russia, like the United States, is a charter member of the Nuclear Suppliers Group and has committed to export nuclear materials and technology only to those countries that have agreements with the IAEA on the full scope of the Agency's safeguards. Moreover, Russia has an IAEA Additional Protocol in force, which requires disclosure of nuclear related exports, including to Belarus. Russia has also taken part in efforts by the United States and other G8 countries to encourage Belarus to adopt the Additional Protocol.

*Question.* Reports suggest that Russia has conditioned a loan to Belarus on the acquisition of equity in Belarusian state-owned enterprises. What is the status of this deal and what enterprises have been or will be affected in your estimation?

Answer. The Government of Belarus continues to search for solutions to its economic problems, including a $3 billion, multiyear loan from the Russian-led Eurasian Economic Community Stabilization Fund.

The Eurasian Economic Community Stabilization Fund disbursed $800 million dollars in June, but the loan requires that the Government of Belarus privatize at least $2.5 billion of state assets before more funds are released. One possible target for privatization is Beltransgaz, the state-owned gas pipeline monopoly in Belarus. Russia's Gazprom, which already owns 50 percent of Beltransgaz, has indicated its desire to purchase the remaining shares of Beltransgaz for $2.5 billion, but no deal has been concluded.

*Question.* Russia has traditionally been a major supplier of arms to Syria. Has Russia withheld pending arms sales to Syria in light of the recent violence Syrian forces have perpetrated against their own citizens?

Answer. The administration is concerned about reports of continued Russian weapons transfers to Syria. The administration frequently expresses concern to the Russian Ministry of Foreign Affairs and senior Russian officials regarding Russian arms sales to actors of concern, including Syria. Secretary Clinton publicly urged Russia to cease arms sales to Syria on August 12, 2011. The administration will continue to press Russia to cease pending and future arms sales that threaten regional stability, contribute to the Syrian regime's violent crackdown, or could be diverted to Hezbollah. The administration can provide additional details on this issue in a classified format.

*Question.* What is the status of the Russian Navy's use of a Syrian naval base at Tartus? Has Russian-Syrian naval cooperation subsided since the recent unrest in Syria?

Answer. Russia has had facilities at the Syrian port of Tartus since 1971. The facility is used primarily as a maintenance and resupply point for Russian warships transiting the Mediterranean. The most recent visit of a Russian fleet unit was a 3-day visit in late September by the destroyer *Severomorsk,* which was returning home after a counterpiracy patrol in the Gulf of Aden.

*Question.* As a result of U.S. diplomacy, Russia has cancelled the sale of the S–300 missile defense system to Iran. However, when other disagreements in the U.S.-Russian bilateral relationship have arisen, some Russian officials have threatened to reinitiate the sale. Has Russia cancelled the S–300 because it is in Russia's national security interest or because of a linkage to other bilateral issues?

Answer. Russia has informed the administration that, in its view, its cancelation of the contract for the provision and transfer of S–300 air defense system to Iran was in line with its obligations under United Nations Security Council Resolution 1929 (2010) and it will not deliver these weapon systems. Foreign Minister Lavrov recently stated, "[Russia has] returned the prepayment to [Iran], and we believe the

issue should be closed." The administration appreciates the restraint that Russia has demonstrated over the course of several years in not transferring the S–300 system to Iran. The administration hopes that Russia's continued restraint will serve to encourage other potential arms suppliers to adopt a rigorous approach to implementing U.N. sanctions pertaining to Iran.

*Question.* Against which Russian entities have sanctions been placed, removed, or waived during your tenure for the proliferation of goods, services, or technology to Iran, North Korea, or Syria listed on:

- I. The Missile Technology Control Regime Equipment and Technology Annex?
- II. Wassenaar Arrangement list of Dual Use Goods and Technologies and Munitions list of July 12, 1996, and subsequent revisions?

Answer. The United States has not imposed nonproliferation sanctions against Russian entities since January 1, 2009.

As published in the Federal Register, the administration lifted E.O. 12938 penalties against the Baltic State Technical University, Glavkosmos, D. Mendeleyev University of Chemical Technology of Russia, and Moscow Aviation Institute in 2010. The administration also lifted Lethal Military Equipment sanctions against the Tula Instrument Design Bureau and sanctions pursuant to the Iran, North Korea, and Syria Nonproliferation Act against Rosoboronexport in 2010. On May 21, 2010, the administration provided a classified briefing on the details of the lifting of the above-mentioned sanctions to the staff of the Senate Foreign Relations Committee and House Foreign Affairs Committee.

The details concerning the lifting or waiver of sanctions for transfers of controlled equipment are classified. The administration would be pleased to arrange a briefing in an appropriate setting to provide this information.

*Question.* Is it the policy of the Russian Federation to cease the proliferation to Iran of weapons of mass destruction and long-range missiles?

Answer. Russia is a key partner in American and international efforts to prevent the proliferation of weapons of mass destruction and missiles to Iran. Russia is an active participant in the Missile Technology Control Regime, the Proliferation Security Initiative, the Hague Code of Conduct Against Ballistic Missile Proliferation, and the Nuclear Suppliers Group.

Russia, as part of the P5+1 and a permanent member of the United Nations Security Council, has supported and contributed to the crafting of all Security Council resolutions pertaining to Iran: 1696 (2006), 1737 (2007), 1747 (2007), 1803 (2008), 1835 (2008), and 1929 (2010). The administration expects all states, including Russia, to fully comply with the United Nations sanctions regime on Iran, as well as Security Council resolutions preventing the proliferation of weapons of mass destruction, including Security Council Resolution 1540.

*Question.* How do you view what the United States Government has called a "mixed" record on Russian missile technology controls' enforcement and compliance with regard to Iran? With regard to any other countries?

Answer. The United States continues to closely monitor transfers of proliferation-sensitive technology from Russia to Iran and other countries of concern. Nonetheless, Russia has made significant contributions to international efforts to combat missile proliferation. The administration works closely with the Russian Government to further our shared nonproliferation goals and to prevent Iran and other countries of concern from obtaining missile-related goods and technologies from Russian entities.

Although past assistance of Russian entities helped move Iran toward self-sufficiency in the production of ballistic missiles, over the last two decades, the Russian Government has enacted laws and decrees to implement export controls on complete missile systems and dual-use items. Since 2006, the Russian Government has supported a series of United Nations Security Council resolutions designed to prevent transfers of equipment and technology that could benefit Iran's nuclear-capable ballistic missile programs.

Russia is an active participant in international arrangements to prevent the proliferation of missile delivery systems, including the Missile Technology Control Regime, the Proliferation Security Initiative, and the Hague Code of Conduct Against Ballistic Missile Proliferation.

The United States expects all states, including Russia, to abide by the terms of all U.N. Security Council resolutions pertaining to Iran, including 1737, 1747, 1803, and 1929, and Security Council resolutions against the proliferation of weapons of mass destruction, including 1540. The administration has raised with the Russian

Government issues of weapons-related transfers to actors of concern and has continued to press Russia to abide by its international obligations and commitments.

*Question.* What is the status of the State Department's delinquent submission of reports required under the Iran, North Korea, and Syria Proliferation Act?

Answer. As you are aware, the Department submitted the 2008 Iran, North Korea, and Syria Nonproliferation Act report to Congress on May 23, 2011. The Department will submit the 2009 and 2010 Iran, North Korea, and Syria Nonproliferation Act reports to Congress once it has assembled and evaluated all of the reporting information required by the act. Currently, the Department is working to finalize the 2009 report and is simultaneously reviewing cases that meet the criteria for reportability for the 2010 report. The Department expects to submit the 2009 report by the end of this year.

*Question.* Has Russia executed a facility-specific safeguards agreement with the IAEA for the Bushehr Nuclear Power Plant in Iran?

Answer. Russia is not required to complete a facility-specific safeguards agreement with the IAEA for the Bushehr Nuclear Power Plant. Under its existing NPT-mandated safeguards agreement, Iran is required to place all nuclear facilities, including Bushehr, under IAEA safeguards. In his most recent report to the IAEA Board of Governors, the IAEA Director General noted that "the Agency continues to verify the nondiversion of declared material" at 16 declared nuclear facilities, including Bushehr. The IAEA Director General has not noted any issues or irregularities with respect to Bushehr in his reports.

*Question.* What avenues of cooperation is Russia currently seeking with North Korea, particularly after the visit of North Korean President Kim Jong-il to Russia?

Answer. Kim Jong-il's meeting with President Medvedev reportedly included discussions on energy deals and economic aid. Press reports of that meeting also mentioned North Korea's reported willingness to refrain from nuclear tests and missile launches.

The administration views these reports as a sign of Russia's shared commitment to abide by obligations mandated by United Nations Security Council resolutions. Russia voted with the United States in the Security Council to adopt Resolution 1874, which expanded sanctions against North Korea by broadening the embargoes on trade and financing that could assist its prohibited weapons programs. Russia remains a committed partner in the six-party process, which seeks to accomplish the peaceful and verifiable denuclearization of the Korean Peninsula. Russia and the United States continue to urge North Korea to comply with its commitments under the 2005 Joint Statement of the Six-Party Talks, the terms of the Armistice Agreement, and obligations under U.N. Security Council resolutions.

North Korea's disclosure last November of a uranium enrichment facility remains a matter of serious concern for the administration. This is a clear violation of North Korea's obligations under Resolutions 1718 and 1874 and contrary to its 2005 joint statement commitments. Russia publicly called on North Korea to comply with Resolutions 1718 and 1874, notably during a visit by North Korean Foreign Minister Pak Chui Un to Moscow on December 13, 2010. In the Deauville G8 Summit Declaration of May 27, President Medvedev joined President Obama and their counterparts in condemning North Korea's provocative behavior, as well as its continued nuclear weapons, ballistic missile, uranium enrichment, and light-water reactor-construction activities; and urging North Korea to take concrete action to demonstrate its readiness to return to the six-party talks.

*Question.* At the Peterson Institute on April 15, 2011, you spoke about the possible repeal of the Jackson-Vanik amendment with respect to Russia. According to the transcript, you stated: " . . . [L]et's have another act. Call it the Jackson-Vanik Act of 2011." Do you believe that, should Jackson-Vanik be repealed, another piece of legislation should be passed in its place? Please describe.

Answer. Jackson-Vanik served its historic purpose by helping thousands of Jews emigrate from the Soviet Union. Since a 1994 Presidential Determination and subject to ongoing reporting requirements, successive U.S. administrations have certified that Russia is in compliance with the emigration provisions of Jackson-Vanik, satisfying a requirement for an annual finding to continue providing normal-trade-relation tariff treatment to imports from Russia. If Jackson-Vanik is not terminated before Russia joins the WTO, U.S. workers, manufacturers, ranchers, and farmers will be prevented from joining their competitors in enjoying the full benefits of Russia's accession.

The administration's commitment to pursuing a robust human rights policy regarding Russia is strong, and this will continue after the proposed termination of

Jackson-Vanik. The administration discusses human rights concerns openly with Russian officials, including with regard to freedom of assembly, ongoing human rights abuses in the North Caucasus, and murders and violent attacks on journalists and human rights activists. The administration also engages Russian civil society and political opposition directly, and fosters contacts between American civil society and Russian civil society. I have raised these issues in my official meetings, as have Secretary Clinton and President Obama, and we will continue to do so. Senior U.S. officials have delivered more than 80 public statements on human rights in Russia since President Obama took office.

Since FY 2009, the Obama administration—working closely with the U.S. Congress—has provided over $108 million in bilateral assistance to support civil society, rule of law, human rights, religious freedom, independent media, and good governance in Russia. The administration has prioritized support for small, direct grants to Russian civil society organizations. Working with Congress, and recognizing today's difficult budget environment, the administration continues to seek new ways to generate greater support for civil society and human rights in Russia.

*Question.* You have spoken widely on the need to support civil society and the rule of law in Russia. However, the administration's request for the "Governing Justly and Democratically" Account for the Russian Federation for the last 3 years has been approximately the same ($35,900 for FY 2012, $35,190 for FY 2011, and $35,900 for FY 2010). Why has the administration's request remained nearly constant, in light of the deterioration of democratic standards in Russia?

Answer. The administration remains steadfast in its commitment to strengthen democracy, human rights, and the rule of law in Russia, while also recognizing our deeply constrained budget. Funding for "Governing Justly and Democratically" in Russia remains constant at approximately $35 million each year even though the FY 2012 total request for Assistance for Europe, Eurasia, and Central Asia (AEECA) represents an approximate 10-percent decrease relative to FY 2011 and a 16-percent decrease relative to FY 2010. That figure represents over two-thirds of the total request for AEECA resources for Russia programs in FY 2012, and is over 25 percent larger than the funding requested for this sector for any other country in the region.

*Question.* How much in grants have been provided directly to local civil society and NGO groups in Russia during this administration?

Answer. Since FY 2009, the United States has provided a total of over $46 million in bilateral assistance to support civil society in Russia. This assistance includes grants provided directly to Russian civil society groups to implement initiatives in areas such as human rights, the rule of law, and government transparency, as well as technical assistance and training to help those groups more effectively carry out their work. Last year, the United States provided nearly $6 million in small grants directly to Russian organizations to carry out targeted civic initiatives, and the administration intends to increase the proportion of U.S. assistance funds used to support such grants in future years. Additionally, nearly half of the funds managed by USAID in Russia are allocated to programs implemented by Russian organizations, among the highest percentages in the world. This direct support for Russian organizations works both to promote democracy and assist in the sustainable development of Russian civil society.

*Question.* Have Russian or U.S. groups receiving money for civil society-related work come under pressure or harassment from Russian authorities during your tenure? If so, please describe your responses.

Answer. Over the years, Russian and American private organizations receiving U.S. assistance have experienced pressure or harassment. In each case, the United States has been proactive in raising concerns with the Russian authorities. For example, last year when Russian law enforcement authorities made additional requests for financial and other information from nongovernmental organizations receiving foreign funding, the administration raised concerns with government officials and stayed in contact with civil society actors. Authorities subsequently dropped their inquiries. U.S. assistance includes programs to improve the regulatory environment for Russian civil society, to help Russian civil society groups ensure that they are in compliance with Russian law, and to provide legal defense when necessary.

*Question.* Reports have indicated that representatives of the National Democratic Institute have come under particular pressure from Russian authorities. If this is accurate, please describe the administration's particular response.

Answer. Over the years in Russia, NDI staff members have experienced harassment ranging from visa problems to intimidation. In each case, the United States has been proactive in ascertaining what happened, raising our concerns with the Russian authorities, and showing solidarity with NDI staff by meeting them frequently, inviting them to our public events, and seeking resolution to their problems. The administration remains committed to strengthening democratic institutions and processes in Russia, including through support for NDI's work. The administration continues to consult and coordinate with NDI leadership in Washington and NDI staff on the ground in Russia.

*Question.* In your testimony, you note that $9 million will be set aside for election/civil society work in the runup to the Russian elections. From what account will this money come?

Answer. The United States is committed to encouraging free and fair processes for Russia's December 2011 parliamentary elections and March 2012 Presidential election. This is demonstrated by the administration's robust package of over $9 million in nonpartisan programs. This package supports domestic monitoring of the campaign environment and conduct of the elections, encourages professional and unbiased coverage by independent media, and assists civil society initiatives to promote civic participation in the electoral process. These programs are supported through approximately $8 million in Assistance to Europe, Eurasia, and Central Asia (AEECA) account resources and over $1 million in Democracy Fund (DF) account resources.

*Question.* Do you believe that the current Russia-Georgia WTO dispute has legitimate trade components or is it purely a political dispute?

Answer. The Russia-Georgia WTO negotiation does have a legitimate trade component. The focus of the current Swiss-led mediation process is on facilitating a transparent flow of trade across the internationally recognized Russia-Georgia border. The administration believes that the Swiss-led efforts to address these issues can succeed in a way that is fully consistent with Georgia's sovereignty and territorial integrity, which it has and will continue to support.

*Question.* Do you believe that Russia is negotiating with Georgia constructively and in good faith over the customs issues on Georgia's internationally recognized border?

Answer. Both Russian and Georgian negotiating teams have been meeting under Swiss-led mediation since late 2010 in an effort to reach an agreement on trade across Georgia's internationally recognized border with Russia. Although the United States is not directly involved in these talks, the administration strongly supports Switzerland's efforts and encourages both Russia and Georgia to deal with these issues in good faith and in a flexible and constructive manner. The fact that the two countries continue to meet and negotiate leads us to believe that Russia and Georgia can reach a workable solution.

*Question.* You have noted the benefits to U.S. businesses of Russia's WTO accession. Will Russia's WTO accession have any effect on the embargoes it currently has against its neighbors, including against Georgian water and Moldovan wine?

Answer. Once Russia is a member of the WTO, it will be required to comply with the WTO Agreement on Application of Sanitary and Phytosanitary Measures (SPS Agreement). Thus, Russia will have to either remove or justify the SPS measures that it currently applies to Georgian water according to WTO standards (there is no longer a ban against Moldovan wine). If Russia does not take one of those steps, Georgia, like all other WTO members, will be able to raise the issue in the WTO SPS Committee, and, if necessary, make use of WTO dispute settlement procedures. While the WTO will not solve all trade-related disputes between Russia and its neighbors, such disputes will no longer be just bilateral ones, but multilateral ones involving the full membership of the WTO.

*Question.* Please describe the role that the Russian Government is playing in trying to sway investment decisions in the Shah Deniz II fields, future Turkmen natural gas exports, and the Nabucco, ITGI, and TAP pipeline proposals. Do you believe that the Russian Government will be a roadblock to the creation of a Southern Energy Corridor from the Caspian to Central and Eastern Europe?

Answer. Russia has offered to purchase all of the Shah Deniz II gas from Azerbaijan. The administration has no indication the Shah Deniz consortium is seriously considering this offer since it is committed to exporting its gas through the Southern corridor. The Russian Government also has expressed its objections to construction

of a Trans-Caspian gas pipeline, which could bring Turkmen gas across the Caspian without using the existing Russian pipeline network.

The Shah Deniz consortium is reviewing the proposals it received from the Nabucco, Interconnector Turkey-Greece-Italy, and Trans Adriatic Pipeline ventures, and hopes to make a decision on which route to select by the end of the year. The biggest remaining obstacle is finalizing a gas transit agreement between Azerbaijan and Turkey, without which none of the projects can proceed. The administration is hopeful that will happen in the near future.

The administration supports any commercially viable Southern corridor option that will deliver Caspian gas to Europe, as long as it is designed in a way to accommodate future gas production as it becomes available.

*Question.* Do you believe that other pipelines being considered as alternatives to Nabucco (ITGI and TAP) provide the same benefit to U.S. strategic interests as the Nabucco pipeline?

Answer. The administration recognizes that Nabucco may have greater strategic importance than the alternative pipelines since it would deliver larger volumes of gas to a larger number of countries. However, it is not clear that there is adequate gas supply available to make a full scale Nabucco pipeline commercially viable. The administration has made it clear that we support any commercially viable Southern corridor option that will deliver Caspian gas to Europe, as long as it is designed in such a way as to accommodate future gas production as it becomes available. That could include a scalable Nabucco, ITGI, TAP or the Southeast Europe pipeline (which would use existing Turkish infrastructure, upgraded as necessary, and with new pipelines in Bulgaria, Romania, and Hungary, to deliver all of Azerbaijan's Shah Deniz gas to the Balkans).

*Question.* Please describe partnerships between Gazprom or other Russian energy companies and the partner companies in Nabucco, ITGI, and TAP.

Answer. Gazprom has commercial relationships with most of the companies who are partners in the competing Southern corridor projects: Nabucco, ITGI, and TAP. For example, Gazprom supplies gas to and has a joint venture with Austria's OMV; this joint venture operates the gas hub at Baumgarten, through which much of the gas from Nabucco would flow. Gazprom also supplies gas to and is considering a power plant joint venture with German utility Rheinisch-Westfälisches Elektrizitätswerk (RWE). Gazprom is a supplier of gas to Romania, Bulgaria, Hungary, and Turkey, all of whom are partners in Nabucco. Regarding ITGI, Gazprom is a supplier of gas to DEPA (Greek partner in ITGI) and Edison (Italian partner in ITGI); in addition, the French company EDF, which now effectively controls Edison, recently joined Gazprom's South Stream project. Regarding TAP, Gazprom supplies gas to E.ON Ruhrgas (Germany), one of the TAP partners, while Statoil, another of the TAP partners, is a partner of Gazprom in the Shtokman gas project in Russia.

*Question.* What is your view on the European Commission's recent examination of anticompetitive practices by Gazprom?

Answer. The administration supports the EU in its efforts to apply its regulatory regime to the energy sector. This includes examination of possible anticompetitive actions by both domestic and foreign companies operating in the EU on a nondiscriminatory basis.

*Question.* What are the chief obstacles for U.S. energy companies investing in Russian energy production, local distribution, and export? If confirmed, what will you do to improve the domestic investment climate for Russia?

Answer. State dominance, the tax structure, and corruption in the energy sector are major obstacles for U.S. companies investing in Russia. The Russian mineral tax system makes the development of new fields economically unviable for Russian companies and foreign investors alike. Of every dollar earned from the sale of a barrel of Russian oil, 75 cents go to the state, and taxes are assessed on gross revenues, not profits. Russia has recently lowered duties on crude oil exports to encourage the development of new fields, but much more needs to be done to attract investment.

In order to maintain current production levels, Russia would benefit from collaboration involving sophisticated U.S. technology, particularly in developing Arctic fields, deep-water offshore drilling, and unconventional oil extraction in its Siberian tight oil fields. ExxonMobil's recent $3.2 billion joint venture with Rosneft is consistent with our goals of promoting U.S. trade and investment with Russia, particularly in areas where the United States has a comparative advantage in technical and management expertise.

If confirmed, I would continue to seek better protection for all U.S. investors in Russia. The administration has begun exploratory discussions with Russia on a bilateral investment treaty. If confirmed, pursuing this and other initiatives to afford high levels of legal protections for U.S. investors in Russia will be one of my top priorities. A bilateral investment treaty would provide dispute resolution mechanisms for U.S. firms, as well as other legal protections. The administration will also continue to support programs—and bilateral and multilateral diplomatic efforts such as encouraging Russia to ratify and implement international treaties in this area—to encourage better protection of investor rights and more effective combating of corruption, particularly as Russia proceeds with plans to join the World Trade Organization. The administration has begun to see positive developments in this direction, such as important amendments to Russia's laws last year that enabled it to join the Working Group on Bribery of the Organization for Economic Cooperation and Development (OECD). Russia is now on track to ratify the OECD Anti-Bribery Convention early in 2012.

*Question.* Please characterize the transparency of the Russian energy sector in terms of ownership of key companies and management of revenues to the government.

Answer. Russia's energy sector is still dominated by large state-owned companies and 40 percent of the state's tax revenue comes from the energy sector. Rosneft, the state-owned oil company, accounts for over a quarter of Russia's oil production, and Gazprom, the state-owned gas company, accounts for almost 85 percent of Russia's natural gas production. The vast size of Russia's energy sector makes the Russian economy and the state's budget heavily dependent on the international price of oil and gas. Russia's leadership is keenly aware of this vulnerability and is striving to diversify and modernize its economy. The administration, together with U.S. investors in Russia, is engaging with Russia on a number of fronts, including in innovation and small business development, in order to help Russia diversify its economy, and at the same time, create more opportunities for American firms.

In addition, Russia has taken the important step of endorsing the Extractive Industries Transparency Initiative in the G8 and the United Nations. The Organization for Economic Cooperation and Development, to which it is trying to accede, has also endorsed the Extractive Industries Transparency Initiative.

*Question.* If confirmed, what will you do to promote smooth implementation of rules around the extractive industries disclosure currently being written by the SEC and under consideration in the European Commission?

Answer. Section 1504 of the Wall Street Reform and Consumer Protection Act signed by President Obama last July is a critical element in U.S. global leadership in promoting transparency. The United States encourages other countries to develop similar disclosure requirements. For example, the administration has encouraged other participants in the global energy market to participate in the Extractive Industries Transparency Initiative, a coalition of governments, companies, civil society groups, investors, and international organizations that supports improved governance in resource-rich countries through the verification and full publication of company payments and government revenues from oil, gas, and mining. The President's announcement in September in New York that the United States, working together with industries and civil society, will implement the Extractive Industries Transparency Initiative domestically, also provides a major boost to U.S. efforts to advance transparency globally.

Russia has endorsed the Extractive Industry Transparency Initiative in the G8, the United Nations, and the Organization for Economic Cooperation and Development. If confirmed, I will place a high priority on engagement with Russia on implementing these and other transparency efforts as a critical step to improve global energy security and to encourage more U.S. trade and investment in Russia's energy sector.

*Question.* How do you assess the potential of shale gas resources in Central and Eastern Europe to provide for greater energy independence for this region?

Answer. Shale gas development could have a significant impact on energy security for Central and Eastern Europe, but it should represent only one element of a larger sustainable energy security strategy for the region. A larger strategy should include the development of renewable energy resources, the diversification of natural gas supply through pipeline and liquefied natural gas networks, energy market reforms, and movement toward a more integrated regional energy network.

According to a recently released U.S. Energy Information Agency study on global shale gas resources, there is considerable potential for shale gas development in Central and Eastern Europe. Specifically, the report noted significant technically re-

coverable shale gas resources in Poland, Ukraine, Lithuania, Hungary, Romania, and Bulgaria. All these countries are in the very early stages of shale gas resource assessment and development. Among them, Poland has made the most progress in this area.

Not enough exploration has been done yet to understand the real potential of shale gas to bolster the region's long-term energy security. Poland, in particular has attracted considerable company interest. There have been positive results from the limited exploration that's been done, but questions remain about the extent of the country's recoverable shale gas resource base.

Unconventional energy development, especially shale gas, could play a key role in helping some Central and Eastern European countries increase energy security and reduce carbon emissions. However, there are other issues that must be considered. These include environmental concerns, especially related to potential impacts on air and water, as well as possible technological, political, regulatory, and financial constraints.

*Question.* What U.S. initiatives are underway to assist Central and Eastern Europe in developing its shale gas resources?

Answer. The U.S. Agency for International Development is planning to fund an initial environmental and regulatory assessment for unconventional gas development in Ukraine. Specific technical counterparts have been established and the required Environmental Scoping Statement is being prepared. This is under consideration as a model through which engagement on shale gas development issues could be expanded to other Central and Eastern Europe countries.

The State Department's Global Shale Gas Initiative has signed agreements to cooperate on shale gas development with Armenia, Lithuania, Poland, and Ukraine. This government-to-government program works with participant countries through a whole-of-government approach to help them better understand the myriad environmental, regulatory, legal, and financial issues involved in shale gas development. Engagement with Central and Eastern Europe has included visitor programs, briefings, field trips and site visits on both sides of the Atlantic, and dissemination of important information regarding the ongoing domestic efforts on environmentally sound shale gas development.

The U.S. Geological Survey is engaging with Central and Eastern European countries, in particular Poland, Ukraine and Armenia, by conducting technical shale gas resource identification and assessment workshops. Poland has participated in a State Department visitor program that included 10 days of meetings with U.S. government agencies and state regulators, with a focus on safe and environmentally sound shale gas development. There will be a similar Baltic Regional visitor program at the end of October which will include representatives from Estonia, Latvia, and Lithuania, as well as a second visit of stakeholders from Poland in December. The administration is consulting with Polish officials on the next phase of our cooperation on this issue.

In February 2011, the United States and Ukraine signed a Memorandum of Understanding on unconventional gas resources, and the administration has worked closely with Chevron and ExxonMobil to help them conclude production sharing agreements with Ukraine. Most recently, in October, Richard Morningstar led a meeting of our U.S.-Russia Energy Security Working Group, which focused on concluding a confidentiality agreement between the U.S. Geological Survey and Ukraine's Ministry of Ecology and Natural Resources, to assist Ukraine in evaluating its potential shale gas resources.

*Question.* My understanding is that NATO has not conducted an Article Five exercise in nearly a decade. Russia, on the other hand, conducts annual Zapad exercises, some of which have reportedly simulated a nuclear attack on its neighbors to the west. Have you had conversations with your Russian counterparts on the Zapad exercises and the detrimental impact they have on regional security?

Answer. NATO exercises are conducted on a regular basis to ensure the alliance is capable and prepared to address the range of security challenges we may confront. The United States is an active contributor to NATO's exercises and supports the participation of partners, as is appropriate.

The United States routinely stresses to Russia the importance of increased transparency on military exercises and activities. Following Russia's Zapad exercise in 2009, the United States and its NATO allies expressed concern to Russia in the NATO-Russia Council about the exercise's provocative scenario and lack of transparency.

The Chairman of the Joint Chiefs of Staff and the Russian Chief of the General Staff have recently agreed to enhance military transparency (including with regard

to exercises) within the context of their Military Cooperation Working Group. This should provide an excellent venue for discussing exercise objectives and the need for such exercises to reflect improved political realities.

*Question.* U.S. investors lost an estimated $12 billion in the expropriation of Yukos last decade. Because no U.S.-Russian bilateral investment treaty is in force, these investors are left with few remedies.

- Are you confident that these investors have access to a remedy apart from the prospect of the United States Government espousing their claims?
- Are the remaining hurdles for espousal issues of law or issues of policy? Please explain.

Answer. The administration has raised the issue of American shareholders' claims with the Russian Government, both in public and in private. In addition, U.S. officials have met several times with representatives of American investors to discuss their claims and the options for seeking to have them addressed. The administration is still in the process of determining if espousal is a legally available option, but it is also not clear that espousal would be the most effective option. The Yukos shareholder claims involve complex legal and financial matters, and raise detailed questions of Russian tax law. The effectiveness of any particular option—including potential remedies in Russia, in international arbitration, or through settlements—will depend principally on Russia's commitment to resolving the claims of the American and other foreign shareholders in Yukos.

In connection with these issues, the U.S. Government is closely watching the international court and arbitration proceedings concerning the significant claims brought by Yukos investors from other countries and the Yukos Corporation itself, including the September 20 decision from the European Court of Human Rights. Future decisions in that court and in arbitral tribunals will continue to inform our position on many of the complex legal and factual issues at stake in this matter. These international courts and arbitration panels, made up of experts in international law, receive the benefit of full briefings, the parties' participation in a hearing, and expert opinions. Before making any final decisions on the best way to address the claims of American investors, the U.S. Government believes it should allow these proceedings to fully run their course. Please be assured that the administration will continue to coordinate with the representatives of American investors in this case.

*Question.* Do you support the negotiation of a U.S.-Russian bilateral investment treaty? What has prevented progress on this issue in the current administration?

Answer. The administration is continually working to seek better protection for U.S. investors in Russia, and negotiation of a new bilateral investment treaty is one of our goals. The United States and Russia negotiated and signed a bilateral investment treaty in 1992, but it never came into force because the Russian Duma never ratified it. The administration has begun exploratory discussions on a new treaty, and if I am confirmed, pursuing this and other initiatives to afford high levels of legal protections for U.S. investors in Russia will be one of my top priorities.

In any bilateral investment treaty concluded with Russia, the administration would want a strong, high-standard agreement that would level the playing field for U.S. companies in Russia, ensuring that they are treated fairly and according to the rule of law. Such a treaty would provide benefits for U.S. investors, including: (1) strong investor protections, such as protections against discrimination and uncompensated expropriation; (2) new market access commitments, which would allow U.S. firms to establish operations in Russia on the same terms as domestic Russian investors; and (3) a robust investor-state arbitration mechanism to ensure that U.S. companies in Russia have direct recourse to resolve investment disputes with the Russian Government through binding international arbitration. The administration believes that this type of agreement would simultaneously benefit U.S. companies and help advance many of Russia's own policy objectives, including improving its investment climate, stimulating innovation, and reducing corruption.

MISSILE DEFENSE AGREEMENT WITH MOSCOW

During your testimony before the committee on October 12, you stated:

> [W]e very militantly kept out any discussion of missile defense from the New START Treaty negotiations. I [was] personally involved in that from the beginning to the end[.] But that was never an issue and there were no side deals done. And there are no constraints in that treaty whatsoever. . . . So, we're moving forward with or without Russian cooperation on missile defense. And I think it's important for people to understand that. . . .

> With respect to Russia, we believe that our security, the security of our allies and the security of our partners in Europe can be enhanced through cooperation with Russia. That is our working assumption. And in particular tracking data that Russia has better access to or earlier and the sharing of that data could make both Russia, NATO, and our partners in Europe more secure. And so, that's why we've had a very vigorous program of trying to negotiate to get that started. . . . But of late, the negotiations have been difficult. In particular, they have broken down over Russian requirements—Russian demands that we sign a legally binding agreement that we will not undermine their strategic deterrent. And what we have responded to that is our missile defense systems are not aimed at Russia and we did not seek to undermine strategic stability. And at the same time, we are not going to sign any legally binding agreement that would in any way constrain our missile defense systems. And because Russia believes wrongly in our view, that phase four of the EPAA would be a threat to their ICBMs, we're at an impasse right now on those negotiations. We'll continue to work it. We'll continue to talk to them about its—after all, a lot of this is about physics. This is about perceptions. And you know we'll see what we have as we prepare for the [NATO] summit next May. I am not optimistic right now. But we're going to continue to work this issue.

In her remarks before the Atlantic Council's Missile Defense Conference in Washington, DC, on October 18, Under Secretary of State for Arms Control and International Security, Ellen O. Tauscher, stated "The missile defense system we are establishing in Europe is not directed against Russia. We have said that publicly and privately, at many levels. We are prepared to put it in writing."

On October 19, Russian President Dmitry Medvedev announced at meeting with his supporters that he would be making a statement on missile defense. In so stating, he said "certain conditions must ripen for me to make a relevant statement. . . . But I will make it and I will do this quite soon."

Separately, I am informed by my colleagues that the United States may be prepared to offer Russia the ability to, in some manner, observe missile defense tests.

*Question.* What missile defense talks with Moscow transpired between your appearance before the committee on October 12 and Under Secretary Tauscher's remarks on October 18?

Answer. On October 12–13, Under Secretary Ellen Tauscher and Deputy Foreign Minister Sergey Ryabkov met in Moscow as cochairs of the Arms Control and International Security Working Group of the U.S.-Russian Presidential Commission to continue discussions on missile defense cooperation.

*Question.* Were you aware of the apparent agreement within some portion of the U.S.-Russia Bilateral Presidential Commission regarding Russian participation in U.S. tests of its missile defense system(s)?

Answer. The administration believes that missile defense cooperation is the best way for Russia to gain the assurance it seeks that the European Phased Adaptive Approach (EPAA) is not a threat to Russia's strategic deterrent. For this reason, U.S. officials have invited Russia to observe a test being carried out as part of the EPAA program. Russian participation would be strictly governed by the U.S. National Disclosure Policy.

*Question.* If you were not [aware of the apparent agreement within some portion of the U.S.-Russia Bilateral Presidential Commission regarding Russian participation in U.S. tests of its missile defense system(s)], are you now, and what agreement was reached, if any, and what did the United States offer, regardless of the outcome?

Answer. U.S. officials have invited Russia to observe certain tests of the European Phased Adaptive Approach. This is not a new development; this invitation was extended several months ago to Russia and all other members of the NATO-Russia Council. Russia has not yet responded.

*Question.* Please specify the content, legal significance and means (diplomatic notes, memoranda of conversations, etc.) through which the United States would provide "in writing" to Moscow that missile defenses in Europe are "not directed" against Russia beyond the myriad such statements already issued by this administration, and would they differ in any way from any of those previous statements.

Answer. The administration has consistently stated that it cannot, and will not, agree to legally binding restrictions or limitations on U.S. or NATO missile defenses. The administration has stated, publicly and privately, that the missile de-

fense system being established in Europe is not directed against Russia. The administration is prepared to put the same statement in writing as part of a political framework that would open the way for practical cooperation with Russia on missile defense. There are a variety of ways to establish such a political framework. No agreement has been reached on the content, and no decision has been made on a format. The political framework would not be a legally binding agreement.

*Question.* Would any agreement with Moscow permit or assist, in any manner, Russian observation, monitoring, or collection of data on U.S. missile defense tests, and if so, would it be done outside any relevant provisions of the New START Treaty?

Answer. The New START Treaty provides for the exchange of telemetric information on an equal number of launches of Inter-Continental Ballistic Missiles (ICBMs) and Submarine-Launched Ballistic Missiles (SLBMs), up to five launches each calendar year. This does not include launches of missile defense interceptors, because these are not ICBMs or SLBMs. The United States will not provide missile defense interceptor telemetry to Russia under the New START Treaty. If Russia accepts the invitation to observe a missile defense test, it would use its own equipment. The U.S. National Disclosure Policy would strictly govern any Russian observation of a missile defense test.

*Question.* Please specify how Russia, per Under Secretary Tauscher, "would continue to be able to confirm that the system is directed against launches originating outside Europe and not from Russia." Is the United States offering to assist Russian monitoring of American missile defense tests?

Answer. The administration continues to believe that the best way for Russia to gain confidence in our stated intentions on missile defense in Europe is through the missile defense cooperation the administration has proposed bilaterally and in the NATO-Russia Council. We believe that through day-to-day cooperation Russian experts would be able to confirm that the European Phased Adaptive Approach (EPAA) is not directed at Russia and that we do not plan EPAA operations against Russia. The United States does not consider Russia an adversary, and cooperation is the best way for Russia to gain transparency and reassurance that this is the case. Missile Defense Agency Director LTG O'Reilly offered Russia—as well as any NATO member—the opportunity to observe U.S. missile defense tests. The U.S. National Disclosure Policy would strictly govern any Russian participation in a missile defense test.

*Question.* Please confirm that the administration will not assist Russian monitoring or collection of information on (a) any missile defense interceptor, as defined in paragraph 44 of Part One of the Protocol to the New START Treaty; (b) any satellite launches, missile defense sensor targets, and missile defense intercept targets, the launch of which uses the first stage of an existing type of United States ICBM or SLBM listed in paragraph 8 of Article III of the New START Treaty; or (c) any missile described in clause (a) of paragraph 7 of Article III of the New START Treaty. If it would do so, then please specify why and how.

Answer. The administration believes that missile defense cooperation is the best way for Russia to gain the reassurance it seeks that the European Phased Adaptive Approach (EPAA) is not a threat to Russia's strategic deterrent. For this reason, U.S. officials have invited Russia to observe a test being carried out as part of the EPAA program. Missile Defense Agency Director LTG O'Reilly offered Russia—as well as any NATO member—the opportunity to observe U.S. missile defense tests. U.S. National Disclosure Policy would strictly govern any Russian observation of a missile defense test.

*Question.* Under Secretary Tauscher also stated "We welcome an opportunity to continue and expand the sharing of technical information on the EPAA with Russian experts on an interagency basis, to demonstrate what it can and cannot do."

- a. Please specify all technical data (i) shared with Moscow regarding the EPAA; (ii) that would be shared; and (iii) that the United States would not share; or (iv) would not need to share with Moscow regarding the EPAA to confirm what any element of any phase of the EPAA "cannot do."

Answer. U.S. officials have shared unclassified technical information on the EPAA with Russian counterparts over the past 2 years, in order to demonstrate that the EPAA does not threaten Russian deterrent forces or undermine strategic stability. In May 2011, U.S. officials presented an unclassified briefing to Russia explaining why U.S. missile defenses are not a threat to Russia, using physics and realistic unclassified performance parameters. U.S. officials also presented a similar briefing in

June to the NATO-Russia Council. The administration is prepared to continue to pursue this dialogue, within the bounds of U.S. National Disclosure Policy.

- b. The Under Secretary specified such data would be shared on an "interagency basis." Could technical data be shared with Moscow outside of any form of license or authorization under relevant statutes and regulations even if the Defense Technology Cooperation Agreement (DTCA) with Moscow has not entered into force?

Answer. Exchanges with Russia based on unclassified information on the European Phased Adaptive Approach began 2 years ago, shortly after the program was announced. These exchanges could be expanded following conclusion of a Defense Technology Cooperation Agreement. Negotiations on a Defense Technology Cooperation Agreement began during the previous administration and are continuing.

*Question.* With regard to any element of the EPAA or the two-stage Ground-Based Interceptor, is the United States prepared to allow Russian access or observation of any flight tests? If so, under what conditions and at which sites would such access and observation be permitted?

Answer. The United States has invited Russia to observe an EPAA flight test in the Pacific. Russia would use its own equipment. Russian participation would be governed by U.S. National Disclosure Policy.

*Question.* Under Secretary Tauscher further stated "through cooperation we can demonstrate the inherent characteristics of the system and its inability to undermine Russian deterrent forces or strategic stability."

- a. Please specify which "inherent characteristics" of each element of the EPAA, including those yet to be developed or tested, such as the SM-3 Block IIB, would confirm that such systems do not undermine Russian deterrent forces or, more broadly, strategic stability.

Answer. The mission of the European Phased Adaptive Approach (EPAA) is to counter launches from the Middle East. It is not designed to counter Russian strategic forces, nor is it capable of doing so. This is true of all four phases, and the administration believes that through day-to-day cooperation Russian experts would be able to confirm that the EPAA is not directed at Russia and that we do not plan EPAA operations against Russia. The United States does not consider Russia an adversary, and cooperation is the best way for Russia to gain transparency and reassurance that this is the case.

- b. In your opinion, would it be unwise to provide any additional, written assurances to Moscow before the operational capabilities and characteristics of any element of the EPAA are known?

Answer. The way for Russia to gain the assurance it seeks is to engage in missile defense cooperation with the United States and NATO.

As the President stated in his December 18, 2010, letter to Senators Reid and McConnell, " . . . as long as I am President, and as long as the Congress provides the necessary funding, the United States will continue to develop and deploy effective missile defenses to protect the United States, our deployed forces, and our allies and partners."

If confirmed, I would work with my colleagues in the administration to seek a political framework that would open the way for missile defense cooperation with Russia, without any limits on our ability to develop and deploy missile defenses, so that U.S. missile defenses are free to keep pace in response to the evolution of the threat.

*Question.* The Russian Ministry of Foreign Affairs (MFA) was quick to dismiss Under Secretary Tauscher's remarks, according to Russian press. An October 19 Interfax report quoted an MFA official stating "We need reliable legal guarantees[.]"

The Senate made clear (and the President certified) that American missile defense systems, including all phases of the Phased Adaptive Approach to missile defenses in Europe, the modernization of the Ground-Based Midcourse Defense system, and the continued development of the two-stage Ground-Based Interceptor as a technological and strategic hedge, will not threaten the strategic balance with the Russian Federation under Condition 14 of the resolution of advice and consent to the New START Treaty.

Russia is unwilling to accept both cooperation and assurance, seeking only legally binding limitations on American missile defenses.

Since Russia has apparently rejected all efforts to date, and if the most recent reports from Moscow are true, then what is the administration willing to do to further reassure Moscow regarding each of the following:

(a) All phases of the Phased Adaptive Approach to missile defenses in Europe;

(b) The modernization of the Ground-Based Midcourse Defense system; and
(c) The continued development of the two-stage Ground-Based Interceptor as a technological and strategic hedge.

Answer. The missile defense system being established in Europe is not directed against Russia, nor is it capable of countering Russian strategic forces or undermining strategic stability. Senior officials of the Department of Defense have extensively briefed Russia on why U.S. missile defenses are not a threat to Russia, using physics and realistic unclassified performance parameters. A similar briefing has been presented to the NATO-Russia Council. The administration is prepared to continue to pursue this dialogue, within the bounds of U.S. National Disclosure Policy. In addition, Missile Defense Agency Director LTG O'Reilly offered Russia—as well as any NATO member—the opportunity to observe certain U.S. missile defense tests.

The best way for Russia to gain the assurance it seeks is through the missile defense cooperation we have proposed bilaterally and in the NATO-Russia Council. As I stated at my hearing, continued Russian calls for legally binding assurances, such as those cited in the question, are grounds for pessimism.

*Question.* In a White House Press Briefing after the bilateral meeting between President Obama and President Medvedev, in Deauville, France, you were asked for details about a potential political agreement on missile defense cooperation between the two countries, to which you responded: "we got a new signal on missile defense cooperation that as soon as I'm done here I'll be engaging on that with the rest of the U.S. Government."

- What was the nature of that agreement or "new signal," and what are, in fact, the plans for missile defense cooperation and/or data sharing with the Russian Federation?

Answer. During the meeting between President Obama and President Medvedev on the margins of the G8 summit in Deauville, the two Presidents agreed to signal to their respective teams their continued commitment to missile defense cooperation. They committed to working together so that the United States and Russia can find an approach and configuration that is consistent with the security needs of both countries, maintains the strategic balance, and deals with the potential ballistic missile threats that we both share. The administration is committed to continuing to work with Russia, in full accord with our NATO allies, to explore areas of missile defense cooperation that are in our mutual interests.

*Question.* In your testimony, you stated before the committee that: "For the upcoming parliamentary and Presidential votes in Russia, we have allocated $9 million—$1 million more than spent for the previous round of national elections in 2007–2008—to support activities designed to strengthen free and fair elections."

- a. Are these funds specifically set aside for the parliamentary and Presidential votes, or does this money include general rule-of-law and civil society funding?

Answer. The United States is committed to supporting those in Russia pressing for free, fair, and participatory electoral processes, including through over $9 million in assistance programs. Over $8 million of this total was set aside for political process programs, and the balance of approximately $1 million was set aside for civil society programs with components related to these elections. An additional $10 million in FY 2011 programs are dedicated to strengthen the rule of law and promote human rights, and these programs do not have specific elections components.

- b. When was this $9 million allocated?

Answer. Approximately $8 million was allocated for programs related to the upcoming elections that were developed in early 2011. Recognizing the importance of these elections, in the summer of 2011, the administration allocated another $1 million in additional resources for programs targeted to fill gaps in assistance.

- c. How, specifically, will this money be used (or has this money been used) "for the upcoming parliamentary and Presidential votes in Russia"?

Answer. These funds will be used to support long-term observation of the preelection environment by independent Russian civil society groups in 48 regions. The intent is for these groups to monitor issues such as the use of administrative resources and bias in media coverage during the campaign. The United States will also support short-term election monitoring in 40 regions by 3,000 Russian observers. U.S.-supported seminars will encourage professional and unbiased press coverage of the elections. The administration is also committed to supporting public awareness campaigns, roundtables, internet platforms, documentaries and other civil society initiatives that promote public debate and engagement in the electoral

process. The administration will also support public opinion polls that will help to identify the electorate's preferences and track trends over time.

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RESPONSES OF MICHAEL MCFAUL TO QUESTIONS SUBMITTED BY SENATOR BENJAMIN L. CARDIN

*Question.* Having worked for the National Democratic Institute, you are well aware that they pioneered the election observation methodology that became the OSCE's methodology and the international gold standard for observing elections. This methodology and the OSCE's Office of Democratic Institutions and Human Rights are under a constant and cynical attack from Russia with the tired cry of double standards. What can be done at this stage and under these circumstances to improve the dynamic between Russia and the ODIHR? Is it too late to influence Russia's coming polls for the better? If so, what can be done to effectively and credibly document gaps between the reality on the ground and Russia's myriad commitments in the area of democratic elections?

Answer. The United States continues to encourage Russia to conduct free and fair elections and to focus American assistance to strengthen democratic institutions in Russia. The United States strongly supports the work of the OSCE's Office of Democratic Institutions and Human Rights. President Obama has publicly and privately stressed the importance for Russia's future of transparent, accountable, democratic government. In the administration's view, it is in Russia's interest to address those challenges, and it's in the interest of Americans to support political and economic modernization in Russia.

Domestic and international election monitors play a critical role in this process, and the United States has welcomed the invitation by Russia's Central Election Commission to international observers, including an Election Observation Mission from OSCE's Office of Democratic Institutions and Human Rights and the OSCE Parliamentary Assembly, for the December 4 parliamentary elections. This indicates an improvement from the situation in 2007 and 2008; ODIHR Long Term Election Observers will be on the ground in Russia for a total of 5 weeks before and after election day on December 4, which will enable them to assess the political climate and ascertain whether parties are granted a level playing field in the runup to election day.

While the administration welcomes the invitation to ODIHR election observers, it is disappointed that the authorities denied registration to the Party of People's Freedom (PARNAS), which prevents this party from participating in the elections and thus makes the elections less competitive from the very start. The administration will continue to observe the electoral process in Russia, and looks forward to ODIHR's assessment.

In addition to American support for the ODIHR observation mission, the United States is providing over $9 million in nonpartisan assistance to encourage free and fair elections. This includes support for domestic monitoring of the campaign environment and the conduct of the elections in 40 regions by 3,000 Russian observers. In tandem with international observers, these domestic monitors will document the extent to which Russia fulfills its international commitments to democracy.

*Question.* Now that the United States has implemented targeted visa sanctions in the Magnitskiy case, what steps has the administration taken to encourage our European allies to take similar steps in this and other cases? What about asset freezes?

Answer. The administration has made its concerns about the Magnitsky case clear at the highest levels of the Russian Government, and has demanded that those responsible for his death and detention be held accountable. As you are aware, the administration has identified grounds of visa ineligibility under U.S. law to bar the entry into the United States of persons responsible for the death and detention of Sergey Magnitsky. In addition, Presidential Proclamation 8697 issued this August provides additional authority to bar admission to serious human rights abusers. The proclamation specifically lists arbitrary detention as a serious human rights violation.

The administration regularly discusses the human rights situation in Russia—including the Magnitsky case—with our European allies and in meetings with the European Union.

The administration has procedural concerns about requirements that would potentially freeze assets in the absence of a strong evidentiary standard and limited corroborated information.

*Question.* As a native of Montana and a resident of California, you have grown up and lived in some of America's most beautiful landscapes. Russia also has breathtaking natural beauty and a budding environmental movement including those struggling to keep Lake Baikal's waters pure and those fighting to save the Khimki Forest in suburban Moscow. What ideas do you have for sharing our rich environmental tradition, including its art such as the Hudson Valley School, literary figures like John Muir, Theodore Roosevelt, and Aldo Leopold, or activists from the Sierra Club to Earth First?

Answer. The United States support for environmental activism and community participation is vital to supporting shared environmental and conservation goals with Russia. The administration has worked together with Russia on issues from tiger conservation to protecting against invasive species with nongovernmental and governmental partners. The Environment Working Group under the U.S.-Russia Bilateral Presidential Commission has raised the profile of these issues on our bilateral agenda and increased policy support, dialogue, and, in some cases, project funding.

Recent activities of the Environment Working Group include a U.S. Forest Service initiative to set up mobile fire brigades in the Russian Far East that protect the habitats of endangered species like the Amur tiger and leopard. U.S. Forest Service specialists also have traveled to the Lake Baikal area to share expertise and best practices on ecotourism, and Russian academics visited Lake Tahoe to exchange information with American specialists on water management and economical use of water basins with similar climatic and physical conditions. Department of Justice experts conducted a seminar in Khabarovsk on illegal logging and the U.S. Lacey Act combating trafficking in illegal wildlife, fish, and plants. The National Park Service also supports scientific and cultural exchanges across the Bering Strait each year.

Through the Environment Working Group, the administration has sought to find ways to share our culture of deep environmental preservation. For example, a recent U.S. Forest Service exchange brought Russian Forest Service professionals to Pennsylvania's Grey Towers, the ancestral home of Gifford Pinchot, the first chief of the U.S. Forest Service, where they learned about Roosevelt and the legacy of Mr. Pinchot in forest management and the establishment of the U.S. Forest Service.

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RESPONSES OF MICHAEL MCFAUL TO QUESTIONS SUBMITTED BY SENATOR JAMES E. RISCH

*Question.* What does Prime Minister Putin's announcement that he will once again seek the Presidency in 2012 say about the statements made by yourself and others, including Vice President Biden, that the "reset" was aimed at building up President Medvedev? How will Putin becoming, in effect, president-for-life affect the "reset"?

Answer. This administration's policy has always been first and foremost about advancing U.S. interests. Since being elected in 2008, President Obama has developed an excellent working relationship with President Medvedev, who is his direct counterpart as head of state. Putin has served as Prime Minister and head of government during the entire tenure of the Obama administration. He has been a key part of the Russian Government's policy process, and our approach to Russia throughout this period has recognized this fact. President Obama and Vice President Biden each met with Prime Minister Putin during their visits to Russia.

The question of who will serve as President of Russia is one that the Russian people should decide for themselves. The administration will continue to build on the progress of the reset regardless of who serves as the next President of Russia because it is in the interest of the United States to do so, and because the policy is also directed more broadly at strengthening the ties between our countries' institutions and societies.

*Question.* How would you describe the harassment of U.S. Embassy personnel by Russian security services? Can you provide a list of harassment claims against U.S. personnel committed by Russian security services since 2006?

Answer. The safety of U.S. citizens abroad—including that of personnel serving at our diplomatic missions—is of the utmost importance to the United States. The administration remains troubled by harassment of U.S. mission personnel by Russian security services, and has repeatedly expressed these concerns to the Russian Government.

The details of these incidents are considered classified under U.S. law. We would welcome the opportunity to provide a briefing in a classified setting.

*Question.* Do you believe the supervisor positions in the Foreign National Guard Force at U.S. Embassy Moscow should be U.S. citizens or Russian nationals? What steps will you take to ensure that the supervisors are from the United States?

Answer. Both the current administration and the previous administration have considered the option of American guard supervisors to provide 24-hour onsite supervision for the local guard force stationed at the outer perimeter of the U.S. Embassy Compound in Moscow. The Embassy Compound houses not only the Chancery but housing units, the motorpool, cafeteria and other unclassified administrative and technical offices. Twenty-four hour access to the Chancery itself is controlled exclusively by U.S. Marine Security Guards. The classified section of the Chancery has an additional U.S. Marine Security Guard post and one of the most robust layered security systems of any U.S. diplomatic mission abroad. The U.S. Embassy in Moscow has one of the largest U.S. Marine Security Guard presences of any U.S. diplomatic mission abroad. The costs and benefits of cleared American guard supervisors have been discussed previously with congressional committees and the administration is ready to provide a briefing and engage in a dialogue on this issue. If confirmed, upon my arrival, I will review the option of American guard supervisors for the local guard force.

*Question.* What is your reaction to the recent Telegraph article entitled "Russia 'Gave Agents License To Kill' Enemies of the State." There have been claims that Russian security services murdered Alexander Litvenko in London. What is your take on the situation and would they commit a similar act in the United States?

Answer. As then-Secretary of State Rice said in December 2006, soon after Litvinenko's death, "We've been clear to the Russian Government that all of these issues need to be investigated and investigated thoroughly . . . and our principal role is to try to be supportive of the British Government in any way we can."

The murder of Mr. Litvinenko was a horrible crime. Those responsible for the poisoning of Alexander Litvinenko must be brought to justice. British authorities are currently investigating the case and have requested the extradition of Andrei Lugovoi from Russia.

The administration continues to follow developments in the case. The administration is aware of the referenced article in the Telegraph but cannot speak to the authenticity of any of the documents referenced or comments made in the press.

*Question.* What is your opinion of the Russian policy toward Grozny?

Answer. The human rights situation and level of terrorist activity in Chechnya and throughout the North Caucasus remain a cause for continuing concern. Chechnya, Dagestan, Ingushetia and Kabardino-Balkaria have experienced insurgent violence and terrorist attacks. Russian security forces' operations in Chechnya have led to noncombatant deaths and human rights violations. The human rights record of Chechen authorities under Ramzan Kadyrov's leadership is especially poor, as the State Department's annual Human Rights Report has noted.

The Russian Government has announced ambitious plans to support the economic development of the North Caucasus as a means to countering violent extremism. The region remains poor and underdeveloped with a high unemployment rate.

While the regional economy needs attention, it is equally important that the Russian Government address the human rights situation, particularly rule of law, corruption, and religious freedom.

The United States overall assistance package for Russia includes an $8 million portfolio of programs targeting conflict mitigation, health, and democracy and governance activities in the North Caucasus. These programs include efforts to increase opportunities for the region's youth, monitor and protect human rights, promote entrepreneurship, fight corruption, and support journalists.

*Question.* How will the upcoming Sochi Olympics impact Russian policy to the Caucasus?

Answer. Preparations for the 2014 Winter Olympic Games in Sochi present Russia with an array of political, economic, and security challenges. The Krasnodar Krai (region) where Sochi is located will see an unprecedented inflow of capital, workers, and international visitors during the preparatory period and during the Games themselves. This region borders the North Caucasus Federal District, and the security situation there will clearly influence Russia's decisions on a wide array of issues in the months leading up to the Olympics.

The administration is in close contact with Russian authorities as the preparations go forward to ensure the safest possible environment for the American and international athletes, staff, and spectators who will be present. In the context of those discussions, we consistently represent to the Russian Government our concern

that security measures be proportional to the threat and respectful of human rights and fundamental freedoms.

If I am confirmed, I will pay close attention to issues involving the safety and security of Americans traveling to the Sochi Olympics.

*Question.* Recently, the Georgian military suffered from a shortage of spare parts (brake pads) for military vehicles, which undermined the safety of U.S. military personnel training with the Georgians.

- a. What is the reason that the U.S. Ambassador in Georgia needed to personally intervene in getting Washington to authorize the sale of spare parts for military vehicles in Georgia?

Answer. The Ambassador routinely communicates with his counterparts throughout the executive branch on the full range of issues on the U.S.-Georgia bilateral agenda. The administration works closely with Georgia to ensure that it has the necessary materials and equipment to support the International Security Assistance Force (ISAF) in Afghanistan.

- b. If Russia can provide advanced nuclear technology to Iran, what is the logic behind the U.S. unwillingness to sell Georgia basic military equipment?

Answer. The administration reviews all requests for export licenses and arms transfers individually, assessing legal, technical, and policy considerations on a case-by-case basis. Our security assistance and military engagement with Georgia is currently focused on two areas. The first is comprehensive assistance to support Georgia's defense reform and modernization along Euro-Atlantic lines. Second, the United States provides training and equipment to enable Georgian forces to operate effectively alongside U.S. and NATO forces in the Afghan counterinsurgency environment in conjunction with Georgia's generous contributions to ISAF operations in Afghanistan.

- c. Will you provide for the committee all military Letters of Request (LOR) put forward by the Georgian Government, as well as the responses provided by the U.S. Government?

Answer. The information you have requested is an internal executive branch communication. The State Department's longstanding practice is to consider release of internal executive branch communication documents when requested by the chair of a committee of jurisdiction. Under these circumstances, we respectfully ask that you channel your request through the chair of a committee of jurisdiction, at which point we would be pleased to respond. The Department is committed to providing Congress with the information it needs to fulfill its legislative duties.

- d. If the Republic of Georgia requested access to antitank, antiair, and antipersonnel weapons tomorrow for the defense of its territory, would you support the approval of licenses for the sale of those weapons?

Answer. In keeping with standard practice, the administration reviews all requests for export licenses and arms transfers individually, assessing legal, technical, and policy considerations.

- e. Will you provide to the committee all National Security memos on arms sales to Georgia that you either drafted and/or approved/disapproved, especially those based on cables from Ambassador Beyrle in Moscow?

Answer. The document that you have requested is an internal executive branch communication. The State Department's longstanding practice is to consider release of internal executive branch communication documents when requested by the chair of a committee of jurisdiction. Under these circumstances, we respectfully ask that you channel your request through the chair of a committee of jurisdiction, at which point we would be pleased to respond. The Department is committed to providing Congress with the information it needs to fulfill its legislative duties.

*Question.* As part of congressional action allowing for Russian admission to the WTO, would you support a legislative provision requiring the President certify that Russia is not militarily occupying territory of another WTO member?

Answer. The United States remains firmly committed to its support for Georgia's territorial integrity and sovereignty and to its position that Russia should adhere to its 2008 cease-fire commitments and to withdraw its forces to preconflict positions. The administration, both in bilateral meetings and in multilateral fora, continues to raise Russia's militarization and lack of transparency in the separatist regions, including the construction of military bases in South Ossetia and Abkhazia.

A consensus decision on the terms of accession to the WTO of any country made by WTO member states is based on whether or not that country's trade regime is

in compliance with WTO rules, or the country's government has made the necessary commitments to bring its regime into compliance. The administration has based its "reset" policy with Russia in part on the premise that problems in one area of our relationship should not preclude progress in others. The United States has disagreements with Russia on a variety of issues, including Russia's military occupation of Georgia's separatist regions, but the administration has tried to pursue each of these issues on its own merits.

*Question.* How much time passed between when you learned that a bomb was placed in the vicinity of the U.S. Embassy in Georgia and when Congress was first briefed?

Answer. The administration has held a number of discussions with Congress on this issue, including classified intelligence briefings.

Immediately after the incident that occurred near the U.S. Embassy, the administration coordinated closely with Georgian law enforcement to support their investigation. The administration has also raised the allegations by Georgian authorities of Russian involvement directly with the Russian Government at high levels and urged the avoidance of any actions in Georgia that could impact regional stability and security.

*Question.* In a White House Press Briefing after the bilateral meeting between President Obama and President Medvedev, in Deauville, France, you were asked for details about a potential political agreement on missile defense cooperation between the two countries, to which you responded: "we got a new signal on missile defense cooperation that as soon as I'm done here I'll be engaging on that with the rest of the U.S. Government." Despite efforts to understand the nature of that "new signal" we still do not know what was agreed to by the two Presidents.

- a. Please explain the nature of that agreement or "new signal," and what are the plans for missile defense cooperation and/or data-sharing with the Russian Federation? Can you provide us a record of this discussion?

Answer. During the meeting between President Obama and President Medvedev on the margins of the G8 summit in Deauville, the two Presidents agreed to signal to their respective teams their continued commitment to missile defense cooperation. They committed to working together so that the United States and Russia can find an approach and configuration that (1) is consistent with the security needs of both countries; (2) maintains the strategic balance; and (3) deals with the potential ballistic missile threats that both nations face. The administration is committed to continuing to work with Russia, in full accord with our NATO allies, to explore areas of missile defense cooperation that are in our mutual interests.

- b. Please inform the committee when we can have access to the Defense Technical Cooperation Agreement (DTCA) that the administration is negotiating with Russia on U.S.-Russia missile defense cooperation.

Answer. The Obama administration is committed to keeping Congress informed of our missile defense efforts. In keeping with the longstanding practice of this and past administrations, the Obama administration would be pleased to provide a classified briefing on the Defense Technical Cooperation Agreement, including developments from the latest round of U.S.-Russia meetings.

*Question.* What is the status of NATO-Russia cooperation on missile defense and will the administration pledge to share any proposed language for the Chicago summit statement regarding such cooperation with Congress prior to the summit?

Answer. At the 2010 NATO-Russia Council (NRC) summit in Lisbon, NATO and Russia agreed to resume theater missile defense cooperation and develop a comprehensive Joint Analysis of the future framework for missile defense cooperation.

Irrespective of how this cooperation develops, the alliance alone bears responsibility for defending NATO's members, consistent with our treaty obligations for collective defense. The administration has been clear with Russia that we cannot accept any agreement that would limit or constrain the deployment of our missile defenses—no nation will have veto power over U.S. missile defense efforts—and that NATO will be responsible for the defense of NATO territory, while Russia will be responsible for the defense of Russian territory.

To date, no agreement has been reached to hold a NATO-Russia summit in Chicago in May 2012. In keeping with longstanding practice, the administration would welcome the opportunity to provide a briefing on missile defense cooperation between NATO and Russia.

*Question.* How would you characterize the state of U.S.-Russian cooperation on Iran, especially given Moscow's recent proposal to Tehran, not approved by the

United States, or other P5+1 partners, to begin to remove sanctions if Iran took several small steps to slow its nuclear program, all short of suspension of enrichment.

Answer. The United States and Russia are committed to the dual track approach of sanctions in support of diplomacy to resolve our serious concerns over Iran's nuclear program. Russia has proven over an extended period of time to be an important partner in the development and implementation of international sanctions on Iran. In September in New York, the P5+1 (including Russia) made clear in the statement released by EU High Representative Ashton that we remain "determined and united in our efforts to work toward a comprehensive, negotiated, long-term solution." The international community will not lift sanctions until Iran has fulfilled its international obligations.

*Question.* Given that nine parties were denied access to the ballot for the December 4 Russian parliamentary elections, does the administration view these elections and their results as legitimate?

Answer. The administration has expressed its strong disappointment both publicly and privately in meetings with senior Russian officials that the Russian Central Election Commission denied registration to these parties, thereby preventing them from fielding candidates in the upcoming elections. Access to the ballot is a key part of the democratic process, and this makes Russia's parliamentary elections less competitive than they could be.

Russia's Central Election Commission has issued an invitation for international observers, including an Election Observation Mission from OSCE's Office of Democratic Institutions and Human Rights (ODIHR) and the OSCE Parliamentary Assembly, for the December 4 parliamentary elections. ODIHR Long-Term Observers will be on the ground in Russia for 5 weeks before and after the elections, which will enable them to assess the political climate and whether the elections process and the elections themselves meet international standards. The administration looks forward to ODIHR's assessment, as well as the assessments of other international and domestic observers. The United States is providing over $9 million in nonpartisan assistance to encourage free and fair election processes in Russia. This includes support for domestic monitoring of the campaign environment and the conduct of the elections in 40 regions by 3,000 Russian observers.

*Question.* What will you do to assist the Russian political opposition and if confirmed, will you use your platform as U.S. Ambassador to meet with leading opposition figures and to hold the regime accountable when political parties are not allowed to register, journalists threatened, and activists imprisoned?

Answer. In my current job at the White House, I meet regularly with leaders of Russia's political opposition and civil society. The Obama administration has raised publicly and privately our concerns about democratic violations and human rights abuses. If confirmed, I will ensure that the United States continues to use all of the tools at its disposal to support those seeking to strengthen democracy in Russia. This will include meeting with the full range of political figures, raising concerns under the Bilateral Presidential Commission and in other fora regarding democratic deficiencies, and promoting civil society development, rule of law, human rights, independent media development, and good governance through U.S. assistance programs. As someone who has worked on these issues for more than a quarter century, I have the experience necessary to add vigor to our efforts in Russia, and if confirmed, I would use my role as U.S. Ambassador to make further progress on democratization and rule of law.

*Question.* What do you believe the arrest, detention, and two trials of Khodorkovsky, as well as the dismantling of Yukos reveal about the rule of law in Russia? Should the United States care about cases like this?

Answer. The United States has closely followed the trials of Mikhail Khodorkovsky and the dismantling of Yukos. President Obama, Deputy Secretary of State William Burns, and Ambassador John Beyrle have spoken about the case in public interviews in Russian media, stressing our government's concerns over rule-of-law issues and interest in seeing the claims of American investors addressed. U.S. officials have also raised the case on multiple occasions in private with senior Russian officials.

Secretary Clinton noted in December that the Khodorkovsky case raises serious issues about selective prosecution and the independence of the judiciary in Russia. The Russian Government cannot nurture a modern economy without also developing an independent judiciary that serves as an instrument for furthering economic growth, ensuring equal treatment under the law and advancing justice in a predictable and fair way. These basic tenets are not only important to the Russian people

and their country's development, but also to Americans who want to know that their investments in Russia are protected as well.

*Question.* In December 2010, before a Russian court announced its verdict in Khodorkovsky's second trial, Prime Minister Putin called for the conviction of Khodorkovsky. President Medvedev said statements like this were improper, but it also seems to have affected the verdict when one judicial assistant later admitted the verdict was "directed from elsewhere." Do you believe the trial was fair and the verdict just?

Answer. The administration has noted the allegations by individuals closely involved in the court proceedings that the process was not a proper one. As Secretary Clinton said on December 27, 2010, the guilty verdict in the second trial of Mikhail Khodorkovsky and Platon Lebedev on charges of embezzlement and money laundering raises serious questions about the apparent selective application of the law to these individuals. The administration is troubled by the use of the legal system to silence the voices of political opposition, and those calling for fair dealings and accountability in the Russian economy.

*Question.* You mentioned in your testimony that you believe those involved in the murder of Sergey Magnitsky should be barred from travel to the United States; do you also support freezing their assets?

Answer. The United States has made its concerns about the Magnitsky case clear both publicly and at the highest levels of the Russian Government, and demanded that those responsible for his death and detention be held accountable. As I noted during my confirmation hearing, the administration has identified grounds of visa ineligibility under U.S. law to bar the entry into the United States of persons responsible for the death and detention of Sergey Magnitsky. In addition, Presidential Proclamation 8697 issued this August provides additional authority to bar admission to serious human rights abusers and the proclamation specifically lists arbitrary detention as a serious human rights violation.

The administration has procedural concerns about requirements that would potentially freeze assets in the absence of a strong evidentiary standard and limited corroborated information.

*Question.* I understand on October 12, 2011, during a visit to Moscow, Assistant Secretary of State for Democracy, Human Rights and Labor Posner gave an interview with Radio Ekho Moskvy during which he questioned the right of Congress to set conditions for visa denials. Does the administration share the view of Assistant Secretary Posner that Congress does not have the constitutional and legal authority to set conditions for visa approval or denial? Could you please clarify what Assistant Secretary Posner said, and whether you agree with his statement?

Answer. Assistant Secretary Posner has been a strong proponent of sanctioning those involved in Sergey Magnitsky's death. When asked about the proposed Magnitsky legislation during the Ekho Moskvy interview, Assistant Secretary Posner noted that the administration, under existing authority provided by U.S. law, has taken appropriate measures to bar entry into the United States of individuals involved in the wrongful death of Sergey Magnitsky—thus enactment of the proposed legislation is not necessary.

Assistant Secretary Posner, along with other administration officials, is in regular contact with Members of Congress to discuss our shared concerns about the lack of accountability in the Magnitsky case, and the general human rights situation in Russia, and to consider how the U.S. Government can better advance human rights, the rule of law, and democratic development in Russia.

During his recent trip to Moscow, Nizhny Novgorod and Kazan, Assistant Secretary Posner met with government officials as well as also civil society activists and opposition leaders and discussed the full range of our human rights and democracy concerns in Russia.

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RESPONSE OF MICHAEL MCFAUL TO QUESTION SUBMITTED BY SENATOR JAMES M. INHOFE

*Question.* Before Yukos Oil was seized, American investors collectively owned approximately 15 percent of Yukos Oil—or $12 billion in value today. The American investors in Yukos included several public pension funds and more than 70 institutional investors in at least 17 States. There were also over 20,000 individual American investors who owned Yukos shares directly, in addition to the hundreds of thousands who owned shares indirectly through mutual funds.

The United States has no bilateral investment treaty (BIT) with Russia, leaving Americans with no other means to be compensated. Other foreign owners of Yukos have been able to initiate BIT claims, and a U.K. investor recently won such a case. It is my understanding that only through the legal mechanism of espousal by the United States can an appropriate and fair resolution be obtained for these U.S. investors.

In June 2008, American investors formally petitioned the State Department to undertake government-to-government negotiations with Russia to resolve these Yukos claims.

• What do you believe the administration should do with this petition?

Answer. U.S. officials have raised and will continue to raise the matter of American shareholders' claims with the Russian Government, both in public and in private. Ambassador Beyrle and Deputy Secretary of State Burns have spoken about the case in public interviews in Russian media, stressing our government's interest in seeing these claims addressed. U.S. officials have also met several times with representatives of American investors to discuss their claims and the options for seeking to have them addressed.

The administration is closely watching the international court and arbitration proceedings concerning the significant claims brought by Yukos investors from other countries and the Yukos Corporation itself, including the September 20 decision from the European Court of Human Rights. Future decisions in that Court and in arbitral tribunals will continue to inform the administration's position on many of the complex legal and factual issues at stake in this matter. These international courts and arbitration panels, made up of experts in international law, receive the benefit of full briefings, the parties' participation in a hearing, and expert opinions. Before making a decision on espousing the claims of American investors, I believe the U.S. Government should allow these proceedings to fully run their course.

The administration will continue to seek better protection for U.S. investors, including in Russia. The administration has begun exploratory discussions with Russia on a Bilateral Investment Treaty and, if confirmed, pursuing this and other initiatives to afford the highest level of legal protections for U.S. investors in Russia will be one of my top priorities.

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RESPONSES OF MICHAEL MCFAUL TO QUESTIONS SUBMITTED BY SENATOR JOHN BARRASSO

*Question.* Do you believe that Russia's continued militarization of the Abkhazia and South Ossetia regions is inconsistent with its cease-fire commitments?

Answer. Yes. Such actions are inconsistent with Russia's 2008 cease-fire commitments and undermine regional security and stability. The United States, both in bilateral meetings and in multilateral fora, objects to and expresses concern about the continued Russian militarization and lack of transparency in the separatist regions, including the construction of Russian military bases in South Ossetia and Abkhazia. At every opportunity, the administration restates its commitment to Georgia's territorial integrity and sovereignty, and calls on Russia to adhere to its 2008 cease-fire commitments.

*Question.* Have there been any sanctions or other actions taken against Russia by the United States due to Russia's continued occupation of parts of Georgia?

Answer. Since the Obama administration took office, it has continued to call on Russia to fulfill its obligations under the 2008 cease-fire agreement, including withdrawal of its forces to preconflict positions, and has publicly expressed its support for Georgia's territorial integrity and political sovereignty. The administration also continues to voice concern directly to Russia at every opportunity and at the highest levels regarding its actions in Georgia, including during President Obama's visit to Moscow and Secretary Clinton's regular meetings with Russian Foreign Minister Lavrov. Since the 2008 war, the United States has not levied sanctions in response to Russia's occupation of Georgian territory.

*Question.* What specific efforts has the United States taken to support Georgia's sovereignty and territorial integrity?

Answer. Immediately following the 2008 conflict with Russia, the United States pledged $1 billion to aid Georgia's recovery and ensure its security. The majority of the post-conflict pledge targeted immediate stabilization and reconstruction needs such as supporting reintegration of internally displaced persons, and restoring peace and security through support for law enforcement and enhanced border security. Ongoing U.S. assistance is aimed at helping Georgia solidify and advance its eco-

nomic and democratic reforms of the past 6 years, with the ultimate goal of anchoring Georgia in the Euro-Atlantic community.

In addition to our direct assistance to Georgia, the administration continues to call on Russia to fulfill its obligations under the 2008 cease-fire agreement, including withdrawal of its forces to preconflict positions. The United States is an active participant in the Geneva discussions, working with the cochairs and others in pursuit of a resolution to the conflict. The administration continues to voice concern directly to Russia at every opportunity and at the highest levels regarding its actions in Georgia, including during President Obama's visit to Moscow and during Secretary Clinton's meetings with Russian Foreign Minister Lavrov. The administration will continue to speak out in support of Georgia's territorial integrity, as it did most recently in its statement regarding the August 26 "elections" in the separatist region of Abkhazia. The administration will continue to urge other countries to maintain their current nonrecognition of the separatist regions.

*Question.* How can Russia be held accountable for its violations of Georgia's sovereignty and territorial integrity?

Answer. President Obama, Vice President Biden, and Secretary Clinton have been clear with the Russian Government on the need to meet its obligations under the 2008 cease-fire agreement and our serious and ongoing concern over the Russian military presence in the separatist regions of South Ossetia and Abkhazia. The administration has also been clear, both publicly and privately, that it supports Georgia's territorial integrity and sovereignty. There are no military solutions to this impasse, only diplomacy, and the administration has participated in multiple rounds of talks moderated by the EU, the U.N., and the OSCE in Geneva to encourage dialogue between the parties. If confirmed, I will make progress on this issue one of my highest priorities.

*Question.* Reports indicate that despite the United States expressed request that Russia halt their sale of arms to Syria, Russia is committed to selling weapons to Syria.

- What is the status of Russia's arms sale to Syria?
- What type of weapons has Russia sold to Syria this year?
- What efforts are being taken by the United States to prevent the sale of arms to Syria by Russia?

Answer. The United States is always concerned about reports of weapons transfers to countries of concern, including Syria. Secretary Clinton publicly urged Russia to cease arms sales to Syria on August 12, 2011. The administration is pressing Russia to cease pending and future arms transfers that threaten regional stability, contribute to the Syrian regime's violent crackdown, or could be diverted to Hezbollah. The administration can provide additional details on this issue in a classified format.

*Question.* How would you characterize Russia's record on adherence to international treaty obligations?

Answer. While there are areas of concern, Russia takes its legal obligations with regard to international treaties seriously. The United States concerns regarding Russia's arms control, nonproliferation, and disarmament commitments remain the subject of ongoing bilateral discussions. These concerns are detailed in the 2010 and 2011 reports to Congress on "Adherence to and Compliance with Arms Control, Nonproliferation, and Disarmament Agreements and Commitments" as well as other submitted compliance reports on arms control agreements.

Over the past 2½ years, the administration has made progress in laying a solid foundation in our engagement with Russia on these issues, identifying and expanding areas of common ground, and dealing with our differences. Our objective is a strong strategic relationship with Russia that is based on transparency, openness, and predictability. The administration expects our constructive relationship to continue and to work together with Russia on a range of international security challenges.

*Question.* What have been the most recent examples of Russia's violations to international treaty obligations?

Answer. Administration concerns regarding Russia's arms control, nonproliferation, and disarmament commitments, are the subject of ongoing compliance discussions between the United States and Russia. Examples of unresolved compliance issues include specific issues relating to Russia's adherence to the Treaty on Conventional Armed Forces in Europe, the Biological and Toxin Weapons Convention, and the Chemical Weapons Convention, which are detailed in the 2010 and 2011 reports to Congress on "Adherence to and Compliance with Arms Control, Non-

proliferation, and Disarmament Agreements and Commitments" as well as other submitted compliance reports on arms control agreements.

Despite these concerns, the administration has made real progress in laying a solid foundation in our engagement with Russia on these issues, identifying and expanding areas of common ground, and dealing with our differences. The objective remains a strategic relationship with Russia that is based on transparency, openness, and predictability. The administration's renewed focus on improving our relations with Russia, including the negotiation and entry-into-force of the New START treaty, has led to a greater understanding and increased cooperation between the United States and Russia in a number of areas, including a joint effort to diplomatically engage Iran and North Korea on compliance issues. The administration expects our constructive relationship to continue and to work together on a range of international security challenges.

*Question.* In the Department of State's "Country Report on Human Rights Practices" for 2010, the report indicates that violations of rule of law and due process remain a problem in Russia.

- What is your assessment of Russia's commitment to the rule of law today?

Answer. As the 2010 "Country Report on Human Rights Practices" in Russia points out, violations of rule of law and due process are serious problems in Russia. There are reported cases of arbitrary detention and politically motivated imprisonments; lengthy pretrial detentions and trial delays; endemic corruption throughout the executive, legislative, and judicial branches; and governmental restrictions on nongovernmental organizations.

The administration recognizes that rule of law is critical to Russia's economic and political modernization. Promoting democracy and rule of law are an integral part of our bilateral dialogue with Russia. President Obama has regularly engaged with President Medvedev on democracy, human rights, and rule of law issues. The same is true for Secretary Clinton when she meets with Foreign Minister Lavrov and other senior Russian Government officials. Moreover, U.S. Government officials have spoken out publicly and consistently about the erosion of democratic institutions, human rights abuses, and rule of law issues in Russia, including the arrests of Strategy 31 demonstrators, lack of justice and accountability in the Sergei Magnitsky case, and the apparent selective application of the law and serious due process violations in the Khodorkovsky and Lebedev trials.

The majority of U.S. bilateral assistance to Russia is dedicated to advancing American values by promoting democracy, good governance, human rights and the rule of law. The Obama administration—working with Congress—has continued to secure funds to support civil society, rule of law, human rights, independent media, and good governance in Russia. The administration has prioritized support for small, direct grants to Russian civil society organizations. Working with Congress, the administration will continue to seek new ways to generate greater support for civil society organizations in Russia that promote rule of law.

In May 2011 Presidents Obama and Medvedev announced the establishment of a Rule of Law Working Group under the Bilateral Presidential Commission. The Working Group will be chaired by U.S. Attorney General Eric Holder and Russian Minister of Justice Konovalov. Through the Civil Society Working Group, our two countries are also working together to address the problem of corruption.

- Since the WTO is a rules-based global trading system, how confident are you that Russia will abide by the rules, should it become a member of the WTO, given its continued lack of respect for the rule of law?

Answer. Should Russia become a WTO member, all members applying the WTO agreement to Russia would have recourse to WTO mechanisms to raise issues regarding Russia's implementation of its obligations. These would include raising issues within WTO committees and, if appropriate, recourse to the WTO's dispute settlement procedures. Should Russia become a WTO member, the administration will use all available mechanisms under the WTO agreement to ensure that Russia fully implements its obligations.

*Question.* For years, the United States poultry, pork, and beef exports to Russia have faced significant obstacles due to Russia's use of sanitary and phytosanitary measures as nontariff trade barriers. A tremendous amount of uncertainty remains concerning Russia's adoption of internationally accepted protocols.

- How do you plan to engage Russian veterinary authorities on sanitary and phytosanitary issues?

Answer. The administration has repeatedly expressed concern with Russia's use of non-science-based requirements as nontariff barriers to U.S. agricultural exports,

but has lacked effective tools to address these barriers. One of the many reasons the administration has supported Russia's WTO accession is that when Russia becomes a WTO member, it will be required to comply with the WTO Agreement on Application of Sanitary and Phytosanitary Measures as well as other SPS-related commitments. Moreover, in the context of its membership in the Customs Union with Kazakhstan and Belarus, Russia has adopted a new legal framework to comply with its international obligations on SPS measures. WTO members that apply the WTO agreement to Russia will be able to raise concerns about Russia's implementation of its SPS obligations and specific measures that are applied to imports. This includes recourse to WTO dispute settlement procedures where appropriate.

- What assurance do we have that Russia will comply with WTO obligations should it become a member of the WTO?

Answer. When Russia is a WTO member, all other members already applying the WTO agreement to Russia will have recourse through WTO mechanisms to raise issues regarding Russia's implementation of its obligations. These include raising issues within WTO committees and, if appropriate, recourse through the WTO's dispute settlement procedures. The administration will actively engage Russia using all available mechanisms under the WTO agreement, to ensure that Russia fully implements its obligations.

- What recourse does the United States have when Russia doesn't abide by the rules? How effective are those options in requiring Russia to abide by its commitments?

Answer. The United States addresses trade disputes with Russia through bilateral diplomatic and technical discussions. Should Russia become a Member of the WTO, and the executive branch with congressional support decides to apply the WTO Agreement to Russia (which is only possible if the United States terminates the application of the Jackson-Vanik amendment to Russia), the United States will have many more tools to support American producers and help ensure Russia's compliance with its WTO obligations. Russia will be subject to WTO sanitary-phytosanitary rules and, most importantly, the United States will have recourse to the WTO's dispute-settlement procedures if Russia fails to comply with those rules and other obligations. The United States has been one of the world's most frequent users of WTO dispute-settlement procedures and has obtained favorable settlements and favorable rulings in virtually all sectors, including manufacturing, intellectual property, agriculture, and services. These cases cover a number of WTO agreements involving rules on trade in goods, trade in services, and protection of intellectual property rights, which affect a wide range of sectors of the U.S. economy. Should Russia join the WTO, Russia will be part of a rules-based system that includes an enforcement mechanism—a mechanism not currently available to the United States on matters involving Russia. Russia's WTO accession will also give our companies, farmers, ranchers, and exporters increased and more predictable market access to a large and growing market that we can defend under mutually agreed rules.

# NOMINATIONS

**TUESDAY, NOVEMBER 8, 2011**

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

Hon. Roberta S. Jacobson, of Maryland, to be an Assistant Secretary of State for Western Hemisphere Affairs

Hon. Mari Carmen Aponte, of the District of Columbia, to be Ambassador to the Republic of El Salvador

Adam E. Namm, of New York, to be an Ambassador to the Republic of Ecuador

Elizabeth M. Cousens, of Washington, to be Representative of the United States of America on the Economic and Social Council of the United Nations, with the rank of Ambassador; and, to be an Alternate Representative of the United States of America to the Sessions of the General Assembly of the United Nations, during her tenure of service as Representative of the United States of America on the Economic and Social Council of the United Nations

The committee met, pursuant to notice, at 10:05 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Robert Menendez presiding.

Present: Senator Menendez, Cardin, Rubio, Risch, and DeMint.

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

Senator MENENDEZ. Good morning. This hearing of the Senate Foreign Relations Committee will come to order.

Today the Senate Foreign Relations Committee considers four nominations: the Acting Assistant Secretary, Secretary Roberta Jacobson, to be the Assistant Secretary of the Bureau of Western Hemisphere Affairs will be our first panel.

The other nominees are Ambassador Mari Carmen Aponte to be the Ambassador to El Salvador, Mr. Adam Namm to be the Ambassador to Ecuador, and Ms. Elizabeth Cousens to be the U.S. Representative to the Economic and Social Council of the United Nations.

So let us welcome all the nominees and their families.

I have some brief introductory remarks, and I'll ask Senator Rubio for his remarks.

We'll give each of you an opportunity to make a brief opening statement and please feel free to introduce any family members you have with you at that time. We certainly would like to welcome them.

Let me congratulate you all on your nominations. If you are confirmed, you'll serve the United States and will be called upon to implement the policies of the U.S. Government and protect and advance the interests of the American people.

I would encourage you to respond expeditiously to any questions that you may receive either through the course of the nomination hearing or subsequently from other members, for the record, so that the committee can act on your nominations as soon as possible. The deadline, for the submission of questions for the record for members, is noontime on Wednesday.

Three of today's nominees are being considered for positions related to the Western Hemisphere. The bureau and embassies you're being called upon to lead are in the forefront of our relationship with the hemisphere, a relationship that because of its geographic proximity to the United States and our history, our economic and social ties, and even our shared problems, demands as much attention and resources as those places that seem to dominate the front page of the New York Times and the Washington Post.

The Western Hemisphere is our hemisphere, and its nations are our friends, our neighbors, our allies, and our economic partners. While America's relationship with our neighbors in the region hasn't always been superlative, today I'm pleased to describe our relationship as a partnership. It is, in fact, a partnership in which the United States has as much to gain from its relationship with the region as the region does from its relationship with the United States.

The issues that concern the people of Latin America are the same issues that concern the people of the United States—organized crime, including trafficking in drugs, weapons and people; terrorism; environmental degradation; economic challenges; high unemployment; health issues. All are challenges that we have common cause in seeking to meet.

March marked the 50th anniversary of President Kennedy's Alliance for Progress. At this milestone, most of the countries in Latin America, with one very notable exception, are free with representative democracies.

At the Summit of the Americas in Trinidad and Tobago last year, the President proclaimed a policy of partnership with the Americas, which he began to fulfill during his visit to Brazil, Chile, and El Salvador. The President's initiative reflects the maturing of our evolving relationship with Latin America.

For Ambassador Aponte and Mr. Namm, the challenges each of you face vis-a-vis your host governments will be unique. If confirmed, we are very interested and invested in your success.

In El Salvador, we see a country that has made great economic stride but still faces high levels of poverty and violence, often exacerbated by the growing problems of narcotrafficking.

In Ecuador, the political challenges between our countries are gradually improving, and our mutual interest in combating narco-

trafficking and cooperating in Ecuador's strong economic development must lead us to continue to strengthen our ties.

And Ms. Cousens, if confirmed, would have a very important position as the U.S. Representative to the Economic and Social Council. The council is responsible under the authority of the General Assembly for the economic and social programs of the United Nations. Its functions include promoting higher standards of living, improving conditions of economic and social progress, solutions to international economic, social, health and related problems, and universal respect for human rights and fundamental freedoms for all.

I also understand from Ambassador Rice that she would very much like you to be in position in New York at the U.N. to address other issues that threaten the peace and stability that the U.N. seeks to achieve. So we are glad we were able to get you on to today's agenda.

I look forward to all of your opening remarks and to our dialogue.

Let me turn to Senator Rubio for his opening comments.

**OPENING STATEMENT OF HON. MARCO RUBIO, U.S. SENATOR FROM FLORIDA**

Senator RUBIO. Thank you, Chairman.

And I want to thank the nominees for their continued service to our Nation and for their testimony today. I am very interested in hearing your perspectives on the countries that you've been assigned to and the administration's next step to advance U.S. interests in the region and the Western Hemisphere. There's no doubt that a prosperous, democratic, and stable Western Hemisphere is crucial to the United States, to our own safety and to our own prosperity.

In the past three decades alone, we've seen remarkable success stories that underscore the undeniable benefits of a greater democracy and transparency. We've seen promarket economic policies and security cooperation against transnational organized crime.

But the progress is not evenly spread, unfortunately. There are still some nations that have made great strides in some or all of these areas, but others have still an uphill climb.

And today we'll hear about two different nations that, in some ways, have headed in opposite directions, in El Salvador and Ecuador.

El Salvador remains a close friend and ally. Its leaders have chosen to overcome its governance challenges and the legacy of the cold-war-era civil conflict by investing and trying to strengthen their democratic institutions, and embracing and trying to embrace the benefits of a free and open market.

On the other hand, in Ecuador, its President, Rafael Correa, is following a different, more ominous path. He's cultivated ties with antidemocratic forces found in the ALBA group, particularly Venezuela, Bolivia, Nicaragua, and Cuba, and international pariahs such as Iran. Additionally, individual freedoms and property rights are being steadily eroded there while the government shuns economic policies that would foster prosperity through free and open markets.

American leadership is needed now more than ever to advance the forward-looking solutions that strengthen democratic values and provide for good governance. If we stick to America's principles and follow through on our promises, we really do have an opportunity to promote and foster positive change in this region.

The work that we are doing now can and should be laying the groundwork for the Western Hemisphere to become the first to be wholly led by working democracies, something that will truly be a great part of our national legacy.

So I look forward to hearing today's testimonies, and I hope to learn more about some of the specific initiatives and the challenges that lie ahead. Thank you.

Senator MENENDEZ. Thank you.

So let me recognize Roberta Jacobson, the nominee to be the Assistant Secretary of the Bureau of Western Hemisphere Affairs. She is currently Acting Assistant Secretary and Principal Deputy Secretary of the Bureau at the Department of State. She previously served as Deputy Assistant Secretary for Canada, Mexico, and NAFTA; Director of the Office of Mexican Affairs; Deputy Chief of Mission at the U.S. Embassy in Lima.

She received a B.A. from Brown University, M.A. from Tufts Fletcher School of Law and Diplomacy.

And with that, we look forward to your testimony.

## STATEMENT OF HON. ROBERTA S. JACOBSON, OF MARYLAND, TO BE AN ASSISTANT SECRETARY OF STATE FOR WESTERN HEMISPHERE AFFAIRS

Ms. JACOBSON. Thank you, Chairman Menendez, Ranking Member Rubio, members of the committee.

I am honored by the confidence that President Obama and Secretary Clinton have shown in nominating me to serve as Assistant Secretary of State for Western Hemisphere Affairs. If confirmed, I look forward to working with Congress, and in particular this committee, to advance our interests throughout the hemisphere.

I am also very grateful to the members of my family who are here today: my husband, Jonathan, my sons, Gil and Daniel, my sister, Caryn, and brother-in-law, Richard.

I am the daughter of parents who believed there was no higher calling than public service and who would be enormously proud today.

Mr. Chairman, when I entered the State Department in 1986, I could never have imagined I would be asked to lead the 8,000 men and women serving in 50 posts in the Western Hemisphere, but I am so proud of them. They are among the finest public servants and colleagues in the world. I have also been lucky to have had remarkable mentors at the State Department.

Secretary Clinton has noted that although responding to threats will always be central to our foreign policy, it cannot be our foreign policy. Our foreign policy is also about opportunities for the United States in engaging with the world, perhaps nowhere more so than in the Western Hemisphere. It is vital to our economic interests, to our security and global strategic interests, to our core values, and to our society and culture.

This administration has outlined four strategic priorities in this hemisphere: effective institutions for democratic governance, strengthened citizen security, expanded economic and social opportunity, and a clean energy future.

To advance each of these, we have forged pragmatic partnerships with demonstrated results. Strong partnerships in the Americas will be essential to meeting the global challenges we confront today. Whether in NATO or U.N. peacekeeping, climate change negotiations, tackling global hunger or helping Haiti rebuild, countries in this hemisphere are leading the way.

Mr. Chairman, democracy and security are fundamentally linked to the strength of institutions, particularly the judiciary and the police. If I am confirmed, among my highest priorities will be to help increase the capacity of those democratic institutions and to strengthen the rule of law against threats posed by corruption, impunity, and transnational criminal organizations.

Our policy in the hemisphere is firmly rooted in our values of democracy and human rights. We condemn actions that limit freedom of expression or weaken institutions of democratic governance, and we remain steadfast in protecting free and fair elections throughout the hemisphere.

We have expressed our clear concerns with irregularities related to the Nicaraguan elections, and we are committed to enabling the Venezuelan people to fully express their democratic will.

In Cuba, we are keeping faith with human rights activists and dissidents who continue their fight for basic rights, and we will never waver in supporting the right of the Cuban people to freely determine their own future.

Despite the progress of millions rising into the middle class, Latin America remains one of the most unequal regions in the world. If confirmed, I will work to ensure that the United States remains at the forefront of promoting economic and social inclusion in the hemisphere.

Our Pathways to Prosperity initiative has identified successful models for expanding opportunity that we can adapt elsewhere in the Americas.

Achieving progress in the hemisphere also requires a commitment to energy security. Our hemisphere has abundant hydrocarbons, and we are advancing the President's Energy and Climate Partnership of the Americas to strengthen energy security and address the challenges of climate change.

As you know, Mr. Chairman, many of the citizens of the hemisphere lack the skills to take advantage of global opportunities. To address this education gap, the President has challenged us to expand student exchanges with the 100,000 Strong for the Americas program.

The youth demographic also requires that we develop more agile and tech-savvy diplomacy, and we are complementing our official engagement with NGO outreach and the smart use of social media.

Mr. Chairman, I am confident that the new partnerships we are forging are the best way to work with a region where many countries now have both the will and the capacity to be equal partners. These times demand a different kind of U.S. engagement, one that

is broader and more direct, younger and more global than ever before.

Thank you very much, and I look forward to answering your questions.

[The prepared statement of Ms. Jacobson follows:]

PREPARED STATEMENT OF ROBERTA S. JACOBSON

Chairman Menendez, Ranking Member Rubio, members of the committee, it is an honor and privilege to be here today as President Obama's nominee to be Assistant Secretary of State for Western Hemisphere Affairs. I am grateful for the confidence that President Obama and Secretary Clinton have shown in nominating me to serve in this position. If confirmed, I look forward to working with the Congress, and in particular this committee, to strengthen our ties with, and advance our interests throughout, the Western Hemisphere.

I am also very grateful to the members of my family who are here today: my husband, Jonathan; sons, Gil and Daniel; and sister, Caryn, and brother-in-law, Richard. I am the daughter of parents who believed deeply in public service, and who would be enormously proud today. As a member of the Senior Executive Service who has truly come up through the ranks, I have also been lucky to have had a series of remarkable mentors at the State Department, to whom I am deeply indebted. I am particularly grateful to Arturo Valenzuela for selecting me as his deputy.

Mr. Chairman, I entered the State Department in 1986 as a Presidential Management Intern and have spent my entire career focused on this hemisphere. I am so proud to have been asked to lead the Foreign Service and Civil Service employees—and Locally Employed Staff who represent the United States here in Washington and overseas—they are among the finest public servants and colleagues in the world. The Bureau of Western Hemisphere Affairs is the second-largest of the regional bureaus with over 8,000 employees serving in 50 posts. Of course, our work in the Americas is done hand in hand with dedicated colleagues from USAID, DOD, DOE, DHS, DOJ, Treasury, USTR and many other agencies. This "whole of government" approach reflects our increasingly broad engagement in the Americas and is critical to advancing our core national interests in the region. And among the most important of those interests is protecting Americans, whether at home or abroad.

I have worked on U.S policy in the Western Hemisphere for more than a quarter century, and I remain passionate about this hemisphere, our leadership in it, and the great things we can achieve together. As Secretary Clinton has said, the Western Hemisphere is more vital than ever to our fundamental interests as a nation. To our economic interests, as we rebuild our economy and our competitiveness for a new era; to our security and global strategic interests; to our core values, as we work to advance democracy and human rights everywhere; and to our society and culture, as the profound connections among our people make us more vibrant and innovative. Secretary Clinton has called this the power of proximity—and she does not just mean geographic proximity, but the proximity of our basic interests and challenges and what it will take to overcome them.

This administration has outlined four strategic priorities in this hemisphere that guide our policies: effective institutions for democratic governance; strengthened citizen security; expanded economic and social opportunity for all; and a clean energy future. To advance in each of these areas, we have forged pragmatic, flexible partnerships with demonstrated results.

As both the President and Secretary have made clear, we also welcome the global engagement of countries across the Americas, and constantly work to leverage our regional engagement on a wide range of global priorities. First, I would like to start with the global context before turning to our current efforts in the hemisphere and the results they have yielded. Finally, I want to emphasize the primacy of improved education—in both quality and opportunity—as the sine qua non of all our policies.

GLOBAL ISSUES

Strong partnerships in the Americas will be essential in meeting the global challenges we confront today. While our diplomats must build more robust bilateral ties, they must also construct effective multilateral relationships that enable us to work within and across regions on complex global issues. The range of hemispheric contributions to issues of global importance is striking. Canada provided leadership for the NATO effort in Libya; Uruguay is the largest per capita contributor to United Nations peacekeeping operations in the world; Mexico's astute diplomacy advanced global climate change negotiations; Brazil is sharing best practices on conditional cash transfer programs and providing assistance in Africa. Within the region as

well, we have developed innovative partnerships for the common good. These include South American leadership in Haiti, including in MINUSTAH, after the devastating earthquake, and Colombia offering its security expertise to Central America in coordination with our efforts to address transnational crime.

Two key events in the space of a month, thousands of miles apart, will highlight the Americas' growing global role. The President traveled to France for the G20, and he and Secretary Clinton will soon travel to Hawaii to participate in the Asia-Pacific Economic Cooperation forum and North American Leaders Summit. In these fora, our leaders work to expand economic opportunity for the United States by increasing the exports and trade opportunities that will create more jobs for Americans. Argentina, Brazil, Canada, and Mexico attended the G20; Canada, Mexico, Peru, and Chile will be at APEC to promote free trade and economic expansion throughout the Pacific rim. Secretary Clinton believes that these countries will "accept the responsibility that comes with the new influence . . . and that they will be fully integrated into the international order." This is why we engage in such robust dialogues with Canada, Brazil, Colombia, Mexico, and others. And it is why, in addition to the Department's regular exchanges with the European Union, we are engaging an increasing number of Asian partners—including China, Korea, Japan, and, soon, India—in dialogues on issues related to Latin America and the Caribbean.

As the countries of the Americas enhance their global profile—a trend we support and encourage—and make important strides at home, we cannot lose sight of the serious challenges that remain. Transnational crime threatens citizens throughout the hemisphere. Continuing inequality and poverty limit opportunity. Inadequate education systems continue to handicap our most vulnerable citizens. To varying degrees, a minority of countries abrogate their citizens' fundamental rights.

DEMOCRACY AND SECURITY: THE IMPORTANCE OF INSTITUTIONS

I see democracy and security as being fundamentally linked to the strength of hemispheric institutions. Electoral democracy can only flourish if citizens and their leaders respect the basic rule of law, and pervasive violence and insecurity inevitably threaten fundamental freedoms and civil liberties. Achieving both freedom and security depends upon the establishment of stronger institutions. This has been a core priority of my role as the Bureau's coordinator for Citizen Security and will continue to be a priority for me if I am confirmed as Assistant Secretary.

In my current role, I am responsible for coordinating our security initiatives in the Western Hemisphere with other bureaus in the Department, with our interagency partners, with host nations, and with donors. Through this work, it is increasingly clear to me that for our efforts to succeed, democratic institutions must be strengthened—particularly the judiciary and the police. Democracy requires that all citizens can seek and find justice as equals before the law. This is why we place such importance on programs that aid Honduran law enforcement to create task forces to solve and deter crimes against journalists, woman, LGBT persons, and human rights activists, and our programs in Mexico that support alternative dispute resolution mechanisms so that suspects do not spend years awaiting trial. Similarly, in Guatemala we are supporting community councils where local leaders—often women—channel their concerns about security to government leaders, who can then be held accountable.

If I am confirmed, among my highest priorities will be to increase the capacity of law enforcement and judicial institutions and to strengthen the rule of law against the threats of corruption and impunity. We know that this is a fight we must win for all the citizens of the hemisphere, including Americans at home.

Of course, we recognize that not all countries in the hemisphere welcome our policy of pragmatic partnerships. In cases where cooperation remains difficult, we will seek areas of convergence and remain open to a more positive relationship, within the context of our fundamental values on democracy and human rights. That is why, should I be confirmed as Assistant Secretary, I will speak out clearly and without hesitation when fundamental democratic principles are threatened and work closely with our partners in the hemisphere to stand together against those threats.

We condemn governments that limit freedom of expression, weaken institutions of democratic governance, centralize power in the Executive, and limit the legitimate rights of the political opposition. In celebrating the 10th anniversary of the Inter-American Democratic Charter, Deputy Secretary Burns noted that "the obligation to democracy neither begins nor ends at the ballot box. Even democratically elected governments can threaten democracy if they do not respect its safeguards, institutions, rules and values." Protecting democracy is a hemispheric value. When democracy is threatened, we must all speak up. Although we are ready to provide leadership, and will not hesitate to do so, the United States can defend democracy

in the hemisphere most effectively when we are joined by our hemispheric partners, including multilateral organizations such as the OAS.

In Cuba, we are working to expand the connections between U.S. and Cuban society and open the way for meaningful support of Cubans who are striking their own path, while we keep faith with human rights activists and dissidents who have fought for basic rights for years. With our efforts, more Cubans have access to information and independent connections to the American citizens who are the best ambassadors of our values. We have never wavered in our support of the right of people in Cuba to freely determine their own future—rights far too long denied to them. We also continue to seek the unconditional release of American citizen Alan Gross, a dedicated development worker who has been unjustly imprisoned in Cuba for nearly 2 years.

Cuba clearly departs most fundamentally from the region's core democratic values and elections alone do not constitute a democracy, but we remain steadfast in protecting free and fair elections throughout the hemisphere. Together with a broad range of partners we worked to ensure that Haiti's elections accurately reflected the will of the Haitian people. We have expressed our clear concerns with the irregularities related to the recent electoral process in Nicaragua, in keeping with the Inter-American Democratic Charter, and we are committed to doing what we can, in partnership with others in the region, to promote the ability of the Venezuelan people to fully express their democratic will.

SOCIAL AND ECONOMIC INCLUSION

If confirmed, I will work to ensure that the United States remains at the forefront of promoting economic and social inclusion in the hemisphere. The economic story of many nations in the hemisphere is extraordinarily positive: the combined economies of Latin America grew 6 percent last year, and millions of people are rising out of poverty and into the middle class. The passage of the free trade agreements with Colombia and Panama represents a major diplomatic milestone and they will be an important tool in furthering integration and creating the jobs that will offer opportunity and higher standards of living. As the State Department focuses on what Secretary Clinton calls economic statecraft, the Americas will be a priority, for as she said, "We believe in the power of proximity to turn growth across the Americas into recovery and jobs here in the United States."

Despite the progress we have seen, Latin America remains one of the most unequal regions in the world, where millions of citizens are struggling to escape poverty. A key priority of U.S. policy is to ensure that the benefits of economic growth are broadly shared throughout these societies. Free trade agreements are among the tools being harnessed to achieve this.

In October, the U.S. joined another dozen countries along with the OAS, IDB, and others, in the Dominican Republic for the Fourth Ministerial for Pathways to Prosperity, our signature initiative to share best practices and facilitate economic growth that is more socially inclusive, by empowering small business, facilitating trade, building a modern workforce, and promoting sustainable business practices and environmental cooperation. To promote social and economic inclusion, we are also actively engaging with women, persons with disabilities, LGBT persons, youth, and members of Afro descendant and indigenous communities to ensure that they benefit from this process.

Nowhere in the hemisphere do our efforts on security, democracy, and economic and social inclusion come together more clearly than they do in Haiti—one of the President and the Secretary's highest priorities. Last year's devastating earthquake did not just reveal geological fault lines. Today, as President Martelly's government sets about the enormous challenge of creating accountable, transparent institutions, and rebuilding to reduce poverty and disease in Haiti, our leadership has accomplished a great deal, although there is still much more to be done. From rubble removal to increased agricultural yields, to the opening of a new industrial park, our regional partners have joined with us and the international community to answer the call and demonstrate just how much these partnerships can accomplish for the people of Haiti.

ENERGY

Advancing social and economic progress in the hemisphere will also require a renewed commitment to energy security. This is especially important in the Americas, which supplies over half of our imported oil. Not only is the region home to abundant hydrocarbons, but many countries are leading in the development of renewable energy, and leaders are committed to working together to strengthen energy security and address the challenges of climate change. In recognition of this reality, the

President created the Energy and Climate Partnership of the Americas (ECPA) at the last Summit of the Americas. It promotes clean energy technologies, low carbon development, reduced emissions from deforestation, and climate-resilient planning. ECPA also serves as a vehicle for public-private partnerships including the promotion of promising, innovative, clean, and renewable energy projects, and financing mechanisms that bridge the gap among investors, clean energy entrepreneurs, and project developers. Beyond ECPA, we maintain energy dialogues with Brazil, Canada, and Mexico. We also have bilateral discussions with important regional electricity suppliers, like Colombia, which is working to link electricity grids with Panama and its Andean neighbors, and increase exports of clean power to its neighbors.

All the themes I've mentioned will be highlighted in the objectives that the United States will seek to advance at the upcoming Summit of the Americas, scheduled to take place next April in Cartagena, Colombia. The summit is an opportunity to reaffirm, reinvigorate, and drive our common agenda. The theme of the summit is "Connecting the Americas: Partners for Prosperity" and this gathering will enable us to solidify our achievements over the last 3 years and launch new initiatives with partners in the region to achieve our goals.

Mr. Chairman, I would like to highlight one final topic in particular that is central to so much of our strategy in the hemisphere: education. Just as judicial systems are central to strong democratic institutions, expanding the quality and reach of education is also critical to advancing the ambitious project of a prosperous and democratic hemisphere.

The hemisphere's children will grow up in a region that has witnessed the rapid proliferation of global business opportunities. But many of its citizens lack the education, skills, and training to take advantage of this historic shift. Addressing this education gap will be crucial to the future competitiveness of the Americas. During his visit to Chile in March, President Obama announced a new goal, "100,000 Strong in the Americas," to increase the number of U.S. students studying in Latin America and the Caribbean to 100,000, with the reciprocal number of students from the region studying in the United States. President Rousseff launched her "Science without Borders" program to give more Brazilians opportunities, especially in the critical fields of science, technology, engineering, and math. We are asking the private sector to support exchange programs, finance scholarships, and offer internships, training, and mentoring for exchange students.

Through USAID programs, the United States is supporting literacy education and increasing access to education opportunities for disadvantaged groups. Even our citizen security programs support education to provide training and internship opportunities for youth to ensure they have alternatives to violence and crime.

The youth demographic in the Americas will also require the United States to develop more agile and tech-savvy diplomacy. We must be as good at NGO outreach, citizen-to-citizen exchange, and using social media as we are at delivering traditional diplomatic messages. We are working with social media leaders to leverage technology to solve real world problems. We have organized TechCamps in Santiago and Montevideo and are planning another in conjunction with the Summit of the Americas. These are examples of government, private sector, and civil society coming together to develop innovative ways for technology to broaden educational opportunities. If we are to meet the challenges we face as a hemisphere, we must fully harness new technologies.

CONCLUSION

Mr. Chairman, during my 25 years working on this region at the State Department, I have witnessed this hemisphere undergo dramatic and positive changes. I am confident that the new partnerships we are forging and leading are the best way to work with a region that is rapidly coming into its own, where many countries now have both the will and the capacity to be equal partners. These times demand a very different kind of U.S. engagement—an engagement that is broader and more direct, younger, and more global than ever before.

Mr. Chairman, this committee has invested heavily in supporting our priorities in the Western Hemisphere in recent years and I want to thank you for that support. All of you have been among the most important advocates for these vital issues and relationships. Engagement between the executive and legislative branches is essential to achieving our shared objectives. If confirmed by the Senate, I would be honored to work with you, your staffs, members of this committee, and the Congress, to advance the goals we all share in the Americas. Thank you and I look forward to answering any questions you and the committee may have.

Senator MENENDEZ. Well, thank you.

So we'll start our 7-minute rounds, and we'll see how far we go.

I have consistently raised the concern, and certainly the position for which you are nominated for would be important in making this concern less of a concern, and that is the funding decreases for Latin America.

We have seen Secretary Clinton focus on the tension in the hemisphere in the last months, certainly with her visits to El Salvador and Guatemala, which is great. But funding for the region suggests that it is not a priority for this administration and that we haven't yet made the connection between poverty, citizen security, transnational crime, narcotics trafficking, and U.S. interests.

And I see as an example of that a 14-percent decline in our assistance to the hemisphere. And I understand the challenge of money, but there is just a question of priorities within the existing resources.

I see that the lack of exertion by State and Treasury on behalf of a capital increase for the Inter-American Development Bank, the only—only—regional bank to not receive the full amount of its requested capital increase.

So I look at the confluence of that funding decrease, the only regional bank in the world not to receive its requested capital increase, and then I look at our whole area of a 43-percent decline in counternarcotics. I put some of that toward Merida moving along, but not all of it.

And so I say to myself, where is the importance given to this hemisphere? And what will you do, if confirmed, sitting on the seventh floor, to play a role in making sure that the appropriate allocations commensurate with the importance of the hemisphere take place?

Ms. JACOBSON. Thank you, Mr. Chairman. And you have always been a stalwart supporter of efforts in this hemisphere, for which we're grateful.

In funding the programs in the hemisphere, we know that, in some cases, expenditures are going down because programs are proceeding, as you said, in Mexico with Merida. In Colombia, we are moving toward nationalization of programs that we have supported for a long time.

But there are many areas in which we've been able to continue funding at the same levels or actually increase them, such as in the Caribbean and in Central America. And so the priority areas that we think need funding, we've been able to try and maintain even in an era of very tight budgets.

Let me also address the IDB issue. The Secretary has been very clear with us and working with our colleagues at Treasury that we think it's critically important that the IDB get full funding, and that overall the President's request under the GCI be fully funded. The IDB is a partner in so many areas in the hemisphere, most critically perhaps in Haiti, but frankly also in the efforts we're making on citizen security in Central America.

Senator MENENDEZ. But you didn't step up to the plate—not you personally—but the Department did not step up to the plate.

Ms. JACOBSON. Well, we're working——

Senator MENENDEZ. The only regional bank that did not receive—everybody—I heard the voices of the Department as it related to everybody else. I didn't hear it about the IDB.

Ms. JACOBSON. Well, I think that if it wasn't made as loudly or as clearly as it should have been, we're working with our colleagues in Treasury to overcome that, because we do feel strongly about that funding.

Senator MENENDEZ. So if you are to be confirmed——

Ms. JACOBSON. Senator, that will be——

Senator MENENDEZ [continuing]. You'll do what?

Ms. JACOBSON. That will be an extremely high priority, and I will be working both with colleagues in other agencies, but also with my own seventh floor, as you note, to be a passionate advocate for this hemisphere and to ensure that we get all of the resources requested by the President and are able to advance those arguments within the U.S. Government and here with our colleagues in Congress.

Senator MENENDEZ. Let's turn to a different topic, authoritarian trends in the hemisphere.

You know, I want an Assistant Secretary in charge of the Western Hemisphere who is going to make it very clear in her work and with our ambassadors in the hemisphere that democracy, human rights, free press are critical elements and a significant part of the mission of those who are our ambassadors in the hemisphere.

And I look at a resurgence of authoritarianism combined with a tolerance for corruption and resulting weak institutions and judiciaries threatening democratic processes, of course, in Venezuela, in Bolivia, in Ecuador, in Nicaragua, and even Belize and to some degree in Argentina.

So what role do you see the United States playing in providing support to civil society organizations, the independent media, and other grassroots groups advocating for government transparency, a free press, and judicial reform?

Ms. JACOBSON. Thank you, Senator. I think that you have well stated the importance of those efforts.

We are undertaking a number of programs to work with independent journalists, to support journalists who are under threat, whether that be from transnational criminal organizations or from government restrictions.

And all of the U.S. Ambassadors in the hemisphere have the mandate of strengthening civil society and working with civil society just as they work with governments or try and work with governments to advance our interests. Because in the end, it is not just the institutions of government that provide for a democracy, it is strong civil society institutions and the ability of people to organize and to convey their views to their governments that are critical.

In some countries, we will work more with civil society than we do with governments, depending on the circumstances. So that is an incredibly important priority for our ambassadors and for me personally.

Senator MENENDEZ. Well, I just want to close on that note, and in terms of what I increasingly sense is a targeting of the media.

And this is incredibly important if people in the hemisphere are to be able to understand what is happening in their own countries.

And I think it is reflective of a sense of crisis, a sense of urgency, which I don't sense that we share. But it is expressed in an October speech by the president of the Inter American Press Association, Gonzalo Marroquin, who said, "We are in a war between authoritarianism and democracy. The free press is under increasing attacks, and governments are resorting to political prosecutions, restrictive media laws and economic pressure to censor independent media outlets."

That to me is the beginning of a demise of the essence of democracy in those countries. And I hope that we will have a heightened sense of that with our embassies in the hemisphere, in terms of them both speaking out when it is appropriate, and engaging those entities when it is appropriate, in a much more robust way. And I would hope that you, as the Assistant Secretary, would lead that effort.

Ms. JACOBSON. Thank you, Senator.

Senator MENENDEZ. Senator Rubio.

Senator RUBIO. Thank you.

I want to start in Nicaragua.

Good morning, by the way. Congratulations on your nomination.

We had elections over the weekend in Nicaragua, and the Associated Press reports where there was complaints from international observers that raised questions about the margin of victory. For example, an observer for the OAS said that he was blocked from 10 polling stations midway through the voting.

A European Union team said they faced sometimes inexplicable obstacles. My understanding is the Carter Center didn't even cooperate in this on the outset.

What do we know about the elections? What do we know about the process? What are we prepared to say, right now? And what are we prepared to say ultimately in terms of the validity of how it was conducted?

I think that's critical in terms of—as we move forward in our first objective, which is having democratic institutions that function.

Ms. JACOBSON. Thank you, Senator.

In Nicaragua, we have been watching with great concern the processes leading up to this election and through the events of the weekend. For that reason, frankly, we put out a statement on October 31, before the elections, noting our concerns in the process and hoping that the election day itself would take place freely, fairly, without harassment.

We were particularly concerned with the rules under which electoral observation missions would operate. We were concerned with the distribution of identification cards for voters. And we have been concerned with the events of November 6 and the inability of some of the observers to fully mount their missions.

But in particular, we were concerned about the inability of some very important domestic observation groups to observe as well in Nicaragua, and that was not overcome as of the day of the election.

So we are, at this point, waiting for the results of both the OAS and the E.U. observer missions. We're consulting closely with those

missions. And we will speak out unequivocally about the situation in Nicaragua and the processes, which we are very concerned about.

Going forward, I don't know exactly what our statement will be. I don't want to preclude the results of those groups. But I do know that we've spoken out clearly up to this point, and we intend to continue to do so.

Senator RUBIO. Along those lines, Venezuela is scheduled to have elections next year, and there's a lot of back and forth going on about who's qualified to run. And apparently, one of the candidates is qualified to run, but he's not qualified to take office according to the—if he wins.

That being said, what is our vision in terms of the role we intend to play in terms of speaking out on the validity of those elections and how those elections need to be respected as well. I think potentially next year's elections in Venezuela have the potential to be perhaps one of the most important events of this decade in the hemisphere, depending on the outcome of that election, but more importantly depending on how it's conducted.

So what are our general thoughts about how that's progressing, how the opposition seems to be attempting to coalesce, the opposition to Chavez that seems to be coalescing, and trying to present an alternative on the ballot in 2012?

We saw them make significant gains in the last election cycle. What are your thoughts on where we're headed electorally in Venezuela in 2012?

Ms. JACOBSON. Thank you, Senator.

I think we would agree with you that the elections next year in Venezuela have the potential to be an incredibly important event for the people of Venezuela and in the hemisphere. And we have certainly been clear on the importance of the process, a process that led to an increased number of opposition members in the national assembly in the last election, and a process that we hope, moving forward, will truly allow for free and fair elections to take place in 2012.

We did speak out publicly after the Inter-American Court of Human Rights made its decision recently on a Venezuelan, and we'll continue to do so. We try and work with groups, in a nonpartisan way, on ensuring that the processes are fair. We'll work with partners through the OAS, if possible.

But we agree that those elections are critically important, and the process leading up to them just as important.

Senator RUBIO. Over the last 9 months, you've also served as the Western Hemisphere Security Coordinator, right? And obviously, I know that that involves a lot of transnational groups, human trafficking, drug trafficking, et cetera. One of the security concerns we should have about the region, however, is an increased P.R. offensive at minimum and actual presence, in the worst-case scenario, by Iran in the region.

Can you describe briefly kind of what the threat of that is? How would you best describe kind of Iran's attempt at growing presence in the Western Hemisphere, and, in particular, kind of the thought processes behind what are the consequences of that, in terms of our

relationship with these countries that appear at least to be increasingly embracing pariah states like Iran?

Ms. JACOBSON. Senator, Secretary Clinton has been very clear in our vision that Iran's presence in the hemisphere is neither positive nor benign. Comments that she made in 2009, in some ways, look very prescient these days.

And we certainly take very seriously Iran's activities in the hemisphere, so seriously that we have taken action in a number of cases where Iranian action with countries in this hemisphere has violated either U.S. sanctions or international sanctions.

As you know, earlier this year we took action against PDVSA, the Venezuelan oil company, for trade with Iran that fell under our CISADA sanctions. We renewed sanctions against Venezuelan military industries.

And we will continue to pay the utmost attention to Iranian actions in the hemisphere and to act when we believe it is in our interest to do so, to sanction, to speak out, obviously, as most recently noted, in the plot against the Saudi Ambassador here in Washington.

And so this administration is committed, and I am personally committed, to continuing to make that issue an extremely high priority for us.

Senator RUBIO. Just as a segue on that, I know my time is about to expire, but concerned, in particular I am personally, about reports of flights between Tehran and Caracas. And I'll tell you primarily the concern is that the countries in the hemisphere, particularly Venezuela, but maybe others, are helping Iran to potentially evade international sanctions. Obviously, that's of concern, I would imagine, to the administration as well.

Any progress on that, anything you could share with us with regard to the efforts we are making now or are willing to make in the future to ensure that those in the hemisphere are not somehow aiding Iran in evading these international sanctions?

Ms. JACOBSON. Yes, Senator. I think that one of the things that we've been very careful is to continue to monitor the situation with Iran. We note that since the sanctions were announced earlier this year against Venezuela, against PDVSA, for violating United States sanctions in trade in oil products with Iran, we have not seen a repeat of that activity. And so, obviously, all of our efforts are aimed at changing behavior to ensure that countries abide by international and U.S. sanctions.

And we will continue to try and monitor most closely and to act if we need to, including not taking off of the table any of the options available to us for further sanctions should they be warranted.

Senator MENENDEZ. Thank you.

Let me just have a few other questions since you have the whole hemisphere, so it's a little difficult to accomplish in a few minutes.

The Keystone XL pipeline, I gather you have not been working on that, but will that be part of your portfolio? Or is that at a different level, should you be confirmed?

Ms. JACOBSON. Thank you, Senator.

As you know, I am recused from that at this time. But if I am confirmed, I do expect that to be a high priority—a high priority for me and my colleagues in the Department.

Senator MENENDEZ. If that is the case, would you commit to come back to the committe to testify about critical issues that have surfaced with the pipeline question? Could we depend upon you, if confirmed, to come back to the committee?

Ms. JACOBSON. Absolutely, Senator, at any time.

Senator MENENDEZ. Let me ask you about Haiti reconstruction. The current status of recovery and reconstruction efforts as we approach the second anniversary of the January 2010 earthquake, what's the status of that, and what effect has the political infighting had on President Martelly's ability to form a government and begin to address the political and legal roadblocks to reform such as land titling? Where are we at?

Ms. JACOBSON. Thank you, Senator.

I think that, as you imply, certainly, the difficulties that President Martelly has had in creating a government, in getting his nominees through his Parliament, have certainly slowed down some of the areas of reconstruction, in particular working on governance issues. And we're extremely pleased that he now has a Prime Minister and his ministers in place, and believe that, at this point, things will move ahead much more smoothly in that area.

However, in other areas, I think that there has been a great deal accomplished in the past year, certainly in areas such as rubble removal, where we have now more than 50 percent of the rubble removed, which is a huge undertaking; one of the largest in the world.

In the issue of agricultural yields, where USAID has been present, we've seen a dramatic increase in the issue of agricultural yields.

And obviously, land titling is still an area in which there is a great deal of progress that needs to be made, but is a high priority and one that we now feel has the attention of the Haitian Government.

Senator MENENDEZ. OK. One final set of questions, Cuba.

Since the Obama administration has eased restrictions on travel and remittances in April 2009, the Castro regime has doubled its hard currency deposits in foreign banks. The Bank for International Settlements reported banks in 43 countries held $5.76 billion in Cuban deposits as of March of this year. That's compared with $4.2 billion at the close of 2009 and $2.8 billion at the close of 2008.

So hard currency is entering Cuba without limits, being exchanged for Castro's worthless currency and whisked abroad by the regime.

Meantime, repression has spiked. Political arrests have more than doubled in the last year. We see a policy that results in trips featuring salsa dancing, cigar factory tours, baseball games, and even visits with Castro's regime's neighborhood repression committees, the Committees for the Defense of the Revolution, which is pretty outrageous—all while an American sits unjustly in prison.

Can you explain to me how this policy, in any sense, makes sense?

Ms. JACOBSON. Senator, our goal in changing the regulations was to, and is to, expand the ability of average Cubans to have contact with Americans not through their government, to have people-to-people contacts.

In doing so, we certainly recognize that there may be economic benefits to the regime, but we believe that they will be outweighed by the benefits to individual Cubans of having that greater access to information and to Americans.

In the issue of tourism, let me be very clear about that. Tourism is still prohibited even under the regulatory changes that the administration has implemented. And the Office of Foreign Assets Control at the Treasury Department has reviewed and rejected and taken action against some proponents or some promoters of activities that do not fall under the regulatory changes, including in areas where they have been pointed to activities by the State Department. And we'll continue to make sure that's understood.

Senator MENENDEZ. Do you think helping a regime that is oppressive of its people; that violates every principle that not only we, as Americans, have, but the International Charter has; that doubling—doubling—its reserves to $5.7 billion, which only gets used in its security apparatus; and that permits—permits—interchanges with the Committee to Defend the Revolution, which ultimately is a block watch organization that oppresses every Cuban in every village, in every hamlet, that's good policy?

Ms. JACOBSON. Senator, nothing in our policy is intended to help the Government of Cuba in those activities——

Senator MENENDEZ. Whether it is intended or not—excuse me, for interrupting you. But whether it is intended or not, the hard facts are, before our policy changes, Cuba had X amount in reserves. After our policy changes, it has doubled its amount to $5.6 billion in reserves. That's a hard fact. We can say that wasn't our intention, but that's the hard fact.

The second hard fact is, is that we have all types of visits going on, including with elements of the Committee to Defend the Revolution, which in essence is the people who oppresses the Cuban people. How is that people to people?

Explain to me how that's people to people?

Ms. JACOBSON. Well, that certainly does not fall under what we would consider people-to-people exchanges and the benefits that Cuban citizens may have of increased access to information and the ability to interact with humanitarian groups or church groups or academic institutions, which is what the regulations are intended.

Senator MENENDEZ. How do we explain greater repression, unimaginable that it could be more repressive, but nonetheless that's the reality. And I could introduce into the record a whole host of names that are publicly known that have been arrested or harassed simply because of their human rights activism.

How do we look at a set of facts in which we double the reserve of the Cuban regime, we actually permit visits with Committees to Defend the Revolution, there is greater repression, and we do all of this while an American is sitting in jail unjustly?

I don't understand how you reward a regime for imprisoning an American citizen. I don't get it. I don't get it. And I hope someone at the State Department is going to wake up and say, "You know

what, you don't get anything, and certainly not until you release that American!"

Ms. JACOBSON. Senator, I certainly agree that Alan Gross has been unjustly imprisoned for almost 2 years now, and we will do whatever we can through diplomatic means to try and get him home with his family where he deserves to be. And we certainly agree that the repression that has taken place, and human rights activists and others who have been detained recently, is unconscionable.

And I would hesitate to be able to understand the Cuban Government's actions any further.

Senator MENENDEZ. Well, I don't want to belabor it. I raise it because you are going to be the Assistant Secretary. That is part of your charge in the Western Hemisphere.

I just simply say, it seems to me very elemental. You stop the money; the regime gets the message. The regime has only changed those things that we have found negative for the Cuban people, not even in our interests but in the Cuban people's interests, out of necessity, not ideological change. They have not changed ideologically. It's only when they have necessity that they change.

We double their reserves. We let all types of people go. We have an American sitting there. And we don't use all of our resources—forget about diplomacy—all of our resources to say, you will have nothing to do with us until you release that American.

He's a hostage. They took him particularly because he is, in essence, a hostage.

He is there simply as a tool. Unfortunate for Alan Gross, but he is there as a tool, as a pawn, to try to be used. And it's pretty amazing to me that we continue a policy that ultimately lends itself to that.

So I hope that when you get confirmed, you know, you take this message back to the State Department, that certainly for myself I have a very different strong view about you don't double their reserves, you don't permit visits for the CDR—the Committee to Defend the Revolution. And you certainly do everything you can.

Diplomacy has many tools to it, and it seems to me that a whole bunch of those tools aren't being used to have Alan Gross freed.

Ms. JACOBSON. Thank you, Senator.

Senator MENENDEZ. Senator Rubio.

Senator RUBIO. Thank you.

You outlined in your statement that there are four strategic priorities in the hemisphere, the first being—and I'm glad to see the first being—effective institutions for democratic governance.

On the issue of Cuba, my hope, and I think the answer is "Yes," that our real goal there is to ultimately have Cuba become a democracy——

Ms. JACOBSON. Absolutely.

Senator RUBIO [continuing]. A functional democracy with institutions where people get—so our policies toward Cuba should be geared toward accomplishing that.

And the administration has made a decision that one of the ways it wants to do that is it wants to allow Americans both, you know, Cuban-Americans traveling back to see families, but Americans, through academic institutions, church-based groups, and others,

travel to Cuba under the notion that access to Americans will somehow provide information to the average Cuban, and, therefore, further the cause of ultimately creating some sort of political opening and a democracy.

Is that an accurate reflection of our goals as a result of the——

Ms. JACOBSON. I think that's correct. We believe that kind of purposeful travel is in aid of what we completely agree on, which is a free and open Cuba.

Senator RUBIO. But as you've conceded today, there is a cost-benefit analysis. We understand that the cost of doing that is that it provides hard currency to the regime. The regime uses that hard currency not just to further their own economic interests as individuals, but also to fund the repressive arm of the government.

We know that political repression has increased. We know that there's been an emerging resistance. It's no longer just human rights activists or dissidents. There's an open resistance in Cuba now; a resistance which is being oppressed by political police, basically, and they're funded. And I don't think anyone would argue that some of the funding for that comes from the hard currency that they now have access to as a result of this increased travel.

That's the cost of doing it, which you've conceded.

In exchange, though, the administration's position is that the benefit of having Americans travel to Cuba outweigh the hard currency that's now available to the Castro regime as a result of this travel. Is that right?

Ms. JACOBSON. Certain very clearly defined travel, yes.

Senator RUBIO. So, for example, what specific groups have traveled to Cuba, say, in the last year that we think have helped further the cause of democracy. For example, what particular trips or actual missions to Cuba can we point to that, for example, have met with some of these resistant leaders or have deliverables in terms of actually making progress?

I'm looking for signs that somehow this travel has led to advances that we can point to and say this is something that's contributing toward democracy being closer for the Cuban people. Do we have any groups like that? Do we have any specific travel like that, that we think has made that kind of progress?

Ms. JACOBSON. Senator, I would have to take a look at which specific groups have gone to Cuba very recently. I know that since the regulatory changes were made at the end of January, and it took us a while to get specific guidelines in place, and, obviously, groups are beginning to apply, it's my understanding that there have not been a huge number of groups that have gone under the new regulations. But, obviously, I'll take that back to look at specifically what organizations.

But we do know that some church organizations and religious groups are interested in doing missions, humanitarian work, as well as academics who would like to travel to Cuba.

Senator RUBIO. But if our policy, ultimately, is to foster democracy, shouldn't these groups be evaluated on the basis of what they would do to foster democracy? If a ballet wants to go perform in Cuba, if a sports team wants to go play, shouldn't we analyze that at least to try to figure out what does this do to help foster democracy? Who are you going to get to see, where are you going to get

to express yourself, what are you going to do when you're there that actually fosters our foreign policy toward Cuba, which is the hope of a creation of the underpinnings for a democratic transition?

Ms. JACOBSON. Right. Well, certainly, Senator, I think that the goal in any of these groups going to Cuba is to expose average Cubans to as much about the United States and its culture, its efforts to assist them individually without the intervention of the Cuban Government, as possible. And that may take various forms in the travel of groups that go to Cuba. And hopefully, all of that would aid in getting information, culture, educational materials to the people of Cuba.

Senator RUBIO. But again, and I understand that's the theory behind it, but I would just advocate that if indeed we're going to allow people to travel to Cuba, and our hope is that somehow this travel to Cuba will help foster democracy, that somehow there'll be a nexus established between the trip that they're taking—because we already have conceded that every time they go over there they're turning hard currency over to a repressive regime.

So we've already conceded, the administration has, that there's a price to be paid, that we recognize that these trips are providing hard currency for a repressive regime.

So we should at least try to, in each one of these trips, establish that at a minimum the cost that we're paying by allowing this money to be available to the repressive regime is offset by the benefit of that specific trip.

And I would hope that we would establish a policy that clearly creates a nexus between the trips and our foreign policy toward the island, which is the hope of advancing democracy.

My hope would be that if, in fact, people are going to travel there and organizations are going to travel there, that they could somehow show us how traveling there, in addition to filling some curiosity, is going to actually provide some assistance that will contribute toward the creation of democracy in Cuba.

And my other concern is that Alan Gross was on the island for the purpose of fostering access to information. I'm really concerned about that, because it shows that there are limits—in fact, it proves that there are limits as to what the Cuban regime is going to tolerate in terms of trip—in essence, they're not going to allow people into the island that they think are going to undermine their standing.

It appears to me that they have a filter process in place where they're going to deny access. That's the other part of this equation that I think has been forgotten. Not anyone can just travel to Cuba. If tomorrow someone announced they want to travel to Cuba for the purpose of meeting with five of the leading resistance members, you're not going to get in. They're only going to allow in those people that they think do not undermine their activities.

And we now have evidence of an American citizen that they believe undermined them, and the result, he's now sitting in jail. I think that has to be a major concern, as well, because even though on this side of the equation, things may be very well-intentioned, we can't forget that the other side of the equation is the Cuban regime. And the Cuban regime is not going to openly allow people to come into Cuba that are somehow going to undermine them.

They're going to select and only allow those in that they think don't undermine them.

Isn't that something we're concerned about?

Ms. JACOBSON. That's certainly something that we are concerned about. We're concerned about it, for example, in the democracy programs that we have, which are designed, and our foreign assistance programs, are designed to increase contact or promote information in Cuba.

We certainly make clear to all Americans going to Cuba in all of our public information what the circumstances are in Cuba and the risks they may be taking by traveling.

Senator RUBIO. So we make clear to people who are traveling to Cuba for people-to-people contact, we make clear to them that if they go too far in advocating for democracy or regime change that they could go to jail?

Ms. JACOBSON. I think we have a balance and a responsibility to American citizens to be clear on what the circumstances are in Cuba and what the circumstances of others have been.

Senator RUBIO. Right. No, and I think that's the right thing to do, to warn them. But my point is that if we tell people, "Hey, if you go to Cuba and you speak out in favor of democracy and against the regime, you may go to jail, so really the only safe way to go to Cuba is to travel there and not really do anything more than, you know, cultural stuff, but really don't talk about politics because that could get you in trouble."

I mean, doesn't that defeat the purpose of the people-to-people contact that we're trying to—if indeed the purpose of people-to-people contact is to further democracy?

Ms. JACOBSON. I think, Senator, that we would probably agree that there are lots of different ways we can help the Cuban people determine their own future. And we are going to use all of the tools that we can to try and give Cubans a larger aperture on the world that helps enable them to determine their own future, in particular politically.

Senator RUBIO. OK, my last question.

There were press reports recently about a trip taken by Governor Richardson to Cuba. And in that press report, it claimed that the United States had made some sort of unilateral offers to Cuba in exchange of the release of Alan Gross, that we'd offered to, you know, walk away from democracy programs, that there have been offers.

Could you comment on that? Did that happen? Has the United States been involved in any unilateral-type negotiations promising changes in Cuba policy in exchange for the release of Mr. Gross?

Ms. JACOBSON. Senator, we have never offered unilateral concessions to the Cuban Government in exchange for Mr. Gross. As badly as we would like Mr. Gross returned home, that should be unconditional, so he can be with his family.

Governor Richardson traveled to Cuba as a private citizen, and he was not authorized to present any proposals on behalf of the U.S. Government.

Senator RUBIO. So just to be clear, we have never offered changes in Cuba policy in exchange for the release of Mr. Gross?

Ms. JACOBSON. That is correct. We have not.

Senator RUBIO. Thank you.

Senator MENENDEZ. Thank you.

Just before I turned to Senator Cardin, who I know was very interested in this, let me just make one point that we'd like to follow up at a later time.

The problem with the whole issue with travel, in terms of your own stated purpose, is that you are using a general license. So there is no real way to track after the initial license what it is that people are doing. So they could be meeting Comités de Defensa de la Revolución. You don't know.

So that is a fundamental flaw in the issue of purposeful travel.

Senator Cardin.

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

Let me first, if I might, ask consent that a letter addressed to the committee from elected officials in Virginia and Maryland in support of Ms. Mari Carmen Aponte as U.S. Ambassador to El Salvador, including signatures from Ana Sol Gutierrez, who is a State representative; Victor Ramirez, a state senator; and William Campos, a Prince George County councilman, in support of that nomination be made part of our record.

Senator MENENDEZ. Without objection.

[The letter referred to follows:]

NOVEMBER 3, 2011.

Senator JOHN F. KERRY,
*Chairman, U.S. Senate Committee on Foreign Relations,*
*Dirksen Senate Office Building,*
*Washington, DC.*

Reference: Nomination of U.S. Ambassador to El Salvador: Mari Carmen Aponte

DEAR SENATOR KERRY: As Salvadoran-American elected officials representing state and local governments in Maryland and Virginia, we are writing a joint letter to express our very strong support for the nomination of U.S. Ambassador to El Salvador, Mari Carmen Aponte.

Since she was appointed as ambassador to El Salvador by President Obama. Ambassador Aponte has clearly proven her extraordinary ability to represent the best interests of the United States while carrying out the challenging duties of her office and exemplifying the highest level of diplomatic professionalism, effectiveness, and leadership. During her brief service to-date, she has established excellent working relationships with the Salvadoran government as well as with all key sectors of El Salvador's economic, political, and civil society. But more importantly, as El Salvador's first Latina ambassador, she has won the hearts, minds, and utmost respect of the Salvadoran people, both those in El Salvador as well as the thousands of Salvadoran-Americans living in the United States.

As you may be aware, according to the 2010 Census, Salvadoran-Americans now comprise the third largest Hispanic national group in the United States. In Maryland and Virginia, Salvadoran-Americans far out number all other Hispanic national groups in the area, and contribute significantly to the growth and well being of our States. The Salvadoran-American communities that we represent are keenly interested and will be closely watching the upcoming confirmation process.

It is very important to all Salvadoran-Americans to know that the United States reaffirms its long-standing commitments and seeks to maintain a strong and stable relationship with the government and people of El Salvador.

These are indeed challenging times for El Salvador as it must confront difficult problems of poverty, security, growing violence, recent natural disasters, stalled economic development, among others. Now more than ever, it is critically important to allow Ambassador Aponte to continue with her valuable work towards strengthening the long–term, close partnership that has been forged between El Salvador and the United States.

We therefore urge you and the Senate Foreign Relations Committee to act promptly and positively on behalf of the Administration and the American people

to confirm Ambassador Aponte so she is able to continue her extraordinary diplomatic services.

Sincerely,

Hon. ANA SOL-GUTIÉRREZ,
*MD State Delegate, District 18,*
*Montgomery County, MD.*

Hon. VICTOR R. RAMIREZ,
*Maryland State Senator, District 47,*
*Prince Georges County, MD.*

Hon, WILLIAM CAMPOS,
*County Councilmember,*
*Prince Georges County, MD.*

Hon. J. WALTER TEJADA,
*County Board Member,*
*Arlington County, VA.*

Senator CARDIN. And, Ms. Jacobson, let me welcome you to the committee. Thank you for your public service. Thank your family for your willingness to continue to serve our country.

We are particularly proud, because you come from the State of Maryland, so we very much welcome you here.

I want to underscore the message of my two colleagues as it relates to Alan Gross. He's also a Marylander. And we have tried, through various means, to get the attention of the Cuban Government for the release of Mr. Gross, who is being held—I think Senator Menendez says, as a hostage. That may very well be the case.

The concern we have is that it looks like we've been trying very diplomatic means in a quiet way to get him released, and that hasn't worked. I think it's time to elevate this issue.

This is a gross violation of human rights. Alan Gross should be released. There should be no conditions on his release. There should be no compromises made by the United States that would be inappropriate, because this is a one-sided problem. And Cuba needs to recognize that, and there needs to be consequences, not just in U.S. policy, but in how America handles international issues as it relates to Cuba.

So I guess my question to you is, Will you assure this committee that, if confirmed, the case of Alan Gross will remain a very high priority of yours, and that you will work with many of us who are prepared to put a spotlight on this issue in many of our international participations as well as our bilateral relationship with Cuba?

Many of us hold positions in international organizations. We intend to make this case one that is known throughout the world, that Cuba is violating the rights of an American, and it appears to be solely for trying to get leverage over America, which we will not tolerate.

Ms. JACOBSON. Senator, the short answer to your question is, yes, absolutely.

I think that we have always taken our cue from the Gross family, and we'll continue to do that. But we do think that it is time to speak out very loudly.

I hope that I am doing that here today, that this is absolutely unjustified, that Mr. Gross should be home with his family. There are illnesses in his family. His own health has deteriorated while held by the Cubans, and he deserves to be home immediately.

So we are grateful for your support and that of the other members of the committee.

Let me also just add that I'm very proud of my adoptive State of Maryland, but I do have to mention my New Jersey roots, because my New Jersey contingent is here with me today.

Senator CARDIN. I assume you visit Florida every once in a while. [Laughter.]

Ms. JACOBSON. I try, sir.

Senator MENENDEZ. That's why she got nominated. [Laughter.]

Senator CARDIN. Well, thank you for that answer, and I appreciate that. And I think this is what we need to do as a nation.

Let me just ask one other question, if I might, on a different subject. As the Principal Deputy Assistant Secretary of State for Western Affairs, you are the coordinator for citizen security initiatives in Latin America. Will you share with the committee the challenges that you've had in regards to that and where you think we need to make additional progress?

Ms. JACOBSON. Thank you very much, Senator.

This has been an enormous preoccupation of myself, my predecessor, and, frankly, of Secretary Clinton. When we look at polls across the hemisphere, 90 percent of the respondents in polls in the hemisphere say citizen security is their No. 1 priority, their No. 1 concern.

And so we have a series of coordinated efforts in the hemisphere that run from Mexico, through Central America, to Colombia, and include the Caribbean, that we think work together really well and are critically important efforts to try and strengthen institutions to resist those transnational criminal organizations, whether they are dealing in drugs, whether they are gangs, other forms of contraband.

And, frankly, this is a fight that is not a quick one. It's one that we have seen remarkable success on in Colombia, but after many years, and one that in some ways is just under way in Mexico with very strong efforts by President Calderon, and we hope to continue to support that.

But in Central America and the Caribbean, smaller countries have an even tougher time in resisting these criminal organizations. And so we need to work in an integrated way across the U.S. Government on building up the law enforcement and judicial capacity, building civil society, as I mentioned before, to resist those organizations and to cooperate with the United States in ways that serve both our interests and serve our interests on both sides of the border.

Senator CARDIN. I thank you for that response. I look forward to working with you.

And, Mr. Chairman, I'll yield back the balance of my time.

Senator MENENDEZ. Thank you, Senator Cardin.

Madam Secretary, thank you for your forthright responses. I hope you understand those of us who sought to be on this subcommittee, particularly, and as well as the full committee, have a passion for the hemisphere. So I'm sure you heard the passion through the questions.

But we appreciate your engagement. And we look forward to, if any member has any written questions, you'll respond to it quickly.

And from my own personal view, I look forward to supporting your nomination and working with you in the days ahead.

With that, we're going to excuse you.

Ms. JACOBSON. Thank you, Mr. Chairman.

Senator MENENDEZ. You're welcome and thank your family for being here.

And we're going to call up our next panel, starting with Mari Carmen Aponte. I'll read these as you come forward, so as we can save some time.

Ambassador Aponte was sworn as Ambassador of the United States to El Salvador on September 22, 2010. She previously worked as an attorney and consultant with Aponte Consulting and served on the board of directors of Oriental Financial Group.

She was the executive director of the Puerto Rican Federal Affairs Administration. She has a B.A. in political science from Rosemont College, an M.A. from Villanova, and a J.D. from Temple University.

So, welcome, Ambassador, once again before the committee.

Adam Namm is the director of the Bureau of Overseas Buildings Operations of the Department of State. A career member of the Senior Foreign Service, Mr. Namm joined the Department of State in 1987.

He has served overseas as a management counselor in Islamabad, human resources officer in Bogota, a general services office in Santo Domingo, and consular officer in Bogota and Santo Domingo.

He holds a B.A. in international relations from Brown University, an M.S. in national security strategy from the National War College. And we welcome him.

Elizabeth Cousens is the Principal Policy Adviser and Counselor to the U.S. Permanent Representative to the U.N., Ambassador Susan Rice. At the U.N., she has served as the Chief of Staff for the U.N. Mission in Nepal and as the Chief of the Donor Coordination Unit in the Office of U.N. Special Coordinator for the Middle East Peace Process.

Past experience also includes director of strategy for the Centre for Humanitarian Dialogue in New York and senior associate and vice president of the International Peace Academy in New York.

She received advanced degrees in international relations from the University of Oxford, and a B.A. in history from the University of Puget Sound.

Welcome all.

In the interest of time we ask that each of you limit your testimony to 5 minutes. Your full written testimony, will be included in the record.

And we will proceed with Ambassador Aponte as our first nominee.

## STATEMENT OF HON. MARI CARMEN APONTE, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR TO THE REPUBLIC OF EL SALVADOR

Ambassador APONTE. Thank you very much.

Mr. Chairman Menendez, Ranking Senator Rubio, I am very pleased and grateful for the opportunity to appear before you.

With me today I have my family, my sister, Tere; and my brother-in-law, Arturo; as well as my mother; and two very good friends, Felix Rodriguez from Miami, who is a veteran of the Bay of Pigs invasion in Cuba, as well as former President of El Salvador, Alfredo Cristiani; and some friends from the Salvadoran community, from all segments of the Salvadoran community.

I'm very honored and grateful for the trust and confidence placed in me by President Obama and Secretary Clinton in nominating me to serve as the United States Ambassador to the Republic of El Salvador.

El Salvador is a country with significant ties to the United States. One quarter of all Salvadorans live and work here in the United States.

There are very strong economic links between our two nations, CAFTA and the free trade that it facilitates between the United States and El Salvador, a dollarized Salvadoran economy, and the presence of many prominent U.S. companies engaged in business in El Salvador.

El Salvador has also sent troops to Iraq and Afghanistan, and presently is the only Latin American country to have sent troops to Afghanistan.

This is significant progress from 20 years ago when a bitter 12-year civil war ended and the country began a successful transition to a stable democracy. It is vital to continue to build on that progress with this important regional ally and, if confirmed, I will further the efforts that we have made in the last year.

The administration's priorities and the efforts of our mission are centered on the complementary objectives of security and economic growth.

El Salvador has one of the highest homicide rates in the world. Drug trafficking through El Salvador continues to increase. Gang violence is a daily threat to much of the population. The activities of the 18th Street and MS–13 gangs extend to the cities and communities of the Americas. As a result, helping El Salvador to combat these gangs directly impacts our own national security.

In the economic arena, the transition from 20 years of a conservative rule to a new left-leaning administration has presented both opportunities and challenges. I have made it my priority to build bridges between the government and the private sector, to encourage cooperation in helping El Salvador to reach its economic potential. And I am proud to say that the Ambassador's residence has become a place where both sides feel comfortable discussing issues of importance on neutral ground.

I believe that an important part of diplomacy is creating positive conditions which lead to increased understanding and cooperation, and I have tried to position the mission as a very honest intermediary. If confirmed, I will continue to be an advocate and architect for these important bridges to foster public/private dialogue.

In both our key priority areas, security and economic growth, President Obama's Partnership for Growth has been a key focus of our efforts over the past year. El Salvador was the first country to sign a joint action plan with the United States in a ceremony in El Salvador just last week. And we look forward to continuing to

realign our priorities to push forward on both of these important issues.

I believe this is a critical time for U.S. diplomacy. We have and we'll continue to reach out to the complete spectrum of Salvadoran society, not just government leaders and the nation's elite, but to opinion leaders, community leaders, youth, and all facets of the civil society.

We have hosted several joint military exercises with the Salvadoran military and sponsored events for local artists and women's groups. All this has been with the goal of strengthening bilateral ties.

Diplomacy is critical, and as we face increasing dangers throughout the world, I am humbled by the confidence the administration has placed in me. During my tenure as Ambassador in El Salvador, I have represented the strategic interests of the United States to the utmost of my abilities. If confirmed, I will continue to do so as I strive to further strengthen the ties between the government and people of the United States and El Salvador.

I thank you again for your time and would be pleased to respond to any questions.

[The prepared statement of Ambassador Aponte follows:]

PREPARED STATEMENT OF HON. MARI CARMEN APONTE

Mr. Chairman and members of the committee, I am honored and grateful for the trust and confidence placed in me by President Obama and Secretary Clinton in nominating me to serve as United States Ambassador to the Republic of El Salvador.

El Salvador is a country with significant ties to the United States. One quarter of all Salvadorans live and work here in the United States. There are strong economic links between our two nations: CAFTA and the free trade that it facilitates between the United States and El Salvador, a dollarized Salvadoran economy, and the presence of many prominent U.S. companies engaged in business in El Salvador. El Salvador has also sent troops to Iraq and Afghanistan—and is the only Latin American country to have sent troops to Afghanistan. This is significant progress from 20 years ago, when a bitter 12-year civil war ended and the country began a successful transition to a stable democracy.

It is vital to continue to build on that progress with this important regional ally and, if confirmed, I will further the efforts that we have made in the last year.

The administration's priorities and the efforts of our mission are centered on the complementary objectives of security and economic growth. President Obama has placed a high priority on citizen security in the region and thus our number one priority in El Salvador has been, and will continue to be, security. El Salvador has one of the highest homicide rates in the world. Due to its location in the region, drug trafficking through El Salvador continues to increase. Gang violence is endemic and a daily threat to much of the population with the activities of the 18th Street and MS–13 gangs extending to the cities and communities of America. Criminal elements in El Salvador have been linked to violent crimes committed in the United States.

President Obama's signature development initiative, Partnership for Growth, has identified security as a binding constraint to economic growth. As part of this initiative, which has been introduced in only four countries worldwide, we are engaging the government and people of El Salvador in a dialogue on how the United States and El Salvador can work together to improve security, which represents a significant constraint to growth and prosperity in many sectors of the economy.

Partnership for Growth will enhance the way in which the U.S. manages its foreign assistance to El Salvador, better supporting USG policy interests and fostering more rapid economic growth in El Salvador. A collaborative effort, Partnership for Growth, has involved a rigorous assessment by a team of economists from both the U.S. Government and the Government of El Salvador. The framework requires El Salvador to make commitments that will complement the U.S. assistance being offered in the areas that have been identified as obstacles to growth such as com-

plementary citizen security programs being implemented in El Salvador under the Central America Regional Security Initiative (CARSI).

In the area of enhanced citizen security cooperation with the Government of El Salvador under CARSI, we have made significant headway on establishing an electronic monitoring center that will be an important tool in combating organized and transnational crime. For the past year, I have worked in close coordination with our law enforcement agencies to engage the Salvadoran Government to move this project forward and am pleased to note that the new facility is scheduled to open by the end of the year.

Another key administration priority has been economic growth. As I mentioned previously, our mission is embracing the opportunity for transformation presented by the Partnership for Growth. My team and I have worked with the Government of El Salvador, many U.S. agencies represented in El Salvador and their counterparts in D.C. to formulate a joint action plan with a mix of programs and technical exchanges to foster economic growth. If confirmed, I will continue to be an advocate and architect for this important initiative and ensure its implementation.

As part of our efforts to encourage more inclusive and effective government to achieve broad strategic goals in El Salvador, I made it my priority to build bridges between the private sector and the government. The transition from 20 years of conservative rule to a new left-leaning administration in El Salvador has at times presented both opportunities and challenges for the private sector, which has traditionally identified with the former ruling party.

Building trust between the government and the private sector to work in partnership for the future of El Salvador is essential. The Ambassador's residence has been a place where both sides can feel comfortable on neutral ground to discuss issues of importance—yet where significant divergence of opinion and approach exists within Salvadoran society. We have been able to create a political space in the middle for different factions to come together. I believe that an important part of diplomacy is creating positive conditions which lead to increased understanding and cooperation, and I have tried to position the mission as an honest intermediary.

Another focus has been developing and empowering the staff of the Embassy. There are over a dozen agencies represented within the Embassy, all with different bureaucratic cultures and specific missions, but each with the same overarching goal of advancing the interests of the United States. One of my goals in the last year has been to develop mission personnel into a more effective and cohesive team. I have invited every member of the mission to meet with me and with each other at the Ambassador's residence. Likewise, I have stressed the importance of investing in human capital by promoting training and a strong sense of community, both with our Direct Hire American staff and Locally Engaged personnel. These efforts have increased mission unity, fostered a positive and collegial work environment, and created a more effective team.

I believe this is a critical time for U.S. diplomacy. We have and will continue to reach out to the complete spectrum of Salvadoran society, not just government leaders, and the nation's elites, but to opinion leaders, community leaders, youth, children and all facets of civil society. We have hosted several joint military exercises with the Salvadoran military and sponsored events for local artists and women's groups. All this has been with the goal of strengthening bilateral ties.

Diplomacy is critical, and as we face increasing dangers throughout the world, I am humbled by the confidence the administration has placed in me. During my tenure as Ambassador in El Salvador, I have represented the strategic interests of the United States to the utmost of my abilities. If confirmed, I will continue to do so as I strive to further strengthen the ties between the government and people of the United States and El Salvador

I thank you again for your time and hospitality and would be pleased to respond to any questions you have.

Senator MENENDEZ. Thank you very much.

Mr. Namm.

## STATEMENT OF ADAM E. NAMM, OF NEW YORK, TO BE AN AMBASSADOR TO THE REPUBLIC OF ECUADOR

Mr. NAMM. Well, thank you very much and good morning, Mr. Chairman, Ranking Member Rubio.

I am honored to appear before you today as the President's nominee for United States Ambassador to the Republic of Ecuador. I am

grateful to President Obama and Secretary Clinton for the trust and confidence they have placed in me.

I would like to recognize members of my family that have joined me today: my wife, Mei Huang; my daughter, Rebecca Namm; my mother, Susan Spencer, a resident of Jupiter, FL; my stepmother, Joan Namm; and my sister-in-law, Wei Huang, all of whom are great sources of great joy and support.

On this day, I'm also thinking of my father, Arnold Namm, who left us last year, but is still very much with me.

During my 24-year Foreign Service career, I've been privileged to represent our Nation in a diverse group of countries—the Dominican Republic, Saudi Arabia, Colombia, and Pakistan—as well as serving in multiple positions in Washington.

For the past 2.5 years, I've had the honor of leading the State Department's Bureau of Overseas Buildings Operations. During my tenure in that Bureau, we opened 16 new diplomatic facilities around the world, with another 33 facilities under design and in construction.

In 2008, I had the pleasure of cutting the ribbon on our new Embassy compound in Quito, and I am pleased to report that the Department will open a new consulate general compound in Guayaquil in 2012.

The United States ties with Ecuador date back to that country's independence from Gran Colombia in 1830, and we sent our first envoy to Ecuador in 1848. The close links between our two countries are evident in the interchange of people. As many as 2 million Ecuadorians live in the United States, and Ecuador maintains consular offices in 17 U.S. cities.

For Americans, Ecuador is a popular destination for tourism, an attractive place to retire, and a place of opportunity for commerce and study. More than 200,000 Americans visit Ecuador each year and some 25,000 U.S. citizens reside in Ecuador. If confirmed, my top priority will be to ensure the well-being of U.S. citizens living in and visiting Ecuador.

Another priority will be to promote U.S. business interests. The United States is Ecuador's largest trading partner. In 2010, the United States supplied 25 percent of Ecuador's imports with a value of $5.4 billion, and was the destination for 35 percent of Ecuador's exports valued at $7.5 billion.

Our energy relationship is also vigorous. With the fourth-largest proven oil reserves in Latin America after Venezuela, Brazil, and Mexico, and as a consumer of U.S. petroleum products, Ecuador represents an important partner in this vital economic sector.

As this committee knows, our relationship with Ecuador has been difficult in recent months, marked by Ecuador's regrettable expulsion of our Ambassador. I believe, however, that this trying period has only underscored for everyone the importance of reinvigorating our countries' bonds.

By nominating a new Ambassador to Ecuador, the President and the Secretary are demonstrating their commitment that the United States and U.S. interests be represented at the highest level.

If confirmed, I will be a forceful advocate for our interests and values, including democracy, trade, and countering the scourge of narcotics trafficking and other illicit activity. In advocating for our

interests, I will engage both the Ecuadorian Government and Ecuadorian civil society.

We have shared commitments on which to build. Ecuador and the United States are both signatories to the Inter-American Democratic Charter, and so are bound to respect and protect fundamental democratic rights and institutions.

Secretary Clinton, on the 10th anniversary of the charter, took note of its first article, saying, "The peoples of the Americas have a right to democracy, and our governments have an obligation to promote and defend it."

If confirmed, one of my core tasks will be to promote and defend the democratic freedoms the peoples of both the United States and Ecuador hold dear.

Thank you for giving me the honor of appearing before you today, and I look forward to any questions you may have, and to working with you if confirmed.

[The prepared statement of Mr. Namm follows:]

PREPARED STATEMENT OF ADAM E. NAMM

Mr. Chairman and members of the committee, I am honored to appear before you today as the President's nominee for United States Ambassador to the Republic of Ecuador. I am grateful to President Obama and Secretary Clinton for the trust and confidence they have placed in me.

I would like to recognize family members that have joined me today: My wife, Mei Huang; my daughter, Rebecca Namm; my mother, Susan Spencer; my step-mother, Joan Namm; and my sister-in-law, Wei Huang, all of whom are sources of great joy and support. On this day I am also thinking of my father, Arnold Namm, who left us last year but is still very much with me.

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Thank you for giving me the honor of appearing before you today. I look forward to any questions you may have, and to working with you if confirmed.

Senator MENENDEZ. Thank you very much.

Ms. Cousens.

**STATEMENT OF ELIZABETH M. COUSENS, OF WASHINGTON, TO BE REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR; AND, TO BE AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES OF AMERICA TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HER TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES OF AMERICA ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS**

Ms. COUSENS. Thank you very much.

Chairman Menendez, Ranking Member Rubio, thank you for the opportunity to appear before you today as President Obama's nominee to be the United States Representative to the Economic and Social Council of the United Nations. I am honored by the confidence and support that President Obama, Secretary Clinton, and Ambassador Rice have shown in nominating me for this position.

Let me briefly acknowledge and thank my family, my parents, Frank and Sandy, who unfortunately could not be here, but whose love and support I value every day; my husband, Bruce, who is here today; and our 2-year-old son, Wyatt, who you might have heard earlier this morning and has promised to be on his best behavior.

Senator MENENDEZ. We're family-friendly here, so it's OK. [Laughter.]

Ms. COUSENS. We are living in an era of global interconnection. The threats we face—nuclear proliferation, terrorism, organized crime, environmental degradation, infectious disease, to name just a few—cross borders and continents freely. But so, too, do our opportunities, from open markets and free trade, to the ability of citizens around the world to support each other's struggle for dignity, freedom, and equality.

U.S. leadership to strengthen and expand our tools for international cooperation will be essential to meeting these tests and promoting U.S. interests and values in the 21st century. And the United Nations is critical to that task.

The United States gains from an effective U.N. When U.N. peacekeepers help stabilize conflict zones in Sudan, the Democratic Republic of the Congo, and Haiti, they do so at a fraction of what it would cost to send American troops, and they bolster our own security. When UNICEF vaccinates 40 percent of the world's children, it contributes to the health of our own.

When the World Food Programme, UNHCR, and other humanitarian agencies deliver life-saving assistance to the tens of millions ravaged by flood, famine, or displacement, they strengthen our common humanity.

I have worked around the U.N. for most of my professional life. This has given me a concrete appreciation for the U.N.'s potential to advance critical U.S. priorities and values, as well as a practical insight into the U.N.'s strengths and its limitations. As I have seen firsthand throughout my career, the U.N. is far from perfect. Much more needs to be done to improve its efficiency, transparency, fiscal discipline, integrity, and impact. Key reforms spearheaded by this administration, especially in the areas of human resources, ethics, oversight, conduct, and discipline, and basic business practices, need to be advanced. And no reform agenda is complete without addressing the institution's credibility gap, particularly with regard to the unfair and disproportionate targeting of Israel throughout the U.N. system.

However, I've also seen firsthand remarkable displays of ingenuity, commitment, and courage from U.N. personnel in the service of values we all espouse: a peacekeeping battalion in Haiti that used sweat equity and spare parts to rebuild schools and roads for the community; a civil affairs officer in Bosnia who dreamed up the idea of ethnically neutral license plates to enable Bosnia's fractured communities to move safely throughout the country without fear of reprisal; and the courage of U.N. personnel who go to work in conflict zones every day despite being targeted.

I have been proud to serve as Ambassador Rice's Principal Policy Adviser and Chief of Staff in New York for the past 3 years, during which U.S. leadership at the United Nations has produced significant, tangible victories for the United States; winning important votes condemning the human rights records of Iran, Burma, and North Korea by the largest margin ever in the General Assembly; securing Israel's inclusion in key consultative groups in New York and Geneva; gaining new access to audits from U.N. development agencies; and leading the establishment of U.N. Women and creation of an office to combat sexual violence in situations of armed conflict.

If confirmed, I will seek to build on these and other achievements as U.S. Representative to ECOSOC. Drawing on my own U.N. experience, I will work to ensure that U.N. humanitarian agencies deliver for those at greatest risk, such as in the Horn of Africa where famine threatens millions and the United States has provided generous life-saving assistance, much of it through U.N. partners. I will work with the leadership of U.N. agencies, funds and programs, and member states to press for concrete development results, from reducing child mortality and combating extreme poverty to supporting women entrepreneurs. I will continue to fight for the victims of human rights abuse, including through clear and strong condemnation of violators. And I will work to strengthen the contribution of U.N. agencies to countries like Iraq, Afghanistan, South Sudan, and Cote d'Ivoire, as they rebuild after war and claim a brighter future for their people.

And I will work closely with my colleagues leading the administration's reform agenda to advance comprehensive and meaningful reform at the U.N.

The United Nations has an indispensable role in promoting U.S. priorities for which U.S. leadership is essential. If confirmed, it would be an honor and a privilege to serve my country in this new capacity, to join my colleagues in working to extend U.S. leadership at and through the United Nations.

And I would look forward to working with the Congress, and this committee specifically, to advance our shared priorities.

Thank you very much, and I look forward to answering your questions.

[The prepared statement of Ms. Cousens follows:]

PREPARED STATEMENT OF ELIZABETH M. COUSENS

Chairman Menendez, Ranking Member Rubio, distinguished members of the committee, thank you for the opportunity to appear before you today as President Obama's nominee to be the United States Representative to the Economic and Social Council of the United Nations. I am honored by the confidence and support that President Obama, Secretary Clinton, and Ambassador Rice have shown in nominating me for this position.

Let me also acknowledge and thank my family, my parents Frank and Sandy who unfortunately could not be here but whose love and support I value every day, my husband Bruce, who is here today, and our 2-year-old son, Wyatt, who has promised to be on his best behavior.

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However, I have also seen firsthand remarkable displays of ingenuity, commitment, and courage from U.N. personnel in the service of values we all espouse—a peacekeeping battalion in Haiti that used sweat equity and spare parts to rebuild schools and roads for the community, a New Zealand civil affairs officer in Bosnia who dreamed up the idea of ethnically neutral license plates to enable Bosnia's fractured communities to move safely throughout the country without fear of reprisal, an inventive Nepalese interpreter who created a computer program to improve management systems, and the courage of U.N. personnel who go to work in conflict zones every day despite being targeted.

I have been proud to serve as Ambassador Rice's Principal Policy Advisor and Chief of Staff in New York for the past 3 years during which U.S. leadership at the United Nations has produced significant tangible victories for the United States: winning important votes condemning the human rights records of Iran, North Korea, and Burma by the largest margin ever in the General Assembly; securing

Israel's inclusion in key consultative groups in New York and Geneva; gaining new access to audits from U.N. development agencies; and leading the establishment of U.N. Women and creation of an office to combat sexual violence in situations of armed conflict.

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Thank you. I look forward to answering your questions.

Senator MENENDEZ. Thank you.

Thank you all, for your service and your testimony. We welcome your families and friends.

And certainly, we want to acknowledge President Cristiani who is with us. Thank you very much for joining us.

Let me start with you, Ambassador Aponte. I personally think you've done an extraordinary job in El Salvador. I want to ask you about something that we learned yesterday, that El Salvador's Public Security Minister, Manuel Melgar, who the United States believes was involved in the murder of four U.S. Marines in June 1985, resigned. This is something that I think we would applaud.

What effect will his resignation have on our bilateral cooperation now on security issues?

Ambassador APONTE. Senator, thank you very much for the question.

Definitely, I think it would strengthen and it would make much smoother the working relationship between the security elements of the two countries.

While any ministerial changes are an internal matter for El Salvador, this change really demonstrates the commitment from this government to transformational change in the areas of security and economic growth. It has been stated in the negotiations that have been undergoing with the United States in the Partnership for Growth. And this relationship should now take off, and we should do very well.

Senator MENENDEZ. Let me ask you, in September, President Obama included El Salvador in a list of countries designated as major drug-producing or drug-transit countries. This is the first time that El Salvador has been so designated.

How would you assess the current level of bilateral antidrug coordination and cooperation, and the adequacy of a U.S. program in El Salvador?

Ambassador APONTE. The coordination is very good. The law enforcement community and the mission work very well with law

enforcement in El Salvador, especially at the level of narcotrafficking. There is a vetted unit within the police that we work very closely with in pursuing narcotraffickers. And we have had very, very good success.

The location of El Salvador makes it a corridor for transit. All the narcotrafficking comes from south into the north, so their geographical location does not help. However, their cooperation has been very good.

Senator MENENDEZ. One last question.

I had the opportunity to meet with the First Lady and the Secretary of Social Inclusion, Dr. Pignato, last week. She came to talk about the flooding consequences in El Salvador.

What are the implications of the damage for the Salvadoran economy and the displacement of people? Can you give me a sense of the consequences?

Ambassador APONTE. Senator, I want to preface this by saying that the Government of El Salvador did a very good job in damage mitigation during the tropical depression, which lasted 10 days. And they minimized, fortunately, loss of life.

However, the damage to the roads and the infrastructure is significant. It is important. The government has estimated hundreds of millions of dollars in damages.

I think the assessment is still ongoing, but I think they will suffer losses, especially in crops, with the loss of most of their bean crop and their corn crop. And those assessments are still ongoing, but they are——

Senator MENENDEZ. We look forward hearing from you as it gets finalized, as to what our assistance might be.

Mr. Namm, you and I had a chance to talk a little bit. You have served in a distinguished capacity in your time in the Foreign Service. You haven't had a senior political position in the hemisphere.

And I'm wondering, this particular assignment, the expulsion of Ambassador Hodges, when her honest assessment of corruption in Ecuador was made public through Wikileaks, it caused her expulsion. We haven't had an ambassador since. You'd be the person to go there, in the light of that set of circumstances.

Do you feel prepared to enter this highly political atmosphere? And, two, do you feel constrained in commenting on the government's actions or in defending civil society in the media, in the light of her expulsion and the consequences present in the environment you'll be entering?

Mr. NAMM. If I could, Mr. Chairman, let me take the second part first.

I will feel, if confirmed, absolutely no constraint about speaking out for U.S. interests and U.S. values. The President and the Secretary seek to send a new Ambassador to Ecuador precisely to elevate U.S. engagement to the highest diplomatic level in Ecuador.

Let me also say that I will absolutely not shy away from criticizing the Government of Ecuador, when warranted, simply because our last Ambassador, Ambassador Hodges, was expelled.

And more than that, I would, if confirmed, reach out and dialogue not only with the government, but with civil society, with human rights groups, with the full range of actors in Ecuador. And

I would absolutely speak with a full-throated voice and represent U.S. interests and U.S. values.

As to the question about my qualifications, the President and the Secretary believe I am qualified for this job. During the last 2½ years, I've run an organization with 1,200 employees with an annual budget in excess of $2 billion, with many challenges, both internal to the State Department bureaucratic challenges, but also policy issues outside of the State Department dealing, for example, with private contractors, dealing in some cases with foreign governments.

As you know, I have experience in the region, two tours in Latin America, two tours working in Washington on Western Hemisphere issues. I speak excellent Spanish, and have a real passion for Latin America, having sent my daughter, Rebecca, who is sitting behind me, to a bilingual Spanish elementary school, which she attended for 6 years. So this is an area where I do have passion.

I feel that the experience I've gained through my career and especially the last 2½ years running an organization the size of the Bureau of Overseas Buildings Operations, with all of the issues there, has given me excellent preparation for an assignment as Ambassador.

Senator MENENDEZ. OK.

We'll talk to Rebecca later and check her Spanish. [Laughter.]

Just kidding. [Laughter.]

But if she wants to, it's OK.

Let me ask you, Ms. Cousens, you are not only going to be the ECOSOC Representative, but you're also going to be an Alternative Representative to the General Assembly. In that regard, I would expect that you would be cooperating with Ambassador Rice in that portfolio with respect to the Palestinians' efforts to obtain membership in the U.N. and its affiliated bodies.

One, can you verbalize for me what we are telling our fellow members of the U.N. about that?

And second, I saw on ECOSOC that several countries that are nondemocratic, including Cuba, have been elected. And I am concerned about accreditation of legitimate NGOs being stopped by such entities.

Can you talk to me about those two issues, please?

Ms. COUSENS. Yes. Thank you very much, Mr. Chairman. I'm happy to.

The Palestinian issue is not presently among my responsibilities, but, if confirmed, it certainly would be. I would join my colleagues in working very actively on this issue.

The administration's position has been extremely clear on this issue from the time this situation started. There is absolutely no shortcut to a Palestinian state. The only path to a Palestinian state is through direct negotiations between the parties to resolve all permanent status issues.

Any action that is taken in New York or Paris or anywhere else is a distraction and undermines the prospects for peace, and the administration has been extremely clear on that point.

We've also taken immediate and swift action to adhere to the legislation following the vote in UNESCO and ceased all funding to UNESCO as a result of that vote.

Senator MENENDEZ. Can you talk to me about the NGO issue that you——

Ms. COUSENS. On the NGO committee that you referenced, the administration has been, in fact, extremely effective in recent years in working to get democratic and diverse NGOs accreditation to the U.N.

The NGO committee is one of the principal venues in which we advance our interests and values, and fight very aggressively, working with as many partners as we can, to try to see a wide and diverse range of NGOs get access to U.N. debates and proceedings.

In just the last year, we managed successfully to overturn a decision to bar three NGOs that we felt deserved access to the U.N., and actually won their accreditation through ECOSOC and saw that as a real victory.

There was a democracy promotion NGO; one that dealt with Syrian human rights issues; and one that dealt with lesbian, gay, bisexual and transgender issues. That was seen, and I think widely understood, to be a significant victory for both the United States and countries who joined us in seeing that happen.

Senator MENENDEZ. Thank you very much.

Senator Rubio.

Senator RUBIO. Mr. Chairman, with your indulgence, I'm going to allow Senator DeMint to go, because he needs to get to a meeting, if that's OK.

Senator DEMINT. Thank you, Senator Rubio. Thank you, Mr. Chairman.

I do want to thank all the witnesses for being here today, all the nominees. But I'm going to focus all of my comments on the nomination of Ms. Mari Carmen Aponte.

Last year, every Republican on the Senate Foreign Relations Committee voted against moving this nomination forward. The White House continually denied reasonable requests from Senators on this side of the aisle for access to information, forcing Senators to consider a nomination without a clear picture of the nominee's background.

Rather than resolve the issue, President Obama gave Ms. Aponte a recess appointment to circumvent the Senate confirmation process.

After being forced to withdraw her first nomination under President Clinton and failing to be confirmed last year for a second nomination, Ms. Aponte is now before this committee a third time.

The White House again declined to provide information to Senators.

I appreciate Senators Menendez and Kerry's efforts to allow me to be briefed on the background summary. However, the summary that I reviewed generated more questions than answers, and it did not address the fundamental questions that have arisen from these hearings.

I appreciate that the White House has committed to get back to me with some additional answers, but the fact that they could not answer my questions is disturbing. Instead, what we have seen are a series of red flags.

I would like to ask unanimous consent to submit for the record an opinion piece published in El Salvador by Ambassador Aponte in June of this year.

Senator MENENDEZ. Without objection.

[The op-ed article referred to follows:]

## For the elimination of prejudices wherever they exist

Written by Ambassador Mari Carmen Aponte
June 28, 2011

On May 31, President Obama proclaimed June 2011 as the month of pride in the Lesbian, Gay, Bisexual and Transgender (LGBT) people.

"The history of the gay, lesbian, bisexual and transgender community in United States," the president proclaimed, "is the story of our parents and children, our mothers and daughters, friends and neighbors to continue the task of our country of a more perfect union."

In the United States, the month of June is recognized as Gay Pride Month, a time when the LGBT community celebrates its identity throughout the country, through parades, festivals and educational campaigns.

When asked Congressman Barney Frank, who is openly gay, why they would be proud of a natural and innate characteristic in people? He said: "We are proud to stand up to hatred, prejudice and violence, especially when it is so difficult to stand up and say, 'This is me'. Doing this should fill us with pride."

No one should be subjected to aggression because of who he is or who he loves. Homophobia and brutal hostility they are often based on lack of understanding about what it truly means to be gay or transgender. To avoid negative perceptions, we must work together with education and support for those facing those who promote hatred.

A year ago, Secretary of State Hillary Clinton said with great passion: "Gay rights are Human Rights". We also believe that people cannot be excluded from the rights under their orientation or sexual preference. So America will stand with worldwide elimination of violence and discrimination based on sexual orientation.

Last March, during the Human Rights Council of the United Nations, the United States and El Salvador, with 83 countries, signed the declaration for the elimination of violence against the LGBT community, and in May 2010, President Funes signed the decree 56, which prohibits all forms of discrimination by the government of El Salvador on the grounds of sexual orientation or identity. I applaud the efforts of the Salvadoran government for the rights of the LGBT community both nationally and internationally.

However, the responsibility not only lies with governments, each of us has a responsibility to contribute. either facing intimidation or violence when the presence in our schools or workplaces, or helping to inform our neighbors and friends about what it means to be lesbian, gay, bisexual or transgender. As our nation progresses, we experience a continuous transformation with respect to what it means to be a citizen in a democratic society. Together, governments and individuals can work to break the cycle of violence and discrimination.

It is the responsibility of each generation to bring our nation closer to fulfilling the promise of equality. Progress takes time, but history is on our side when we come together to demand the elimination of prejudice wherever they exist and to celebrate the diversity of the Americas.

Senator DEMINT. In her op-ed, Ms. Aponte, presuming to represent the views of all Americans and strongly promoting the homosexual lifestyle, wrote that everyone has a responsibility to inform our neighbors and friends about what it means to be lesbian, gay, bisexual, and transgender.

The op-ed upset a large number of community and pro-family groups in El Salvador, who were insulted by Ms. Aponte's attempt to impose a pro-gay agenda in their country.

I would also like to ask unanimous consent to submit for the record a response to the op-ed from a coalition of more than three dozen groups and a letter from Salvadoran groups to the United States Senate, asking the Senate to oppose Ms. Aponte's confirmation, and I quote, "We respectfully request that Ms. Aponte be removed from post as soon as possible, so that El Salvador may enjoy the benefits of having a better person as a government representative of your noble country."

Senator MENENDEZ. Without objection.

[The letters referred to follow:]

Madam Ambassador Aponte: Do not mess with our Values

One of the main rules of diplomacy, probably the most important in establishing relationships of mutual respect among nations, is circumspect: prudence under the circumstances to behave properly, discernment, decorum and gravity in actions and words. Another fundamental rule in diplomatic practices is to not disregard the traditions and customs of the host country. In addition, prudence and temperance are elementary rules of civility.

On the other hand, the Vienna Convention in Article 41 and Resolution 2625 (XXV) of the UN General Assembly, 10.24.70, containing the Declaration on Principles of International Law Concerning Amicable Relations and Cooperation among States in Accordance with the Charter of the United Nations states that diplomats are obligated not to interfere in the internal affairs of the receiving state and that states have a duty to respect the character of other states.

Ms. Aponte, in clear violation of the rules of diplomacy and international rights laws, you intend to impose to Salvadorans, disregarding our profound Christian values, rooted in natural law, a new vision of foreign and bizarre values, completely alien to our moral fiber, intending to disguise this as "human rights".

Don't tell us, Madam Ambassador, with an air of superiority, give us lessons regarding human rights, when in your country millions of defenseless and vulnerable unborn babies are murdered legally in the most cruel and merciless ways. They are dismembered, burned, poisoned alive, even if they have completed 9 months of gestation! You call this the "right to choose!" You also describe this as modernity and progress!

The fallen Roman Empire was considered modern and progressive. They aborted babies, murdered newborns, and also sustained relationships such as homosexual, bisexual, incestuous, pedophile, zoophile, and orgies. Such decay weakened this Empire, bringing them to succumb.

The only thing we agree with from your article, is to repudiate violence against homosexuals, bisexuals, transsexuals, etc.; Against these, just the same as against skinny, fat, tall or short ... This of course does not mean accepting the legal union between same sex individuals or to add new types of families like bisexual, tri-sexual, multi-sexual and the full range of sexual preferences. Not accepting the legitimacy of "sexual diversity" does not mean we are violating any human right.

There can be no talk of progress if this is how "modern" is defined. We prefer to feel proudly "old fashioned", keep our moral values, preserve our families and possess the clarity of what defines good and evil.

Salvadoran groups that signed the declaration are: Salvadoran Women's Front, Yes to Life Foundation, El Salvador, Charisma Foundation, Association of CREA Homes in El Salvador, Life and Family Foundation PIMUDE, RESVAMUSAL, EVA Foundation (Educating the Will and Affection) FORGE Foundation, ICEF Foundation (Institute for Collaboration and Family Education), Christian Community of El Salvador, Lawyers Christian Outreach of El Salvador (ACAES) Jerusalem Christian Church, Society of Ladies of Charity of St. Vincent de Paul, Christian magazine The Messenger, Health TRL El Salvador, we + for Life, Marian Sodality Ladies Association of San Miguel, International Foundation of Hope Rescue (FIRE), Foundation For the love of children, it Bibliographic SA de CV, Neila SA de CV

The following organizations support the courageous protest made by the Salvadoran organizations in defense of their values and cultural identity: Latin American Alliance for the Family (ALAFA) of Venezuela, Provida Association of Venezuela (PRO VIVA), Provida Honduras, Nicaraguan Association for Women (ANIMU), Panamanian Institute of Family Education (IPEF), Population Research Institute (PRI) USA, Institute of Family and Society Studies of Peru, Life and Human Dignity Association (ASOVID) of Guatemala, Mexican Institute of Research Sociodemographic, AC, AC Family and Society of Mexico, Family Watch International - USA, European Network of the Institute for Family Policy Network for Family Life and Chile, Peru ALAFA ALAFA Honduras, Nicaragua ANPROVIDA Association Guatemala Yes to Life, Life and Family Foundation of Panama, Central Assistance for Women in Nicaragua, Hispanic Apostolate USA Priests for Life

LETTER TO THE SENATE

Honorable Senators:

On 28 June of this year, the U.S. Ambassador in El Salvador, Mari Carmen Aponte, published an opinion piece entitled "For the elimination of prejudice wherever they exist."

This publication has been offensive to Salvadorans, as Madam Ambassador Aponte has abused her diplomatic status, showing a clear disdain concerning our values and cultural identity, claiming to "guide" us toward a shift in our way of thinking so that we may accept the multiple forms of sexual behavior as legitimate, in the same way that President Obama promotes.

Knowing that Ms. Aponte was appointed by Obama as head of mission to our country, benefiting from a recess of the Senate to do so, and seeing as she has not achieved the consensus needed to be ratified in office, we respectfully request that you maintain opposition of such appointment so that she is not confirmed, or better yet, that she be removed from post as soon as possible so that El Salvador may enjoy the benefits of having a better person as a government representative of your noble country.

Attached please find Ms. Aponte's published article, and our response to the Ambassador's regrettable piece.

Without further ado, we would like to extend our utmost and distinguished consideration.

*Frente Femenino Salvadoreño, Fundación Sí a la Vida El Salvador, Fundación Carisma, Asociación de Hogares CREA de El Salvador, PIMUDE, Fundación Vida y Familia, RESVAMUSAL, Fundación EVA (Educando la Voluntad y la Afectividad), Fundación FORJA, Fundación ICEF (Instituto de Colaboración y Educación familiar), Comunidad Cristiana de El Salvador, Acercamiento Cristiano de Abogados de El Salvador (ACAES), Iglesia Cristiana Jerusalén, Sociedad de Señoras de la Caridad de San Vicente de Paul, Revista Cristiana El Mensajero, TRL Salud El Salvador, Somos + por la Vida, Asociación Congregación Mariana de Señoras de San Miguel, Fundación Internacional por el Rescate de la Esperanza (FIRE), Fundación Por amor a los Niños, Expreso Bibliográfico SA de CV , Neila SA de CV*

Senator DEMINT. Thank you, Mr. Chairman.

I would like to apologize to the Salvadoran people on behalf of the United States and reassure them that most Americans share their values.

Ms. Aponte's personal, professional, and political contact over many years raises numerous questions of judgment.

I will vote no on Ms. Aponte's confirmation and strongly recommend my colleagues do the same.

And, Mr. Chairman, I'll just ask one question of Ms. Cousens, if I might.

Ms. Cousens, when you were, I think, making a presentation about climate change to the General Assembly, you said that the outcome should also substantially scale up financial assistance to

developing countries and promote technological development and dissemination.

It seems reasonable, except for given our fiscal realities that our own country is facing, including high unemployment and record Federal deficits, do you believe that substantially scaling up financial assistance to other countries for climate change is still the appropriate policy to advocate?

Ms. COUSENS. Thank you very much, Senator DeMint.

I appreciate the question and it obviously raises a very complex series of issues that are at stake in international climate change negotiations and on the broader climate change agenda.

Although I did deliver that statement, in fact, climate change is not one of the issues that I work on presently in detail, but it would obviously fall, to the extent that it arises in New York, under my portfolio if I were confirmed.

The question of financial assistance to assist countries in meeting either mitigation targets or some of the adaptation challenges that they face, particularly the poorest countries in the world, is one that is part of the ongoing agenda of climate discussions and among the ongoing issues that the administration addresses in the context of those discussions.

The results of the last Conference of Parties in Cancun was seen to be a significant achievement in taking a more balanced approach to the overall issue of climate change, which included this issue and efforts to start to address it, and also a more balanced approach to commitments from a full spectrum of countries to take action that historically they have not always been willing to do.

This is an issue that I would be happy to work on closely and consult closely with you going forward, if I were confirmed. I'd seek to have a very open line of communication on it going forward.

Senator MENENDEZ. Thank you.

Senator Rubio.

Senator RUBIO. Thank you.

I have a similar question for all three of the nominees, and it involves trafficking in persons. I'll start in El Salvador with Ms. Aponte.

As you know, El Salvador is a tier-two country, which means it's a source, destination, and transit country for human trafficking. It's taken many antitrafficking measures, but it's struggling to address a lot of the complicated aspects of it, in particular the involvement of MS–13 in those efforts and others.

I want to focus on two things. One is the strategies that we would pursue with them in terms of helping them, because I think they want to get it right. And in particular, I've identified a subproblem that—it involves their penal code.

In those countries, they have the laws, and we praise them, but, for example, serious offenses like rape carry up to 20 years' punishment, whereas human trafficking only has penalties of 4 to 8 years.

So have we had any conversations or—obviously, as you've outlined, your ability to communicate with the government there as measured by how the mission has become kind of a place where they all meet. And obviously, President Cristiani being here today shows the kind of broad range of people you've been able to talk to.

What efforts do we have, what thoughts do we have, about helping them confront the human trafficking problem that they face?

Ambassador APONTE. Senator, thank you very much for the question.

Partnership for Growth, which is a new initiative that we have implemented and signed as recently as last week, is a massive transformation effort working in partnership with the Salvadoran Government to transform the problems of security and to address the issue of economic growth in a very different way.

Over the last 6 months, we have negotiated 20 lines of actions, and 14 of them are in the area of security. Among those areas, we are taking a look at their penal code, their courts, and at issues of transparency. So we're going to be working with them in addressing issues such as these to see how we can partner with them and help them be more efficient in addressing their own priorities.

Senator RUBIO. Mr. Namm, the issue in Ecuador is a little bit different. They're also a tier-two watchlist country, particularly the focus there is on sex trafficking of girls. It's become a major issue in Ecuador. But all forms of trafficking, including sex trafficking of boys and adults and forced labor, all these are increasingly rampant in Ecuador.

So the general question is, What thoughts do you have or bring to the job in terms of making that a priority of our engagement there, a national priority in terms of our policy and our diplomatic mission?

And in particular, something that's concerning, the TIP report, and State Department explicitly states that Ecuador needs to improve its prosecutions and convictions of traffickers, but particularly public officials who are complicit in trafficking crimes.

We have had trafficking victims testify that the police in Ecuador inform brothel owners of impending raids and in some cases engage in sexual exploitation of the victims.

And so, two things I'd like to get from you today. No. 1 is a clear understanding of whether this is going to be a priority for us there. And second, whether given our history with the country and the expulsion and so forth, whether that would be an impediment to us if evidence is available and present of calling out the fact that there are governmental institutions like the police who are either protecting brothel owners or in fact participating in them themselves.

Mr. NAMM. Well, thank you, Senator. I appreciate the question, and I very much appreciate the issue.

Human trafficking is not only a nasty business, it also has the potential to affect our national security. And if confirmed, combating human trafficking would be one of my top priorities in Ecuador.

Ecuador, you are correct, isn't enforcing the laws that it has on the books. My understanding is that there are laws that are good laws, but they are not being enforced.

I am pleased to say that Ecuador last year set up a special police unit to combat human trafficking and that special police unit has made some gains. There have been a number of arrests in human trafficking.

However, on the prosecutorial side, Ecuador has not done enough. And if confirmed, I would work with the Ecuadorian Government, and I will also work with civil society, to raise the pressure so that more of these human trafficking cases are prosecuted and prosecuted successfully.

Senator RUBIO. Thank you.

And finally, Ms. Cousens, I would say that as we read through the background of the jurisdiction, so to speak, of the Economic and Social Council, it's pretty broad. But in particular, it focuses on promoting respect for human rights, but also the social, cultural, educational, health and related matters of the nations.

Clearly, human trafficking preys on two things. And the first thing it preys upon or the first thing it relies upon is kind of an environment where people are vulnerable, where, in essence, life is bad, and they're looking to be taken somewhere else with the promise of a better life. And so some of it is just a real lack of information at the victim level of what's happening.

And the second thing that it involves, tragically in many places, is a government or governmental institutions that are cooperative, that basically look the other way, participate in a criminal enterprise, tolerate it within their borders.

And I guess my question in general is, is this an issue that we have raised in the past or look forward to raising in the future? Not just in the General Assembly, but as part of our human rights agenda, that we continue to raise what an important issue this is, and offer our hand and our assistance in terms of helping countries that want to deal with this, and at the same time being very clear the United States is going to be a clear voice condemning this practice and calling out those nations and those governments that tolerate this or, worse, actually participate in this.

Ms. COUSENS. Thank you very much for the question, Senator.

As my colleagues have just noted, human trafficking is a grotesque practice and something against which the administration, and the United States for many years, has been a leader in speaking out and trying to identify ways to stop human trafficking in all its forms.

This is an issue that would be in my portfolio, if I were confirmed in this position, and I would welcome the opportunity to make it a priority and to speak out loudly and clearly.

There are some new mechanisms in the U.N. system that give us an opportunity to be even more forceful as an advocate on these issues, including the creation of an important new body to deal with women's rights around the world. They can be an important new partner for us in this.

But I would very much welcome the opportunity to make this issue one of my priorities going forward.

Senator RUBIO. Just as a side note, and much time has expired, and I know that others are waiting.

Just briefly, I would ask you that, in the process of doing this, you'll encounter—obviously, the United States has this problem as well, and there are issues in our policies, be it our immigration policies or law enforcement policies, that may be contributing unwittingly to some of this.

And so as you encounter this issue on the global stage, I would also encourage you to bring back to us any suggestions that you may have as to how, you know, how some of our policies may in an unintended way be contributing to this problem. We've heard testimony about that in the last few weeks, about kind of how workers fall prey to some of these foreign worker agencies that go out and recruit workers to come in to the United States. Obviously, these are groups that are participating overseas and recruiting people to come here under false pretenses.

So any suggestions that you would have from your post as to what we can do internally would be welcome, because what gives us credibility on this issue is the fact that we are addressing it in an open and frank way, that we recognize any shortcomings we may have on this end of the equation. And if we address those in an open and frank way, it gives us more credibility to urge and ask others to address it as well.

So I encourage you to bring that back as well.

Ms. COUSENS. Thank you. I welcome the opportunity to do so. Thank you.

Senator MENENDEZ. Senator Risch.

Senator RISCH. Thank you very much.

Ms. Aponte, when is your term up, the interim appointment—the appointment that the President made while we were in recess? When does that expire?

Ambassador APONTE. It expires at the conclusion of this congressional session.

Senator RISCH. So that's this year, on December 31?

Ambassador APONTE. Yes.

Senator RISCH. OK. Thank you very much.

Mr. Namm, you undoubtedly are aware of the important role that Ecuador plays as a stepping stone for narcotics into the United States, and also that we have gotten, I would say, less than full cooperation from the government, particularly where they have refused to renew a lease that we needed to operate the counter-narcotics efforts from that country.

What are your thoughts in that regard? What are your plans, as far as attempting to address that?

Mr. NAMM. Senator, thank you for the question.

Narcotics trafficking, along with human trafficking, would be one of my highest priorities.

About 30 percent of the cocaine produced in Colombia, Peru, and Bolivia transits Ecuador, so it is a very large problem, the transit of narcotics in Ecuador.

The United States has good cooperation with Ecuador. The Ecuadorian authorities, both the police and the military, are good partners of the United States.

Seizures, for example, of cocaine are up in 2011 over 2010. There have been some other successes.

You mentioned the closure of our Forward Operating Location in Manta, Ecuador. The Ecuadorians did not renew the lease, the 10-year lease that we had on that Forward Operating Location, which, frankly, was a disappointment to the United States. However, as a sovereign country, Ecuador had the right not to renew that lease.

Although we no longer have the Forward Operating Location in Manta, we go forward with the programs that we have, including some assistance to the Ecuadorian Government in this regard. There are now also vetted units again in Ecuador.

So, through these mechanisms of cooperation, we will work together. And if confirmed, I will work with the Government of Ecuador to increase our effectiveness in the fight against narcotic trafficking.

Senator RISCH. Well, I appreciate that.

I guess I'm not quite as dismissive or understanding as you are about canceling that lease. I mean, the simple answer that while they're a sovereign nation, they have the right to do that, they certainly do. Having said that, it demonstrates a less than enthusiastic support of our efforts to try to reduce the—I think they say about 220 metric tons of cocaine are going to the country, and about 60 percent of it headed for the United States. That is a tremendous amount of drugs that are trafficking through there.

And when you have a country that size, it would seem to me that it would be a really appropriate place to try to net this down. And their refusal to cooperate with us, if you would, to me is more serious than simply an exercise of their sovereign rights.

So I hope you'll carry the message that at least some of us up here are substantially more aggravated than just disappointed in what they've done.

Thank you very much, Mr. Chair.

Senator MENENDEZ. Thank you, Senator Risch.

Let me return to Ambassador Aponte.

First of all, I want to make a statement for the record.

In March 2010, I chaired your first nomination hearing before this committee. I want to reiterate what I said then today, for the record, that I'm convinced that issues raised by some of my colleagues about matters in your personal history are a nonissue.

I went to the extraordinary measure—there has been a historical pattern in which only one Democrat and one Republican get to review the file of any nominee. I forewent my own right to do so based upon a previous review, so that my colleague could have that opportunity.

I read that, and as a Member of the United States Congress for nearly 20 years now, I take a backseat to no one in terms of my advocacy on the question of promoting human rights and democracy in Cuba, and certainly in my concerns of the Castro regime's effort to proselytize and infiltrate the United States Government.

And if I thought there was a scintilla of an issue there, I'd be the first to oppose your nomination.

And the reality is that there is not. So, I'll stake my 20-year history of fighting on this issue on that reality.

Second, while I respect every colleague's view of any given work, I had an opportunity to review the opinion piece you wrote which has been submitted to the record, and it has various elements to it.

No. 1, it quotes President Obama who declared June 2011 as the month of gay pride. Two, it quotes the Secretary of State, who talks about gay rights as human rights. And, three, most importantly, it talks about the Human Rights Council of the United Nations, the

United States, and El Salvador, who with 83 other countries signed a declaration for the elimination of violence against the LGBT community, and particularly talks about President Funes' signing of Decree 56, which prohibits all forms of discrimination by the Government of El Salvador on the grounds of sexual orientation or identity.

It seems to me a description of the views of the Government of the United States, at least in the executive branch, and the Government of El Salvador, as well as that of the Human Rights Council of the United Nations. But I would be remiss at this point in the record if I didn't give you an opportunity to make any statement that you want to respond to that statement.

Ambassador APONTE. Thank you very much, Senator Menendez, for the opportunity.

Precisely, I just wanted to underline that this op-ed piece just mirrored the policy of the Obama administration and the Salvadoran Government, as well as that of 63 other countries.

It was not meant to insult anyone. It was calling for the end of prejudice wherever it existed. And I thought this is a very American value, and that's why I decided to do the op-ed.

I have done other op-eds during the course of my year there, one, for example, when President Obama visited the country. So this was not unusual that I would write an op-ed.

I also would like, if I may, to address the issue of my withdrawal from a previous nomination. In 1987, I was honored to have been nominated by the Clinton administration to serve as Ambassador to the Dominican Republic. I was thoroughly vetted and I received the top-secret security clearance at that time.

However, my nomination got stalled. When it became clear that my record was going to be distorted to embarrass the administration, I voluntarily withdrew.

Senator MENENDEZ. Thank you.

Ambassador APONTE. Thank you.

Senator MENENDEZ. I ask unanimous consent that a letter from the president and CEO of the National Council of La Raza in support of the nomination of Mari Carmen Aponte be included in the record.

Without objection so ordered.

[The letter referred to follows:]

NCLR
NATIONAL COUNCIL OF LA RAZA

Headquarters
Raul Yzaguirre Building
1126 16th Street, NW, Suite 600
Washington, DC 20036-4845

TEL 202.785.1670
FAX 202.776.1792
www.nclr.org

November 4, 2011

The Honorable John F. Kerry
Chairman
United States Senate Committee on Foreign Relations
446 Dirksen Senate Office Building
Washington, D.C. 20510-6225

Dear Chairman:

In early 2010, the National Council of La Raza (NCLR), the largest national Hispanic civil rights and advocacy organization in the U.S., wrote to the members of the Senate Committee on Foreign Relations in strong support of the nomination of Mari Carmen Aponte as United States Ambassador to El Salvador. Nearly two years later, her nomination is still awaiting Senate confirmation. This is an unconscionable delay for her and the country and we urge that the Committee move her nomination forward and allow the U.S. Senate to confirm Ms. Aponte as soon as possible.

In our previous correspondence, we noted -- given Ms. Aponte's vast experience as an attorney, small businesswoman, and community leader -- that she would make an outstanding representative to one of the U.S.' most important allies in the region. We also felt that her knowledge and understanding of Central America and its issues made her an especially valuable addition to the U.S.'s diplomatic efforts. Since September of 2010, Ms. Aponte has been serving her country as Ambassador to El Salvador after being given a recess appointment by President Barack Obama. In that role, she has not only met but exceeded expectations.

As someone who has excelled in every level of her distinguished career, it is no surprise that Ms. Aponte has had such a positive impact in such a short time. She has been a strong advocate for the United States' political, economic, and security interests, initiatives, and values in the region. In addition, she has earned the trust and respect of Salvadoran leaders across the political spectrum as an "honest broker" in El Salvador's mission to strengthen its democracy after many years of turmoil.

We urge the Committee to act swiftly on Ms. Aponte's long-overdue confirmation to allow her to continue the critically important work she has already started. Thank you for your consideration of this matter.

Sincerely,

Janet Murguía

Janet Murguía
President and CEO

**Regional Offices:** Chicago, Illinois • Los Angeles, California
New York, New York • Phoenix, Arizona • San Antonio, Texas

Senator MENENDEZ. Senator Rubio.

Senator RUBIO. Thank you.

Just briefly, just for the record, I have also reviewed that file, Mr. Chairman, and I have nothing to add to what you've already said.

The second thing I would ask, because it might just help in terms of—some people in the audience or even watching may wonder what we're all talking about, so let me just—I think this

might help. And it may sound weird to people, I'm asking you this when you're going to El Salvador, but let's just do this.

What are your views of the role Cuba plays in the hemisphere and the Cuban Government plays in the hemisphere? What are your views of the Cuban Government, its nature, and the role that it plays in the hemisphere?

Ambassador APONTE. I think the Cuban Government is a totalitarian government. I think that it has sought to influence other governments in the hemisphere to follow suit.

The Government of El Salvador has certainly not done that, even though some elements of the FMLN in power have sought to radicalize the President and some people in his Cabinet.

We have worked very hard to make sure that we exert influence in support of democracy and stability in El Salvador.

I have publicly called for President Funes to have a conversation with Castro on the issue of the type of democracy that elected him and brought him into power.

Senator RUBIO. And just as a followup, in the interest of fairness, and I don't want to get into a lot of detail. I just don't want to make it more uncomfortable and more difficult for anyone.

Earlier this year, Ambassador Aponte was helpful in our efforts to assist someone who was within El Salvador who had escaped the Cuban regime, and the Cuban regime was trying to get them back and was advocating to the Government of El Salvador that this individual be returned to Cuba. And the Embassy, under her watch, and her in particular, were very helpful in ensuring that that gentleman reached freedom. So I want to put that on the record, because I want to be fair.

The last thing I need to ask you was about the op-ed, just kind of elaborate a little bit more as to why you felt it was necessary to write that. Why did you feel—it is not—maybe it's usual. I haven't seen that in other posts. But why did you feel it was necessary to write that, to make that something associated with our diplomatic mission in El Salvador?

Ambassador APONTE. As part of the messages that are conveyed in the region, there are certain messages on certain issues that ambassadors write about; for example, citizen security and human rights. That's how it came about, the human rights op-ed. I wrote about the human rights.

Senator RUBIO. Is there anything in Salvadoran society, for example, that prompted you to do that? Was this an issue that was going on within El Salvador? Was this an issue that was being debated publicly? Was it a controversial issue before you wrote it or——

Ambassador APONTE. It became a controversial issue after I wrote it. It provoked public debate and——

Senator RUBIO. And here's what I'm trying to get at. I'm just trying to deduce your judgment as to why you felt it was necessary to write an op-ed about that, as opposed to write an op-ed about some other issues. You could write about human trafficking, too——

Ambassador APONTE. It was human rights, and I felt strongly about human rights.

Senator RUBIO. OK.

Ambassador APONTE. And it was human rights month.

Senator RUBIO. Thank you.

Ambassador APONTE. Thank you.

Senator MENENDEZ. You wrote this in June 2011. The President proclaimed in June 2011 the recognition of the rights of individuals of people who are gay and lesbian. So did that instigate you to follow suit?

Ambassador APONTE. Yes, that and Secretary Clinton's proclamation as well.

Senator MENENDEZ. And the fact that President Funes signed Decree 56, which prohibited all forms of discrimination by the Government of El Salvador on the grounds of sexual orientation or identity, was that a motivating factor for you as well?

Ambassador APONTE. Absolutely, it was.

Senator MENENDEZ. Thank you.

Ambassador APONTE. Thank you.

Senator MENENDEZ. If there are no other questions from members of the committee, we thank all of the nominees. If there is a question that comes for the record for any of you, we ask you to answer it expeditiously, so your nominations could be considered.

And with that, this hearing is adjourned.

[Whereupon, at 11:58 a.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF ROBERTA S. JACOBSON TO QUESTIONS SUBMITTED BY SENATORS JOHN F. KERRY AND RICHARD G. LUGAR

Your response to Question A.8 of the committee questionnaire indicates that since 2007, you have held the following positions in the Department of State:

2007–2010 Deputy Assistant Secretary of State, Bureau of Western Hemisphere Affairs

2010-present Principal Deputy Assistant Secretary of State, Bureau of Western Hemisphere Affairs

In your ethics undertakings letter, you commit that you and your spouse will divest of your interests in the following entities within 90 days of your confirmation to the position to which you have been nominated:

Cenovus Energy, Inc.
Ecopetrol, S.A.
ARC
Calfrac Wells Services Ltd.
Crescent Point Energy Corp.
Franco Nevada Corp.
Spectra Energy Corp.
Sociedad Quimica Minera de Chile S.A.

Please respond to the following questions with respect to your interests in these entities:

*Question #1.* Please indicate the date on which you and/or your spouse first acquired an interest in each entity.

Answer. Cenovus Energy, Inc.—4/30/11, $29,218. Ecopetrol, S.A.—1/19/10, $9,133; 3/19/10, $1,481. ARC—8/28/09, $5,615; 9/28/09, $2,082. Calfrac Wells Services Ltd.—1/19/10, $8,618; Sold in full on 1/12/11 and 5/16/11. Crescent Point Energy Corp.—12/04/09, $1,843. Franco Nevada Corp.—9/08/09, $5,635; 11/4/09, $2,168. Spectra Energy Corp.—1/19/10, $9,133; 3/19/10, $1,481. Sociedad Quimica Minera de Chile S.A.—11/17/08, $6,320.

*Question #2.* Please indicate the dates and amounts of any purchases or sales you and/or your spouse made of shares in any of these entities between 2007 and the present. You may omit transactions involving the reinvestment of dividends.

Answer. Cenovus Energy, Inc.—Purchased: 4/30/11, $29,218. Ecopetrol, S.A.—Purchased: 1/19/10, $9,133; Purchased: 3/19/10, $1,481. ARC—Purchased: 8/28/09, $5,615; Purchased: 9/28/09, $2,082. Calfrac Wells Services Ltd.—Purchased: 1/19/10, $8,618; Sold in full on 1/12/11 and 5/16/11. Crescent Point Energy Corp.—Purchased: 12/04/09, $1,843. Franco Nevada Corp.—Purchased: 9/08/09, $5,635; Purchased: 11/4/09, $2,168. Spectra Energy Corp.—Purchased: 1/19/10, $9,133; Purchased: 3/19/10, $1,481. Sociedad Quimica Minera de Chile S.A.—Purchased: 11/17/08, $6,320.

*Question #3.* Pursuant to 18 U.S.C. 208(a), a federal employee is generally prohibited from participating personally and substantially in an official capacity in any particular matter in which, to his knowledge, he or any person whose interests are imputed to him under this statute has a financial interest, if the particular matter will have a direct and predictable effect on that interest.

Please describe the steps you have taken to ensure your compliance with 18 U.S.C. 208(a) with respect to the relationship between your and your spouse's interests in these entities and the performance of your official duties.

Answer. I am very aware of my outside financial interests, including those imputed to me, and am diligent in recusing myself from working on any particular matter in my official work having an effect on those entities.

In reviewing my calendar and upcoming travel, I pay close attention to the private parties involved in any particular meeting or event to avoid any actual or appearance of a conflict. In cases where a meeting or event could create an actual or appearance of a conflict, I have recused myself.

While this system has worked well to date, given the greater responsibilities of the Assistant Secretary position, within 90 days of confirmation, I will divest my financial interest in the above list of companies. I will also continue to be diligent about my remaining financial interests and will recuse myself as appropriate from any matter at work. My executive assistant also helps me screen my activities for conflicts purposes.

*Question #4.* Please indicate whether you have participated in any particular matter affecting your interests in any of these entities during the time you have been an official of the Department of State. Please describe any such matters in which you have participated, and the basis on which your participation was consistent with relevant federal ethics law and regulations.

Answer. As indicated above I have recused myself from participating in any matter at work affecting my personal financial interests.

*Question #5.* Please indicate whether you consulted with relevant federal ethics officials before your initial decisions to invest in these entities for advice on whether these investments could create a conflict of interest with the performance of your official duties. Please describe any guidance you received in any such consultations.

Answer. While I did not consult with ethics officials before investing in these entities, I have been actively aware of the legal requirement to recuse myself from participating in any matter that could affect my personal financial holdings and have diligently done so throughout my career. With respect to the eight specific holdings noted in the question above, both the decision to invest and the actual purchases were made independently by my financial portfolio manager and not by me personally. I was not consulted prior to the purchases. This financial manager handles such purchases for all the accounts held by myself and two siblings.

*Question #6.* Please indicate whether you consulted with relevant federal ethics officials at any point subsequent to your initial investments in these entities for advice on whether these investments created a conflict of interest with the performance of your official duties. Please describe any such consultations and any guidance you received.

Answer. Yes. As required by federal ethics rules, I have always reported all holdings and transactions on my annual financial disclosure forms since their initial investment. I have on several occasions discussed my holdings with relevant federal ethics officials at the Department of State as part of their review process.

I estimate that I have had three consultations with relevant ethics officials in the Office of the Legal Adviser since joining the Western Hemisphere Affairs front office. The substance of these consultations included whether my investments created a conflict of interest with the performance of my current duties. Up until my nomination to be Assistant Secretary of State for Western Hemisphere Affairs, it has always been concluded that I could maintain my investments—given the low likelihood of my ability to directly affect the financial interests of these companies or the

sector—provided that I recuse myself on a case-by-case basis from any matters that could affect my holdings.

Per the above discussions, I have always been extremely careful to recuse myself whenever necessary. For example, I have recused myself from any matter involving the Keystone pipeline, given my investments in the region. Similarly, during my September 2011 trip to Brazil, I chose not to hold a meeting with U.S. oil and gas companies operating there. Additionally, since becoming a Deputy Assistant Secretary of State in 2007, as a matter of personal policy I almost always hold meetings with Chambers of Commerce when I travel, rather than with one particular industry or company.

Finally, between July 2011 and September 2011 and prior to my nomination, I consulted with relevant federal ethics officials regarding these entities on approximately 10 occasions. These discussions led to the decision to divest these holdings upon confirmation.

*Question #7.* Please explain why you chose to invest in these entities during a period in which you held senior positions responsible for formulating and implementing U.S. policy with regard to the Western Hemisphere. Please indicate whether you believe these investments created the potential for an appearance of a conflict of interest with the performance of your official duties.

Answer. As I noted in my response to question 4, the initial investment in these entities was made by my personal financial portfolio manager. I did not direct the purchase of these entities. Based on previous years financial disclosure reviews, I was actively operating under a recusal approach to any investments I held. Prior to my nomination to the Assistant Secretary of State position, and as outlined above, I participated in a number of consultations with relevant ethics officials and ultimately it was determined that it would be best if I divested in full those entities given the heightened responsibilities of the Assistant Secretary position.

Furthermore, along with my divesting the entities that I have outlined to the committee, I have instructed my financial manager moving forward to not purchase individual securities with significant operations in the Western Hemisphere, with a strong preference for diversified mutual funds in the future.

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RESPONSES OF ROBERTA S. JACOBSON TO QUESTIONS SUBMITTED BY SENATOR RICHARD G. LUGAR

Despite the recent passage of free trade agreements with Colombia and Panama, U.S. engagement with Latin America has struggled from perceptions that our government has neglected the region. Although these perceptions may, in some cases, be an oversimplification, U.S. involvement with Latin America over the last 2 years has missed important opportunities to advance our mutual interests.

Many Latin American countries, beset in the past by debt defaults, currency devaluations and the need for bailouts from industrialized countries, are experiencing economic growth. Strong demand in Asia for commodities like iron ore, tin, and gold, combined with policies in several Latin American economies that help control deficits and keep inflation low, are encouraging investment and fueling much of the growth. The World Bank forecasts that the region's economy will grow by 4.5 percent this year.

The United States is being displaced in South America as the preferred and logical trading partner. U.S. market share is being lost to China, Brazil, Canada, and other countries that understand that Latin America is a fast moving, competitive environment. With this loss of market share, we are simultaneously losing influence in the region and jobs here at home.

The delay in concluding trade agreements with Panama and Colombia has already resulted in significant loss of U.S. market share in those countries. In Panama, large-scale projects, such as the $5.25 billion Panama Canal Expansion, the $1.5 billion Panama City Metro, and hundreds of millions of dollars in highway expansion contracts have been awarded to non-American firms.

The United States recently lost its position as Colombia's No. 1 agricultural supplier. Total U.S. agricultural exports to Colombia decreased from $1.8 billion in 2008 to $827 million in 2010.

Now that the free trade agreements with Colombia and Panama are concluded, the President should be accelerating the priority of much broader trade initiatives like the Trans-Pacific Partnership and a revival of the Doha round. If he does not commit the prestige of his office to an aggressive campaign to open markets, he will be weakening chances for sustained economic growth in our own country.

In the region, President Obama should propose that we initiate negotiations on a market access agreement with MERCOSUL, the Southern Common Market, which is led by Brazil. The export potential of such a landmark agreement could create enormous job growth in the United States and help solidify our political and strategic relations in South America. In addition, the President should work toward congressional ratification of a Bilateral Tax Treaty with Brazil and Chile that could greatly expand our economic links with the region.

The administration should also consider a free trade agreement with Caribbean Nations and Uruguay, and an enterprise fund for Haiti, among other important commercial priorities.

To do this, we must articulate a clear sense of our interests and develop a more effective means for advancing those policies.

I am optimistic about the potential for our relationship with countries in the Western Hemisphere. But to be successful, broadly speaking, the administration must move beyond rhetoric to construct a bold trade, commerce, security and energy agenda with countries in the Western Hemisphere.

With sustained attention, we can work with countries in the region to make the most of the mutual opportunities that are emerging in the hemisphere to create jobs and safeguard our security. To that effect, please respond to the following questions regarding Western Hemisphere affairs.

*Question.* Over the past 17 years, the United States has entered into six free trade agreements covering 11 Latin American countries. The following Caribbean countries do not have a free trade agreement in force or under consideration with the United States: Anguilla, Antigua and Barbuda, Bahamas, Barbados, Belize, Cayman Islands, Dominica, Grenada, Guyana, Haiti, Jamaica, Montserrat, St. Kitts and Nevis, St. Lucia, St. Vincent and the Grenadines, Suriname, and Trinidad and Tobago.

In South America, these countries include: Argentina, Brazil, Paraguay, and Uruguay. Are there any plans to enter into any of the following trade and investment arrangements with the above listed countries: free trade agreements (FTAs), unilateral preferential tariff arrangements, bilateral investment treaties (BITs), and trade and investment framework agreements (TIFAs)? If yes, which countries are being targeted and why? Broadly speaking, what is the administration's agenda for trade expansion in the Western Hemisphere?

Answer. In 1991, the United States entered into an Agreement Concerning a Council on Trade and Investment with the Member States of CARICOM. USTR is leading negotiations with CARICOM to update this agreement. The Caribbean Basin Initiative (CBI) provides unilateral trade preferences to 17 beneficiary countries.

The United States and Jamaica have a Bilateral Investment Treaty (BIT), which entered into force on March 7, 1997. The United States and Trinidad and Tobago have a BIT, which entered into force on December 26, 1996.

The United States and Uruguay have a BIT, which entered into force on November 1, 2006. In January 2007 the United States and Uruguay signed a Trade and Investment Framework Agreement (TIFA), followed by substantive annexes on the environment and trade facilitation signed in October 2008.

The United States and Argentina have a BIT, which entered into force in 1994. We have a U.S.-Paraguay Joint Commission on Trade and Investment, established in 2004.

USTR has the lead on trade policy, with strong support from the State Department and other U.S. agencies. The State Department sees the recently concluded free trade agreements with Panama and Colombia as moving us closer to a hemispheric trade partnership reaching from the Arctic to the tip of South America. USTR is working to complete the Trans-Pacific Partnership negotiations, which involve two Western Hemisphere countries, Chile and Peru. Other countries may seek to join the TPP process as well. We also continue to explore ways to deepen regional integration through our existing bilateral trade agreements.

*Question.* Similarly, a market access agreement with MERCOSUL, the Southern Common Market, would create a key market for U.S. exports, which would strengthen regional ties and promote job growth in the United States. Does the administration plan to negotiate a market access agreement with MERCOSUL? Why or why not? If so, at what stage in the process are negotiations?

Answer. USTR has the lead on trade policy issues, with support from the Department of State and other agencies.

The United States has significant trade engagement with the MERCOSUL countries. We have Bilateral Investment Treaty (BITs) with Argentina and Uruguay. In

addition, the United States and Uruguay signed a Trade and Investment Framework Agreement (TIFA) in 2007, and subsequently agreed to substantive annexes on environment and trade facilitation. With Paraguay, we have a Joint Commission on Trade and Investment. During his visit to Brazil in March 2011, President Obama announced the creation of the U.S.-Brazil Commission on Economic and Trade Relations, under the Agreement on Trade and Economic Cooperation. This Commission replaced the U.S.-Brazil Bilateral Consultative Mechanism, and will facilitate future cooperation on trade and energy issues, among others, opening up additional possibilities for closer economic ties.

We will continue working with our partners in MERCOSUL to deepen existing agreements as well as pursue cooperation in areas of mutual interest through established mechanisms such as the Commission on Economic and Trade Relations and the Economic Partnership Dialogue with Brazil.

MERCOSUL has been pursuing free trade agreements with the EU and Canada, but both negotiations have stalled over many of the same issues that we would likely encounter if MERCOSUL and the United States were to seek an agreement—notably, market access and agriculture.

*Question.* On March 18, 2011, I introduced a Senate resolution calling for a U.S.-Brazil tax treaty to strengthen investment relations between the two countries. Brazil is the largest economy with which the United States does not currently have a bilateral tax treaty.

A tax treaty based on OECD Model Tax Convention principles would provide a solid basis for investment between these two countries because these principles would apply to transfer pricing, information exchange, tax dispute resolution, and withholding rates. Overall, a bilateral tax treaty would strengthen investment relations and increase economic output in both nations. Does the administration plan to establish a bilateral tax treaty with Brazil? If not, what is the reasoning for not pursuing a tax treaty at this time? If so, what are the next steps to be taken in the tax treaty process?

Answer. I appreciate your leadership on this issue. The administration remains interested in concluding a bilateral tax treaty with Brazil that would be consistent with international standards and provide meaningful tax benefits to cross-border investors. The United States and Brazil have held a number of consultations since 2006 to determine the feasibility of concluding such an agreement, and will continue these discussions. In addition, the United States signed a Tax Information Exchange Agreement (TIEA) with Brazil in 2007. The TIEA was approved by Brazil's House of Representatives in February 2010 and is awaiting approval by Brazil's Senate, which is required in order to bring the agreement into force.

*Question.* Similarly, a bilateral tax treaty with Chile based on OECD Model Tax Convention principles would improve investment relations between the United States and Chile and make U.S. businesses more competitive in Chile. The United States and Chile signed a tax treaty in February 2010, but President Obama has not yet submitted it to the Senate for advice and consent. Why hasn't the administration submitted the Chile tax treaty to the Senate for advice and consent? When does it expect to do so? Are there any additional Latin American countries with which the United States is considering a tax treaty?

Answer. Bringing the U.S.-Chile tax treaty into force is an important U.S. policy objective, and we look forward to transmitting this tax treaty to the Senate for its advice and consent to ratification. The administration continuously evaluates the possibilities to conclude comprehensive bilateral tax treaties with our significant Latin American trading partners that would follow international standards and provide meaningful tax benefits to cross-border investors.

*Question.* In May 2011, I introduced legislation that would lead to the establishment of the Haitian-American Enterprise Fund to strengthen the private sector, to create jobs, and to establish sustainable revenue streams to ensure long-run economic progress in post-earthquake Haiti. The Haitian-American Enterprise Fund is modeled after successful post-cold-war enterprise funds that were originally introduced by Senator Lugar over 20 years ago. At my request, six former directors of enterprise funds for Eastern Europe and the former Soviet Union traveled to Haiti in April 2011 to assess the status of the private sector and to determine if an enterprise fund model would work in Haiti. Following their trip, these former directors unanimously agreed that Haiti would benefit from an enterprise fund. Do you support the Haitian-American Enterprise Fund model to spur private sector growth in Haiti? Why or why not?

Answer. Thank you for your constant support for Haiti recovery efforts and for your focus on the long-term challenge of economic development in Haiti. We are

directly supporting several promising efforts to spur private sector growth by helping Haitian banks increase access to credit for micro, small, and medium-sized enterprises (MSMEs); promoting agricultural value chains; and opening a new opportunity for light industry at the Carocol Industrial Park. The administration would welcome the authority to further promote private sector growth in Haiti—including authority to establish a Haiti Enterprise Fund.

*Question.* Given Brazil's status as the largest economy in Latin America and one of the largest democracies in the world, U.S.-Brazilian relations are important to Western Hemisphere economic and security issues, especially. Nevertheless, during the course of the last 2 years the United States and Brazil have failed to agree on several key issues, from trade to narcotrafficking cooperation, to climate change. And, seemed to be working at cross-purposes regarding policies relating to Iran, Honduras, and Venezuela, among others. In some regards, Brazil has become a contrarian to the U.S.'s role in Latin America and the world, and seems to aspire to minimize U.S. influence.

- Please assess the current U.S. relationship with Brazil and explain our foreign policy to Brazil. How is the United States working with Brazil throughout Latin America and the world? What is the administration's view regarding Brazil's global ambitions? Does Washington regard Brasilia as a partner in regional affairs and global affairs?

Answer. The United States and Brazil enjoy a close, rapidly expanding, and deepening partnership. President Obama's visit to Brazil in March highlighted the depth of the relationship between Brazil and the United States, which is based on shared values and the ties of friendship. Our countries reached a series of important agreements and understandings during the visit, including an Agreement on Trade and Economic Cooperation, an Agreement on Air Transportation and associated Memorandum of Consultations on Air Transportation, and a Memorandum of Understanding on programs that will promote decent work conditions in third countries.

Our bilateral and multilateral cooperation with Brazil is advanced through three Presidentially mandated dialogues—the Global Partnership Dialogue, Strategic Energy Dialogue, and Economic and Financial Dialogue—as well as other ministerial dialogues, including the U.S.-Brazil Commercial Dialogue, Economic Partnership Dialogue, Political-Military Dialogue, Defense Bilateral Working Group, Bilateral Consular Dialogue, U.S.-Brazil CEO Forum, and U.S.-Brazil Commission on Economic and Trade Relations.

In addition, we partner with Brazil on a host of regional and global issues. We engage with Brazil in development and food security cooperation in Africa and have excellent ongoing cooperation in Haiti where Brazil leads the United Nations Stabilization Mission in Haiti. We jointly cooperate on renewable energy, including on biofuels research, standards, and the promotion of clean biofuels' use in third countries. We collaborate on sustainable urban development and planning issues and promote educational and scientific exchanges, and we share a commitment to combat racial discrimination, advance the empowerment of women, and fight exploitative child and forced labor. In these and other areas, the U.S.-Brazilian partnership can have a major positive global impact.

*Question.* Brazil reportedly will make local content rules stricter in regard to development of its offshore energy production. According to one estimate, such a rule could reach 95 percent by 2017. What is your view on the risks and benefits of such a strategy? If confirmed, what will you do to promote U.S. participation in the energy sector supply chain?

In the 1990s, Petrobras was part-privatized, a crucial step that has facilitated Petrobras rise as a prominent global oil and gas producer. In development of the pre-salt oil production, however, the Government of Brazil seems to have reversed position, establishing Pre-Sal Petroleo and requiring that Petrobras be the operator of all development. If confirmed, what message would you deliver to the Government of Brazil on foreign company access to new oil developments?

Answer. We appreciate, and have shared our view with Brazilian authorities, that excessive local content requirements run the risk of hampering efficient exploration and development and reducing the overall capacity for the safe extraction of oil and gas. Brazilian officials say the intent of such a policy is to help the economic and industrial growth of Brazil while creating opportunities for oil development. If confirmed, I intend to support the Department's involvement in key energy cooperation mechanisms with Brazil, notably the Strategic Energy Dialogue. The dialogue provides an excellent opportunity to ensure the best possible communication with the Brazilian Government on energy matters, including to express our concerns about increased local content requirements. We also intend to use the dialogue and other

opportunities for engagement with public and private sector stakeholders to find more ways to provide opportunities for U.S. businesses.

It's important to note that while the Government of Brazil has designated Pre-Sal Petrolero and Petrobras as the primary drivers of pre-salt oil development, the implementation and implications of the law are still being determined. Regardless of such advantages, Petrobras can and often does partner with other foreign and domestic oil and gas companies to develop oil and gas blocks. In addition to the potential for partnership and for service-provision, there are considerable opportunities for U.S. companies to bring their technical expertise to Brazil. Several collaborative technology centers-of-excellence are being established in Rio de Janeiro by leading international firms, including notable U.S. companies. These projects aim to address safety, accelerate deepwater field development, optimize production from mature fields, and develop cost-effective technology for drilling and geosciences. If confirmed, I will convey to the Government of Brazil the view that participation from a variety of highly competent and experienced entities, including American firms, will be important to the long-term success of the oil and gas industry in Brazil and the expeditious development of oil production, which will help supply global oil markets over the medium term.

*Question.* Is the administration interested in seeking congressional support to devise a comprehensive framework regarding trade, energy, and cooperation to fight drug trafficking in South America and Africa, with Brazil?

Answer. We welcome and deeply appreciate congressional views and collaboration with respect to policies and programs in the region. If confirmed, I look forward to continued support in this regard from Members of Congress and their staff.

During the President's trip to Brazil in March, he and President Rousseff laid out a framework for our bilateral relationship composed of dialogues, which both countries coordinate at the "Presidential level," though Presidents have delegated the responsibility for the meetings to the appropriate Cabinet members. These include, the Global Partnership Dialogue, led by the Department of State; the U.S.-Brazil Economic and Financial Dialogue, led by the Department of the Treasury; and the U.S.-Brazil Strategic Energy Dialogue, led by the Department of Energy, and are all considered Presidential under this rubric.

The Global Partnership Dialogue (GPD), which last occurred on May 31 and June 1 and which was chaired by Secretary Clinton and Foreign Minister Patriota, reflects the increasingly global nature of the U.S.-Brazil relationship and provides for engagement on economic cooperation, energy, counternarcotics, multilateral and trilateral cooperation, innovation, human rights, and hemispheric issues.

There were a number of significant outcomes from the productive discussions during the last GPD, including:

- Both sides welcomed progress on the Memorandum of Understanding to advance biofuels cooperation, including the aviation biofuels partnership, sustainability indicators for bioenergy under the Global Bioenergy Partnership, and the provision of a $3 million grant through the Organization of American States to deepen cooperation with third-country partners.
- The United States and Brazil committed to advancing technical collaboration on science, technology, innovation, the environment, and natural disaster response.
- The United States and Brazil also discussed political and security issues, including counternarcotics cooperation in Bolivia, the Central American Citizen Security Initiative, and law enforcement training.

*Question.* With both the Olympics and World Cup being held in Brazil in coming years, myriad commercial opportunities exist to build infrastructure in Brazil and create U.S. jobs. What steps has the State Department taken, if any, to facilitate American entrepreneurs interacting with Brazilian interlocutors to build this infrastructure?

Answer. Although Brazil has had experience with major events such as the Pan American Games, the world sporting events that Brazil will host every year from 2011 to 2016 will present unprecedented challenges, particularly with respect to infrastructure development and creation of complex systems, areas in which U.S. firms excel. The steps Brazil is taking to successfully surmount these challenges will offer numerous trade and investment opportunities for U.S. companies in a wide variety of sectors, including construction and engineering, advanced technologies (including green technologies), services (such as financial and legal services, insurance, and leasing) and security systems.

Tenders related to the Olympic Games are still in their initial stages and thus procurement directly related to the Olympic Games has not yet begun full-force. In addition to procurement by the Brazilian Olympic Public Authority, Rio de Janeiro's

city and state governments, and the Brazilian arm of the International Olympic Committee will also issue public tenders to procure goods and services. These projects, many of which will be public-private partnerships, are still in the planning phase and must be approved by the International Olympic Committee. Tenders for these projects and activities are expected to open after the 2012 London Olympic Games. Along with our colleagues at the Department of Commerce's Foreign Commercial Service, with the support of the White House, the Department of State is starting now to ensure that U.S. companies get the access, information, and exposure they need to tap into this market in formation.

To set the stage for bilateral cooperation in preparation for the games and for U.S. companies' investments, during President Obama's March visit to Brazil, a memorandum of understanding was signed on cooperation was signed on the upcoming global sporting events hosted by Brazil, aimed at intensifying bilateral cooperation, particularly on infrastructure, safety, and security. During that visit our governments also signed an "Open Skies" agreement which expands international commercial air transport services between our two countries, which could be advantageous for U.S. airlines in the context of anticipated greater flows of individuals to attend the games.

The Department of State is also collaborating closely with other agencies on initiatives that foster cooperation with Brazil on the upcoming Major Events. With the support of the Department of State and in support of the Energy and Climate Partnership of the Americas, the Environmental Protection Agency is leading for the U.S. Government the Joint Initiative on Urban Sustainability, an ambitious effort in collaboration with the Government of Brazil to encourage that games-related infrastructure investments are sustainable, which creates new opportunities for U.S. companies in the energy-efficient technologies and green building materials sectors. Additionally, the Department of Commerce's Foreign Commercial Service and Mission Brazil are participating in National Export Initiative events in the United States to promote investments in Brazil in preparation for the games and are organizing numerous State-level trade missions.

Finally, the Department and other U.S. agencies are supporting the trade promotion activities of U.S. States. In October, the Governor of Florida led a delegation of more than 200 companies to Sao Paulo to explore commercial opportunities and contacts. Mission Brazil will host additional trade missions from Maine, Massachusetts, and Idaho before the end of 2011.

*Question.* Please explain your views regarding the domestic security challenges that Brazil must overcome to ensure that the Olympics and World Cup occur smoothly and that U.S. and international visitors to Brazil do not face robberies, petty crime, or personal injury. How is the United States working with Brazilian security forces in the security preparations for these events?

Answer. We believe that the Government of Brazil takes seriously its responsibility to provide safe and secure venues for the increasing number of international events held in Brazil. To enhance security arrangements for the major sporting events, Brazil has established a Security Secretariat for Special Events to serve as a hub for national, state, and local security efforts. At Brazil's request, U.S. security officials are in direct and regular contact with the Secretariat to share best practices and real-time information regarding potential threats to the safety of players, organizers, audience members, travelers to Brazil, and the general public.

The U.S. Government has developed a robust strategy to help Brazil prepare for events such as the 2014 World Cup and 2016 Olympic Games. Through the State Department's Anti-Terrorism Assistance program, Brazilian Federal and State Police Officers attended seven courses on major security events in FY 2011. The courses cover topics such as Quality Control in Civil Aviation Security, Preventing Attacks on Soft Targets, Chemical, Biological, Radiological, & Nuclear Hospital-Based Management of Mass Casualty Incidents, Critical Incident Management, VIP Protection, Fraudulent Document Recognition and Tactical Management of Special Events, Police Leaders Role in Combating Terrorism, and Senior Crisis Management.

In addition, we have developed a Voluntary Visitor Exchange Program and three International Visitor Leadership Programs for officials tasked with planning and providing security at major events. These programs provide opportunities for senior officials from the Brazilian State Security Secretariats that will host World Cup matches to meet, liaise, and share best practices with U.S. Federal, State, and local law enforcement authorities experienced in providing security for major events.

*Question.* It is my understanding that the Government of Argentina has recently become the first country in the 30-year history of the ICSID Convention—the most widely used international arbitral body in the world—to refuse voluntary payment

of ICSID awards. Argentina's actions are not only harming U.S. companies that have invested in Argentina, the Argentines are establishing a dangerous precedent that other countries may follow. What actions has the U.S. Government taken, to encourage Argentina to abide by the ICSID Convention?

Answer. The United States has repeatedly raised the final and enforceable International Centre for the Settlement of Investment Disputes (ICSID) awards against Argentina with Argentine Government officials at the highest levels, and will continue to do so in the future. The United States will continue to remind the Government of Argentina of its international obligations, stress the importance of maintaining a fair and transparent investment climate that includes functional dispute resolution mechanisms, and underscore the extent to which foreign investment is critical to Argentina's economy. In addition, the administration is now reviewing two petitions filed by U.S. companies that seek the removal of Argentina's eligibility from the Generalized System of Preferences based on the Argentine Government's alleged failure to act in good faith in recognizing as binding or in enforcing arbitral awards owed to the petitioners.

In September 2011, due in part to these concerns, the Treasury Department began instructing the U.S. Executive Directors at the World Bank and Inter-American Development Bank to vote against all loans to Argentina. The Treasury Department may make exceptions when programs effectively target very poor and vulnerable populations, because the administration does not believe these populations should be denied assistance as a result of their government's policy choices. As noted, this new policy responds to serious concerns about Argentina's failure to resolve pending ICSID arbitral claims and take the necessary steps to fully and conclusively normalize relations with its creditors.

*Question.* During the September 21st House Financial Services Committee hearing on multilateral development banks, Marisa Lago, Treasury's Assistant Secretary for international markets and development, announced that the administration will oppose all loans from multilateral development banks to Argentina. This policy was adopted by the Department of Treasury in response to Argentina's repeated failure to respect more than 100 U.S. court judgments in favor of U.S. creditors against Argentina. Does the State Department share the Treasury Department's concerns? In what ways will the State Department implement this policy?

Answer. The Treasury Department has the lead on U.S. Government policies toward the Multilateral Development Banks. In September, Treasury instructed U.S. Executive Directors at the Inter-American Development Bank and the World Bank to vote against all loans to Argentina. The Treasury Department may make exceptions when programs effectively target very poor and vulnerable populations, because the administration does not believe these populations should be denied assistance as a result of their government's policy choices.

The Department of State shares the serious concerns about Argentina's failure to pay outstanding final International Centre for the Settlement of Investment Disputes arbitral awards and take the necessary steps to fully and conclusively normalize relations with its creditors. For our part, we continue to use diplomatic channels to encourage the Government of Argentina to address these issues.

*Question.* It was reported that during President Kirchner's recent meeting with President Obama at the G20 summit (November 4, 2011), President Kirchner expressed that she only intends to offer the "holdout" bondholders the same deal Argentina offered in the April 2010. Are these reports correct? If so, what is the Department of State's reaction to this news?

Answer. In the November 4 meeting, President Obama underscored the importance of Argentina addressing its outstanding issues with international creditors. There was no discussion of specifics of how Argentina should do that.

The United States will continue to raise this issue with Argentine officials at the highest levels, stressing that reaching agreement with its creditors is an important step in creating a favorable climate for attracting foreign investment.

*Question.* How concerned should Americans be of the fact that Venezuela seems to have developed all the characteristics of a narcostate? Seeing the everyday violence throughout Mexico, do you think Venezuela might, in the near future, exhibit the patterns of drug-propelled violence we are witnessing in Mexico?

Answer. Since 2005, and in every subsequent year, the United States has found that Venezuela has failed demonstrably to meet its international counternarcotics obligations. The United States has also taken action by identifying senior Venezuelan officials as having assisted narcotrafficking efforts. The Department of the Treasury's Office of Foreign Asset Control (OFAC) designated four high-level Ven-

ezuelan officials, including an army two-star general, in September 2011 for materially assisting the narcotics trafficking activities of the FARC. These four join other former and current Venezuelan officials previously designated by OFAC.

Venezuela has engaged in some limited cooperation on counternarcotics matters, including increasing its dialogue with Colombian authorities and, on some occasions, deporting members of the Revolutionary Armed Forces of Colombia (FARC) and the National Liberation Army (ELN) back to Colombia. Venezuela has also coordinated the deportation of fugitives wanted for drug trafficking to the United States and has participated in occasional maritime interdictions with the U.S. Coast Guard.

We have clearly stated for years that we are open to increasing cooperation with the Venezuelan Government to fight the increasing flow of illegal drugs in the region and globally.

*Question.* According to reports, President Chavez has an aggressive form of cancer which many speculate will compromise his ability to govern Venezuela in the near term. Is the United States Government prepared for the aftermath of his rule in Venezuela? Is the United States prepared to deal with the implications of President Chavez having welcomed narcotraffickers and foreign agents from countries with motives contrary to law abiding, democratic countries to operate freely in Venezuela, and in countries who share the interests and aspirations of the Bolivarian Movement?

Answer. We do not have any specific information about President Hugo Chavez' health condition beyond what the Venezuelan Government has publicly reported. We closely monitor the situation in Venezuela and stand ready to calibrate our policy as appropriate. As stated in the Inter-American Democratic Charter, the people of Venezuela, like those of other hemispheric nations, have a right to democracy. This commitment to democracy forms a critical foundation of our foreign policy throughout the hemisphere and, if confirmed, it will be a central focus of my efforts with respect to our policy toward Venezuela.

The United States has expressed our concern about Venezuelan policies with respect to support for international efforts to confront terrorism and narcotrafficking. Every year since 2006, the President has determined that Venezuela is "not cooperating fully with U.S. antiterrorism efforts," a determination made under section 40A of the Arms Export Control Act. Each year since 2005, we have determined that Venezuela has "failed demonstrably" to meet its international counternarcotics obligations, a determination made under section 706 of the Foreign Relations Authorization Act. We will continue to monitor Venezuela for activities that would indicate a pattern of support for acts of international terrorism, narcotrafficking, or other activities that might harm U.S. national interests, and take appropriate action when warranted.

We have been able to work effectively with many nations in the hemisphere who share our vision of inclusive growth, strong commitment to democratic values, and a cooperative combined effort to provide for citizen security.

*Question.* Technology ("Tech") companies are interested in training the world's best "Tech" talent in U.S. universities, but are tired of seeing the individuals that receive this training being forced to work for foreign competitors because they have been denied H1–B visas. In the Western Hemisphere, as illegal immigration to the United States diminishes what will the administration do to ensure that sufficient legal opportunities to work and live in the United States, such as H1–B visas and formal immigration options, remain open to the many skilled workers from the region who are so critical to the growth of the U.S. economy?

Answer. The Department of State works hard to ensure the prompt issuance of employment visas to all qualified applicants in accordance with immigration law. H–1B visas are numerically limited based on the law, capped at a maximum of 65,000 per year, with an additional 20,000 above the cap for recipients of a U.S. master's degree or higher. There is also unlimited H–1B availability for workers employed by or at a higher education or research institute. The numerical limits are worldwide and not specified for specific geographical regions.

All U.S. embassies and consulates have established procedures to expedite interview appointments for business travelers, including H1–B applicants. We will continue to explore ways to improve those procedures at our embassies and consulates throughout the hemisphere. U.S. officials work closely with American Chambers of Commerce in more than 100 countries around the world, and in each of our 50 missions in the hemisphere, to streamline the visa process for business travelers. We are continually working with interagency partners to improve and make more efficient the process to ensure it best serves the interests of the United States.

*Question.* Much has been made about reports of Chinese commercial, energy, and security investments in Latin America. Please describe these interests. What are they? Please explain the motivation for Chinese interests in the region. Is an enhanced presence of China in the Western Hemisphere a threat to U.S. interests?

Answer. China's economic engagement in the hemisphere is not necessarily a cause for friction between the United States and China. The United States remains the region's largest trading partner. China's trade, mainly from commodity purchases and exports of manufactured goods, reached $178 billion with Latin America in 2010 compared to $661 billion in trade between the United States and Latin America. China's trade presence and investment are focused mainly on satisfying its domestic demand for fuels, mineral resources and agricultural products. We recognize that China's growing economic influence has become important to many countries in the region, but the United States trade with the region remains far larger, more diverse, and is also growing rapidly. The recent passage of the Colombia and Panama Free Trade Agreements will help to maintain U.S. economic leadership in the hemisphere.

The primary goal of U.S. policy is to encourage a responsible role of China in the development of the region's economic prosperity.

*Question.* Currently the United States and Mexico are negotiating an agreement to cooperate on offshore transborder oil and natural gas production. Such an agreement is touted as facilitating joint production operations between PEMEX and U.S. energy companies.

If such an agreement is successful, please describe what, if any, additional constitutional, legal, or regulatory steps will be necessary for PEMEX to be able to participate in production sharing agreements with U.S. companies. What steps has the Government of Mexico committed to in fulfilling those steps?

Given that PEMEX is reportedly suffering from inadequate capital for investment, why is it to the benefit of the United States enable joint ventures instead of simply allowing leasing on the U.S. side of the border?

Please characterize the current state of technical information on economically accessible oil and natural reserves along the U.S.-Mexico offshore border.

Answer. On June 23, 2010, the Governments of the United States and Mexico jointly announced their intention to negotiate an agreement governing the disposition and regulation of hydrocarbon reservoirs that cross our international maritime boundary. Since that time, negotiating teams have carried out issue-specific workshops, informal consultations, and several rounds of formal negotiations. Work on the agreement is ongoing, and a final text is not yet agreed upon.

Mexico's Constitution places restrictions on the ability of Mexico's national oil company, Petroleos Mexicanos (PEMEX), to enter into business relationships with foreign companies. While there has been no change to the constitutional restriction on foreign investment in the oil sector, reforms undertaken in 2008 did open the possibility that hydrocarbon reservoirs that crossed the maritime boundary could be exploited in accordance with the provisions of a bilateral treaty that the Mexican Government could negotiate and submit to the Mexican senate for ratification. One of the objectives of the bilateral agreement we are currently negotiating, if concluded and brought into force by each side's respective ratification procedures, is to give PEMEX greater flexibility in carrying out cooperative transboundary projects with U.S. companies.

Leasing on the U.S. side of the maritime boundary has occurred, and some commercial activity has taken place in those lease blocks. This agreement, if concluded and brought into force, would establish an international legal regime to govern activities in the boundary area.

No transboundary reservoir has yet been discovered. Some technical information does exist regarding potential economically recoverable oil and natural reserves along the boundary. Should cooperative projects become more likely, we anticipate that additional exploration in the region would produce more and higher quality technical information on potential transboundary deposits.

*Question.* From a standpoint of transatlantic economic and energy security, especially considering likely nuclear power phaseouts in Germany, Belgium, and possibly additional nations, would trade in liquefied natural gas (LNG) exports from the United States to Europe be in the national interest and support of U.S. foreign policy toward Europe? Absent any LNG exports from the United States, what nations in the Western Hemisphere are likely to supply natural gas to European nations? Please describe the State Department's interaction with the Department of Energy in consulting on LNG export license applications.

Answer. The diversification of energy sources is vital as a means to protect consumers from price volatility, ensure adequate and secure supplies and, to mitigate climate change by increasing the use of lower carbon fuel sources. Additional global LNG, whether exported from the United States or from any other source, would advance a pillar of the U.S.'s Eurasian foreign policy objective to promote new, diversified, and clean sources of energy supplies for Europe. Domestically, potential future exports of LNG could create much needed jobs in our own country.

In the Western Hemisphere, Trinidad and Tobago and Peru currently export LNG to Europe, but most gas imports going to European markets come from Eurasia, North Africa, and the Middle East. Gas rich nations in the Western Hemisphere potentially looking to export LNG in the future include Colombia, Venezuela, and Bolivia.

Authorization to grant LNG export licenses is the sole responsibility of the Department of Energy's Office of Fossil Energy.

*Question.* Recently the Inspector General of the State Department announced an inquiry related to the Keystone XL pipeline permit application.

- Please describe the scope of that investigation. Specifically, will it examine the merits of the permit application itself?
- Will the decision on the Keystone XL permit application be delayed to wait for the outcome of the inspector general's investigation?

Answer #1. Given my current recusal from participation in matters that affect Keystone XL and the oil industry in Canada and to avoid even the appearance of partiality, I regret that I am unable to respond to this question. As I stated during my hearing, if I am confirmed, it would be my intention to resolve my recusal and I would then be available to address the committee's concerns to the extent possible. Another Department of State official will address this question promptly.

Answer #2. (Response by OES on behalf of the Department of State): On the scope of the investigation, I would refer you to the Department of State's Office of the Inspector General.

*Question.* Tight oil, or oil shale, production in the North Dakota region is rapidly expanding. Several reports have indicated logistical challenges in exporting production from North Dakota to refineries in the United States.

- Please describe the proposed ability of the Keystone XL to also transport oil from the northern U.S. Great Plains. What economic benefit would that have in those U.S. areas of production?

Answer #1. Given my current recusal from participation in matters that affect Keystone XL and the oil industry in Canada and to avoid even the appearance of partiality, I regret that I am unable to respond to this question. As I stated during my hearing, if I am confirmed, it would be my intention to resolve my recusal and I would then be available to address the committee's concerns to the extent possible. Another Department of State official will address this question promptly.

Answer #2. (Response by OES on behalf of the Department of State): Since 2008, the Department has been conducting a transparent, thorough, and rigorous review of TransCanada's application for the proposed Keystone XL Pipeline project. As a result of this process, given the concentration of concerns regarding the environmental sensitivities of the current proposed route through the Sand Hills area of Nebraska, the Department has determined it needs additional information and will undertake an in-depth assessment of potential alternative routes in Nebraska.

After obtaining the additional information, the Department will determine, in consultation with the eight other agencies identified in Executive Order 13337, whether the proposed pipeline was in the national interest, considering all of the relevant issues together. Among the relevant issues that will be considered are environmental concerns (including climate change), energy security, economic impacts, and foreign policy.

Because this National Interest Determination process has not been completed, the administration has not yet completed its analysis of the issues raised by your specific questions and is therefore unable to provide authoritative answers at this time. The Environmental Impact Statement (EIS) included information indicating that the proposed Keystone XL pipeline would provide up to 100,000 barrels per day of shipping capacity for crude oil produced in North Dakota and Montana. Based on information from the North Dakota Pipeline Authority, the projections of combined shipping capacity by pipelines and rail out of the Bakken region of North Dakota and Montana is greater than the projections of production, even without the proposed Keystone XL pipeline. This information is summarized in Figure 3.14.2–2 of the final EIS.

We remain committed to engaging with you and your staff as the process unfolds and to keeping you informed as the integrity of our regulatory process permits.

*Question.* Executive Order 13337 requires the State Department to offer other U.S. Federal agencies a 90-day period to comment as part of a National Interest Determination process and a further 15 days to issue a permit decision.

- Is it your opinion that the procedures elaborated in the E.O. 13337 are binding on the State Department?
- Is the current review period and decision process on track to meet those deadlines?
- If the permit review process is not on schedule meet the time requirements of Executive Order 13337, what are the obstacles and how are they justified within the bounds of applicable Executive orders and statute?

Answer #1. Given my current recusal from participation in matters that affect Keystone XL and the oil industry in Canada and to avoid even the appearance of partiality, I regret that I am unable to respond to this question. As I stated during my hearing, if I am confirmed, it would be my intention to resolve my recusal and I would then be available to address the committee's concerns to the extent possible. Another Department of State official will address this question promptly.

Answer #2. (Response by OES on behalf of the Department of State): As an executive branch agency, the Department is required to follow procedures laid out by the President under E.O. 13337. The Executive order does not set a time limit as to when the Department must make a decision on a permit application once it has received the recommendations of at least the eight named agencies in the order. Our review process is currently being conducted in conformity with the provisions of the Executive order.

*Question.* Recent press reports have indicated a confused decisionmaking process on the Keystone XL permit application at the State Department vis-a-vis the White House. White House spokesman Jay Carney has reaffirmed that the decision lies at the State Department, whereas it is reported that President Obama indicated to Nebraska reporters that he will be taking a personal role: ". . . I'll be measuring these recommendations when they come to me."

- What roles are White House officials playing in the Keystone XL permit application review process?
- Have White House officials identified a position on Keystone XL or otherwise given guidance to the State Department beyond procedures in existing Executive orders as to how a national interest determination and final decision shall be made?
- Will the Secretary of State issue a permit decision under authority delegated to her, which may or may not subsequently be reviewed by the White House, or will the Secretary of State make a recommendation to the President for his decision?

Answer #1. Given my current recusal from participation in matters that affect Keystone XL and the oil industry in Canada and to avoid even the appearance of partiality, I regret that I am unable to respond to this question. As I stated during my hearing, if I am confirmed, it would be my intention to resolve my recusal and I would then be available to address the committee's concerns to the extent possible. Another Department of State official will address this question promptly.

Answer #2. (Response by OES on behalf of the Department of State): The review of the Keystone XL permit application is being conducted in accordance with the procedure outlined in Executive Order 13337. The Executive order authorizes the Department (the Secretary of State or her designee) to determine whether granting a Presidential Permits authorizing a petroleum pipeline at the border is in the national interest. The Executive order outlines a procedure that requires the Department to seek the views of at least eight other federal agencies before making a proposed determination. Under the Executive order, a permit determination is only referred to the President for decision if one of the eight listed agencies objects to the Department's proposed determination. There has been no change to the process outlined in that Executive order.

*Question.* The negative national security impacts of overdependence on oil imports from unstable regions and difficult governments are well established and reaffirmed by the Secretary of State and President.

- Please describe how oil trade with Canada fits into the State Department's strategy to diversify and reduce geopolitical risks inherent to the current oil import portfolio.

- What potential do oil sands imports from Canada have to reduce need for oil from Venezuela?
- What would be the energy security, economic, and foreign policy implications of halting all future oil sands import growth from Canada?

Answer #1. Given my current recusal from participation in matters that affect Keystone XL and the oil industry in Canada and to avoid even the appearance of partiality, I regret that I am unable to respond to this question. As I stated during my hearing, if I am confirmed, it would be my intention to resolve my recusal and I would then be available to address the committee's concerns to the extent possible. Another Department of State official will address this question promptly.

Answer #2. (Response by OES on behalf of the Department of State): Since 2008, the Department has been conducting a transparent, thorough, and rigorous review of TransCanada's application for the proposed Keystone XL Pipeline project. As a result of this process, given the concentration of concerns regarding the environmental sensitivities of the current proposed route through the Sand Hills area of Nebraska, the Department has determined it needs additional information and is undertaking an in-depth assessment of potential alternative routes in Nebraska.

After obtaining the additional information, the Department will determine, in consultation with the eight other agencies identified in Executive Order 13337, whether the proposed pipeline was in the national interest, considering all of the relevant issues together. Among the relevant issues that will be considered are environmental concerns (including climate change), energy security, economic impacts, and foreign policy.

Because this National Interest Determination process has not been completed, the administration has not yet completed its analysis of the issues raised by your specific questions and is therefore unable to provide authoritative answers at this time. However, we remain committed to engaging with you and your staff as the process unfolds and to keeping you informed as the integrity of our regulatory process permits.

*Question.* The Government of Canada has clearly stated their support for approval of Keystone XL.

- In your view, what impact would approval or disapproval of Keystone XL have on the bilateral relationship between Canada and the United States?
- How is a rejection of the Keystone XL permit likely to be perceived by the Canadian Government?

Answer #1. Given my current recusal from participation in matters that affect Keystone XL and the oil industry in Canada and to avoid even the appearance of partiality, I regret that I am unable to respond to this question. As I stated during my hearing, if I am confirmed, it would be my intention to resolve my recusal and I would then be available to address the committee's concerns to the extent possible. Another Department of State official will address this question promptly.

Answer #2. (Response by OES on behalf of the Department of State): Since 2008, the Department has been conducting a transparent, thorough, and rigorous review of TransCanada's application for the proposed Keystone XL Pipeline project. As a result of this process, given the concentration of concerns regarding the environmental sensitivities of the current proposed route through the Sand Hills area of Nebraska, the Department has determined that it needs additional information and will undertake an in-depth assessment of potential alternative routes in Nebraska.

After obtaining the additional information, the Department will determine, in consultation with the eight other agencies identified in Executive Order 13337, whether the proposed pipeline was in the national interest, considering all of the relevant issues together. Among the relevant issues that will be considered are environmental concerns (including climate change), energy security, economic impacts, and foreign policy.

Because this National Interest Determination process has not been completed, the administration has not yet completed its analysis of the issues raised by your specific questions and is therefore unable to provide authoritative answers at this time. However, we remain committed to engaging with you and your staff as the process unfolds and to keeping you informed as the integrity of our regulatory process permits.

*Question.* Robust and expanding trade is a longstanding pillar of our bilateral relationship with Canada. Energy trade is a fundamental part of that relationship, including oil as well integration of our electric grids. Energy trade was deemed to be of sufficient importance to also have a special and protected status within NAFTA.

- (a) Please elaborate on the criteria by which the United States may block energy trade with Canada.
- (b) In your view, would rejection of Keystone XL be a setback to longstanding trade promotion with Canada?

Answer #1. Given my current recusal from participation in matters that affect Keystone XL and the oil industry in Canada and to avoid even the appearance of partiality, I regret that I am unable to respond to this question. As I stated during my hearing, if I am confirmed, it would be my intention to resolve my recusal and I would then be available to address the committee's concerns to the extent possible. Another Department of State official will address this question promptly.

Answer #2. (Response by OES on behalf of the Department of State): USTR is the lead on trade issues and I would defer to that agency. Regarding part (b), this question requests information that may be relevant to the Department's National Interest Determination under Executive Order 13337, and therefore, in order to protect the impartiality and integrity of the Department's deliberative process under the Executive order, the Department is not in a position to address this question at this time.

*Question.* Americans benefit from robust market-driven trade in global oil markets, which gives supply flexibility that can help smooth price volatility. Unfortunately, many governments and in particular OPEC members engage in cartel behavior to limit supply and boost prices. The U.S. Government through the IEA and bilaterally promotes freer trade in energy. Rejection of free energy trade within North America could be seen as hypocritical and dampen our efforts elsewhere.

- In your view, how important is it to "practice what you preach" in energy trade?

Answer #1. Given my current recusal from participation in matters that affect Keystone XL and the oil industry in Canada and to avoid even the appearance of partiality, I regret that I am unable to respond to this question. As I stated during my hearing, if I am confirmed, it would be my intention to resolve my recusal and I would then be available to address the committee's concerns to the extent possible. Another Department of State official will address this question promptly.

Answer #2. (Response by OES on behalf of the Department of State): The specific question posed addresses an issue that may be relevant to the Department's National Interest Determination under Executive Order 13337, and therefore, in order to protect the impartiality and integrity of the Department's deliberative process under the Executive order, the Department is not in a position to address this question at this time.

Since 2008, the Department has been conducting a transparent, thorough, and rigorous review of TransCanada's application for the proposed Keystone XL Pipeline project. As a result of this process, given the concentration of concerns regarding the environmental sensitivities of the current proposed route through the Sand Hills area of Nebraska, the Department has determined it needs additional information and is undertaking an in-depth assessment of potential alternative routes in Nebraska.

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Because this National Interest Determination process has not been completed, the administration has not yet completed its analysis of the issues raised by your specific questions and is therefore unable to provide authoritative answers at this time. However, we remain committed to engaging with you and your staff as the process unfolds and to keeping you informed as the integrity of our regulatory process permits.

*Question.* The share of U.S. oil imports coming from Canada has increased as oil sands production has increased, and Canada is now the single largest foreign oil supplier to the United States. IHS CERA consultants have estimated that this proportion could increase to 36 percent of imports.

- How would the decision to permit Keystone XL affect the ability to reach this potential growth in secure imports from Canada?

Answer #1. Given my current recusal from participation in matters that affect Keystone XL and the oil industry in Canada and to avoid even the appearance of partiality, I regret that I am unable to respond to this question. As I stated during my hearing, if I am confirmed, it would be my intention to resolve my recusal and

I would then be available to address the committee's concerns to the extent possible. Another Department of State official will address this question promptly.

Answer #2. (Response by OES on behalf of the Department of State): The specific question posed addresses an issue that may be relevant to the Department's National Interest Determination under Executive Order 13337, and therefore, in order to protect the impartiality and integrity of the Department's deliberative process under the Executive order, the Department is not in a position to address this question at this time.

Since 2008, the Department has been conducting a transparent, thorough, and rigorous review of TransCanada's application for the proposed Keystone XL Pipeline project. As a result of this process, given the concentration of concerns regarding the environmental sensitivities of the current proposed route through the Sand Hills area of Nebraska, the Department has determined it needs additional information and is undertaking an in-depth assessment of potential alternative routes in Nebraska.

After obtaining the additional information, the Department will determine, in consultation with the eight other agencies identified in Executive Order 13337, whether the proposed pipeline was in the national interest, considering all of the relevant issues together. Among the relevant issues that will be considered are environmental concerns (including climate change), energy security, economic impacts, and foreign policy.

We remain committed to engaging with you and your staff as the process unfolds and to keeping you informed as the integrity of our regulatory process permits.

*Question.* In many of the world's largest oil production countries, such as Russia, Saudi Arabia, Iran, and Venezuela, state-controlled firms (or quasi-state controlled firms) dominate oil production. The United States and Canada are also among the largest oil producers in the world, but those governments allow publicly traded firms, many of which are listed on U.S. stock exchanges, and private firms to engage in production.

- Has Canada in any way restricted access to U.S. investment in oil sands production?
- What magnitude of economic benefit to U.S. companies and their shareholders would you estimate for existing and planned future oil sands production?
- Approximately how much tax revenue does the U.S. Government receive from profits repatriated from oil and gas production in Canada?

Answer #1. Given my current recusal from participation in matters that affect Keystone XL and the oil industry in Canada and to avoid even the appearance of partiality, I regret that I am unable to respond to this question. As I stated during my hearing, if I am confirmed, it would be my intention to resolve my recusal and I would then be available to address the committee's concerns to the extent possible. Another Department of State official will address this question promptly.

Answer #2. (Response by OES on behalf of the Department of State): The specific question posed addresses an issue that may be relevant to the Department's National Interest Determination under Executive Order 13337, and therefore, in order to protect the impartiality and integrity of the Department's deliberative process under the Executive order, the Department is not in a position to address this question at this time.

Since 2008, the Department has been conducting a transparent, thorough, and rigorous review of TransCanada's application for the proposed Keystone XL Pipeline project. As a result of this process, given the concentration of concerns regarding the environmental sensitivities of the current proposed route through the Sand Hills area of Nebraska, the Department has determined it needs additional information and is undertaking an in-depth assessment of potential alternative routes in Nebraska.

After obtaining the additional information, the Department will determine, in consultation with the eight other agencies identified in Executive Order 13337, whether the proposed pipeline was in the national interest, considering all of the relevant issues together. Among the relevant issues that will be considered are environmental concerns (including climate change), energy security, economic impacts, and foreign policy.

Because this National Interest Determination process has not been completed, the administration has not yet completed its analysis of the issues raised by your specific questions and is therefore unable to provide authoritative answers at this time. However, we remain committed to engaging with you and your staff as the process unfolds and to keeping you informed as the integrity of our regulatory process permits.

*Question.* The current United States unemployment rate is 9.0 percent.

- Please characterize estimates of job creation in the United States that could be attributed to construction of the Keystone XL pipeline?
- If completed, are these jobs likely to be filled by Americans or filled offshore?
- What is the estimated value of piping and other durable materials that would be required to construct the pipeline?
- What quantity of these materials is estimated to be sourced in the United States?

Answer #1. Given my current recusal from participation in matters that affect Keystone XL and the oil industry in Canada and to avoid even the appearance of partiality, I regret that I am unable to respond to this question. As I stated during my hearing, if I am confirmed, it would be my intention to resolve my recusal and I would then be available to address the committee's concerns to the extent possible. Another Department of State official will address this question promptly.

Answer #2. (Response by OES on behalf of the Department of State): Since 2008, the Department has been conducting a transparent, thorough, and rigorous review of TransCanada's application for the proposed Keystone XL Pipeline project. As a result of this process, given the concentration of concerns regarding the environmental sensitivities of the current proposed route through the Sand Hills area of Nebraska, the Department has determined it needs additional information and is undertaking an in-depth assessment of potential alternative routes in Nebraska.

After obtaining the additional information, the Department will determine, in consultation with the eight other agencies identified in Executive Order 13337, whether the proposed pipeline was in the national interest, considering all of the relevant issues together. Among the relevant issues that will be considered are environmental concerns (including climate change), energy security, economic impacts, and foreign policy.

The Environmental Impact Statement (EIS) includes information relevant to the questions asked. Section 3.10 of the EIS notes that the construction workforce for the proposed Keystone XL pipeline would consist of approximately 5,000 to 6,000 workers over the 2–3 years required to construct the pipeline. EIS 3.10–55. The EIS also notes that the total project cost (in the United States and Canada) is approximately $7 billion, with approximately $6.58 to $6.65 billion being spent on materials, supplies, easements, engineering, and other costs. EIS 3.10–58.

Because this National Interest Determination process has not been completed, the administration has not yet completed its analysis of the issues raised by your specific questions. As part of the National Interest Determination process, the Department has been and will be consulting with other agencies to further consider the information from the EIS, as well as information from other sources (particularly comments received from the public during the National Interest Determination comment process). Therefore unable to provide authoritative answers at this time. However, we remain committed to engaging with you and your staff as the process unfolds and to keeping you as the integrity of our regulatory process permits.

*Question.* Previous pipeline permit applications have been relatively routine and uncontroversial, but the Keystone XL pipeline has become highly politicized.

- Please compare the timeline for consideration of the Keystone XL permit application to similar projects previously approved or rejected to the State Department.
- How frequently are oil and gas pipeline permit applications rejected by the State Department? What have been the principle reasons for their rejection?
- Please identify all opportunities for public comment that have been established by the State Department in consideration of the Keystone XL pipeline permit application.
- How does the public comment process for Keystone XL compare to earlier pipeline permit comment periods?

Answer #1. Given my current recusal from participation in matters that affect Keystone XL and the oil industry in Canada and to avoid even the appearance of partiality, I regret that I am unable to respond to this question. As I stated during my hearing, if I am confirmed, it would be my intention to resolve my recusal and I would then be available to address the committee's concerns to the extent possible. Another Department of State official will address this question promptly.

Answer #2. (Response by OES on behalf of the Department of State): The application for a Presidential permit for the original Keystone pipeline was submitted on April 19, 2006; the Department issued a permit for this pipeline on March 11, 2008. The application for a Presidential permit for the Alberta Clipper pipeline was submitted on May 15, 2007; the Department issued a permit for this pipeline on August

20, 2009. The application for a Presidential permit for the Keystone XL pipeline was submitted on November 4, 2008; the matter is still pending.

Since 2000 the Department has not approved both previous applications for new, major, cross-border oil facilities. Because there has been significantly more public interest and participation in the process for the Keystone XL review, the public comment procedures for this permit application were more extensive than than previous recent applications. The Department issued the following Federal Register notices regarding the process for consideration of the Keystone XL application: 73 Fed. Reg. 65713; 74 Fed. Reg. 5019, 6687, and 12172; 75 Fed. Reg. 19969, 20653, 22890 and 33883; 76 Fed. Reg. 8396, 22699, 22744, 53525, 54767, 55155, 55157. The Department held a total of 50 public meetings, both in states through which the pipeline would pass, if approved, as well as in Washington, DC. The various comment periods and public meeting times were also noted on the Web site the Department maintains on this issue:

HTTP://WWW.KEYSTONEPIPELINE-XL.STATE.GOV/CLIENTSITE/KEYSTONEXL.NSF?OPEN

The Web site also provides information about the project (including the final Environmental Impact Statement (FEIS)) and a mechanism for submission of comments over the Internet and other means.

The timeframes for the Keystone XL review compared to the two most recent pipeline reviews are as follows:

Keystone I—Application: April 19, 2006; Permit Issued: March 11, 2008.
Alberta Clipper—Application: May 15, 2007; Permit Issued: August 20, 2009.
Keystone XL—Application: November 4, 2008; Still under consideration.

*Question.* In evaluating permit applications such as that by Keystone XL, rigorous environmental analysis is necessary to make an informed judgment of risks inherent to any project and steps needed to help mediate those risks to an acceptable level.

- Please describe the process by which the environmental impact assessment was conducted.
- Please describe any environmental and safety precautions in excess of those required by U.S. law that the Keystone XL pipeline would implement.

Answer #1. Given my current recusal from participation in matters that affect Keystone XL and the oil industry in Canada and to avoid even the appearance of partiality, I regret that I am unable to respond to this question. As I stated during my hearing, if I am confirmed, it would be my intention to resolve my recusal and I would then be available to address the committee's concerns to the extent possible. Another Department of State official will address this question promptly.

Answer #2. (Response by OES on behalf of the Department of State): These issues are addressed in the final Environmental Impact Statement, particularly the Introduction, Section 3.13, and Appendix U, available at: http://www.keystonepipeline-xl.state.gov/clientsite/keystonexl.nsf?Open.

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RESPONSES OF ROBERTA S. JACOBSON TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* U.S. Development Assistance to Latin America and the Caribbean: Assistance fell from almost $421 million in FY 2010 to an estimated $362 million in FY 2011, a 14 percent decline. U.S. assistance to Latin America is declining and proportionally, the region is receiving less and less of the total assistance pie. In 2006, Latin America received 11 percent of the regional distribution of U.S. Foreign Assistance, by 2011 that percentage had shrunk to 8 percent of the pie. The Western Hemisphere is the region of the world with the greatest potential to affect our Nation—positively, through enhanced trade relations, and negatively through undocumented immigration feed by social unrest, insecurity, and lack of opportunity.

- How does the administration prioritize funding by regions? What role will you play in 7th-floor decisions about regional allocations?
- Do you anticipate further decreases in U.S. assistance to the region based on overall decreases in U.S. foreign assistance?

Answer. In the current lean budget environment, we have carefully coordinated our requests for foreign assistance to Latin America and the Caribbean with our embassies, USAID missions, and the U.S. interagency. While funding in Latin America and the Caribbean has been reduced at a slightly faster rate than other regions, some of this reduction was made possible by the real successes achieved in the region, notably our efforts with Colombia to nationalize security programs. Our

assistance programs are designed to enhance our partnerships in the region and spread the responsibility for success. Our request levels reflect a recognition of the emerging global leadership of countries like Colombia, Brazil, and Chile, which complement U.S. priorities and are increasingly contributing foreign assistance in the region and around the world. We have concentrated our assistance in those regions of the hemisphere where it is most effective and advances U.S. interests—especially in Central America and the Caribbean. Our cooperation with Mexico reflects its strategic position along our southern border.

My familiarity and long experience with U.S. foreign assistance in the hemisphere, and my role in the Department's internal assistance allocation process allows me to influence these decisions, and to have a seat at the table as global level decisions are made. I can assure you that with my deep understanding of the region and my passion for its importance to the United States, if confirmed, I will be a forceful advocate for robust and productive engagement, including with respect to assistance. Our conversations with the Secretary and other Department and U.S. Government leaders are continuous, and always aimed at achieving an assistance level for the Western Hemisphere that is consistent with our interests, takes into account the needs of our partner nations, as is cognizant of the difficult budget environment we face.

If confirmed, I will continue to advocate for resources that advance our stated goals of citizen security, strong institutions of democratic governance, reducing social inequality and increasing economic opportunity, securing a clean energy future and mitigating the effects of climate change.

*Question.* U.S. Counternarcotics Spending: As outlined in the State Department's FY 2012 Congressional Budget Justification for Foreign Operations, U.S. counternarcotics aid to Latin America amounted to almost $747 million in FY 2010 while the FY 2012 request is for $424 million. I presume the 43 percent decline in counternarcotics assistance for the region reflects past funding for substantial equipment sales to Mexico as a part of Merida, but I'm also wondering why there is such a precipitous decrease when the needs in Central America are still so significant?

Answer. Countering the threats posed by drug trafficking and transnational crime remains a high priority area for U.S. foreign assistance to the Western Hemisphere, particularly Mexico, Colombia, Central America, and the Caribbean.

In Mexico, our Merida Initiative assistance is shifting toward relatively lower cost capacity and institution-building efforts that we and our Mexican partners believe are critical to address the underlying causes of the challenge facing Mexico. In Colombia, substantial savings are realized as we nationalize some counternarcotics programs in a gradual and predictable way. Colombia's ability to take over these programs reflects the success of our prior year investments and is a concrete demonstration of the growing capacity and effectiveness of our Colombian partners. For Central America and the Caribbean, we have maintained or increased citizen security funding levels consistent with prior years, particularly for the Central America Regional Security Initiative and the Caribbean Basin Security Initiative, to respond to sustained security threats to those regions and to increase partner nation capacity to administer the rule of law.

*Question.* Colombia: What effect will last Friday's death in combat of the FARC leader, Alfonso Cano, have on the FARC's ability to function? Is this a major setback for FARC or is there a secondary or tertiary leader who can step in?

Answer. At the time of his death, Alfonso Cano was the leader of the terrorist organization the Revolutionary Armed Forces of Colombia (FARC). Since taking over the FARC in September 2010 after the death of Mono Jojoy, Cano increasingly turned the FARC to asymmetrical warfare, including the use of assassinations, kidnapping, and IEDs.

The stated goal of the FARC is the violent overthrow of the Government of Colombia. Cano's death is an important victory for Colombia and represents a major blow against the largest terrorist organization in this hemisphere. The FARC engages in narcotics trafficking, kidnapping, and extortion, and there are regular clashes between the FARC and Colombian security forces. Cano is the fourth member of the FARC's General Secretariat to have been killed in the past 3 years, and the second Supreme Commander to die in that time period.

Cano's death could demoralize the FARC, and disrupt its decisionmaking, at least in the short term. However, the FARC has several senior ranking members available to step in as leader. At this moment, we cannot predict who that will be and therefore cannot speculate as to how this might affect the FARC's ability to function.

The Santos administration has stated on numerous occasions that it is prepared to consider negotiations with the FARC, once the FARC releases all hostages, agrees to a cease-fire, and terminates illicit activities.

*Question.* Inter-American Development Bank: What is the Department's position on funding the capital increase for the Inter-American Development Bank (IDB)? What impact will a partial increase—25 percent of the request—have on the Bank's lending portfolio? On contributions from other countries? Do you anticipate the Bank being able to maintain its commitment to Haitian reconstruction and development if the Bank's capital increase is short-changed?

Answer. The Department strongly supports the President's request and the U.S. commitment to the IDB General Capital Increase (GCI). We believe that failure to honor our full obligations to the IDB would seriously weaken U.S. influence in Latin America and the Caribbean at the same time that other emerging donor countries like China are increasing their presence.

We are in close contact with the Treasury Department, which is the lead agency on multilateral development bank policy, to coordinate and support our efforts to secure funding for the GCI request.

Full funding of the President's request for multilateral development banks would allow the United States to proceed with the full subscription of callable capital and a partial contribution of our paid-in capital commitments, and therefore allow the GCI to proceed.

The IDB is a key partner for the United States in the region, in our efforts on citizen security in Central America, and particularly in Haiti, the poorest country in the hemisphere. After the 2010 earthquake, the IDB cancelled all of Haiti's outstanding debt and converted undisbursed loan balances into grants. At the urging of the U.S. Government, the IDB also pledged to provide Haiti $2 billion in grants over the next decade to fund its recovery efforts and long-term development plans as part of the GCI. Although a temporary shortfall in the United States paid-in capital contribution should not affect the IDB's financial capacity to meet the commitment to Haiti, there is risk that the IDB's Board of Governors, which must approve the transfer of funding for Haiti on an annual basis, would reject the transfer if the United States falls short of its GCI contribution.

*Question.* Authoritarian Trends in the Hemisphere: While democracy has been solidly consolidated in many countries in the region, a resurgence of authoritarianism, combined with tolerance for corruption and resulting from weak institutions and judiciaries threatens democratic progress in Venezuela, Bolivia, Ecuador, Nicaragua, and even Belize and Argentina. What role do you see the United States playing in providing support to civil society organizations, the independent media and others grassroots groups advocating for government transparency, free media, and judicial reform?

Answer. Our commitment to democracy and protection of human rights forms the foundation of our foreign policy throughout the hemisphere. As a matter of principle and longstanding policy, the United States believes that representative democracies require strong institutions, a robust and authentically independent judiciary, vibrant civil society, and free and independent media.

Our diplomats engage constantly with governments, addressing issues of democracy and human rights both publicly and privately. In bilateral and regional meetings, we press all governments to fulfill their commitments under the Inter-American Democratic Charter and other international conventions and treaties to which they are signatories. We have spoken out strongly, both in international fora and directly to governments, against corruption, lack of justice, and election irregularities in Nicaragua; against severe restrictions on civil society and freedom of expression in Venezuela, and in defense of media freedom in Ecuador and elsewhere.

We also engage consistently with grassroots civil society organizations and independent media that seek to promote and protect fundamental freedoms. Our democracy and human rights programs support civil society by providing them with the knowledge base and the tools to lay the groundwork for a better future.

If confirmed, this strong and longstanding commitment to democracy and protection of human rights will continue to guide my approach to relations with these countries and support for civil society. I intend to be a strong advocate for the democratic principles that guide our Nation and that are at the heart of the hemisphere's vision for governance.

*Question.* Freedom of the Press: In which countries are freedom of expression most at risk and what are main factors accounting for the deterioration of press freedom in several Latin American countries in recent years? To what degree have executive abuse of power and organized crime and violence been factors in the dete-

rioration of freedom of expression? How does U.S. policy call attention to concerns about freedom of expression, and what can be done to counter the deterioration of freedom of expression in some countries in the hemisphere?

Answer. We are concerned about recent trends that present risks to media freedom in the Western Hemisphere. Department of State Country Reports on Human Rights practices, NGO reports, and other data document challenges to open media, including crime-driven violence and intimidation directed at journalists; government-instigated pressure, ranging from physical violence to legal and administrative harassment; excessive government use of privately owned media to carry government propaganda; and, the creation of government-controlled media to compete with independent voices.

Government control of traditional media in Cuba (press, television, radio) is complete, leaving Cubans isolated and eager for unfiltered news from outside the island, and for unbiased information about events on-island and worldwide. Cuba has one of the lowest levels of Internet penetration in the world, and the Cuban Government continues to create legal and technical obstacles preventing the vast majority of the populace from gaining unfettered access to the Web. Moreover, the level of self-censorship among the Cuban population is extremely high due to real and perceived threats if they speak candidly and on the record. Some Cuban activists who are also independent journalists have been imprisoned for their activities.

Venezuela's Government routinely harasses and threatens media organizations and journalists which present coverage deemed by the government to be in opposition to its policies or in support of the democratic opposition. Over the last several years, it has used administrative procedures to close 34 radio stations, as well as RCTV, the nation's oldest television network, in 2007. Venezuela uses the threat of withdrawing broadcast licenses from remaining media and a stringent media law to constrain media outlets and journalists, contributing to a palpable culture of self-censorship. These practices are inconsistent with the hemispheric vision of freedom of expression. For example, in October, Venezuela's telecommunications regulator fined independent news broadcaster "Globovision" the equivalent of more than $2 million for covering a prison riot, claiming the coverage made an "apology for crime" and fomented "the anxiety of the citizenry."

In countries as diverse as Ecuador, Guyana, Nicaragua, and Panama, government attempts to influence media, and to silence media outlets deemed hostile to the government, concern us. Among the techniques used are denunciation of purported antigovernment posture of media outlets, the creation of restrictive legal frameworks and the denial or suspension of licenses to broadcast or publish. In July, an Ecuadorian court ruling in a civil case lodged by the President sentenced the editor and two directors of the newspaper El Universo to 3 years in prison and levied $30 million in fines for libeling the President. This case, which has drawn expressions of deep concern from press freedom organizations, is on appeal. In Nicaragua, President Ortega has called on his supporters to stop media from working to "wear down his administration's image." The government has used harassment, censorship, and arbitrary application of libel laws to suppress reporting, and withholds government advertising contracts from independent media.

Violence related to organized crime, particularly in Mexico and Central America, has taken a heavy human toll on journalists, and has a chilling effect on media coverage of crime, as well as on efforts to galvanize public support for anticrime programs.

Through diplomatic engagement, work with civil society, and public statements, the Department of State calls attention to the obstacles to freedom of expression and conveys support for those who strive to protect it. This engagement is in accordance with the Secretary's strong commitment on freedom of expression, including the Internet. It is also part of our commitment to hemispheric instruments, including the Inter-American Democratic Charter, as Deputy Secretary Burns noted in September at the Charter's 10-year anniversary. The United States actively supports the Special Rapporteur for Freedom of Expression of the Inter-American Commission on Human Rights and sponsored an Organization of American States General Assembly resolution, adopted in El Salvador in June 2011, related to promotion of freedom of expression in the Americas.

Our embassies engage deeply and continuously with media organizations, human rights groups, and governments wherever and whenever freedom of expression is under threat. We are enhancing our public diplomacy programs and exchanges focused on journalist education and safety, and on social media's capacity to buttress freedom of expression. We emphasize professional development for journalists to help them develop skills such as investigative reporting so they can move beyond official government pronouncements and develop broad-based, balanced coverage. U.S. human rights promotion programs seek to strengthen independent media and

increase awareness of the importance of freedom of expression. The U.S. Interests Section in Cuba uses distance learning and technology channels to offer independent journalists professional development and opportunities to disseminate their stories.

Our support for freedom of expression reflects deep values our people hold, because it reflects our strong conviction that a vibrant and free media is essential to the development of fully effective representative democracy in the Americas.

*Question.* In October, the Venezuelan Government imposed on outrageous fine on Globovision for coverage of last summer's prison riots—a fine up to 7.5 percent of its gross earnings for 2010, which could amount to $2.1 million. A fine clearly intended to put the company out of business. Has the State Department contacted the Venezuelan Authorities regarding this issue?

Answer. Venezuela's Government routinely harasses and threatens media organizations and journalists which present coverage deemed by the government to be in opposition to its policies or in support of the democratic opposition. Over the last several years, it has used administrative procedures to close 34 radio stations, as well as RCTV, the nation's oldest television network, in 2007. Venezuela uses the threat of withdrawing broadcast licenses from remaining media and a stringent media law to constrain media outlets and journalists, contributing to a palpable culture of self-censorship. Venezuela's media laws also create vague categories of impermissible coverage, further contributing to an aura of uncertainty about reportage which is inconsistent with the hemispheric vision of freedom of expression. In response to the October fine made by Venezuela's telecommunications regulator, against independent news broadcaster, Globovision, for covering a prison riot, claiming the coverage made an "apology for crime" and fomented "the anxiety of the citizenry," the Department of State publicly urged the Venezuelan Government to uphold its obligations under the Inter-American Democratic Charter (IADC), including the principle that freedom of expression is essential for representative democracies. If confirmed, I will continue to urge the Venezuelan Government to uphold its obligations under the IADC.. Media outlets must be guaranteed the freedom to independently cover important news stories, including controversial stories, without fear of government reprisal. Freedom of expression is a fundamental freedom vital to the health and proper functioning of any democracy.

*Question.* Citizen Security in the Americas: Looking ahead, what are the most significant challenges for Citizen Security Initiatives in the region in the next few years? Do you anticipate shifting greater attention and resources toward Central America and the Caribbean to address the immense organized crime and security crisis in Central America and the overflow into the Caribbean? Do you share A/S Brownfield's concerns that drug cartels will ramp up their transit routes through the Caribbean?

Answer. Weak rule of law institutions will continue to be at the center of our citizen security challenges in the region. The inability of governments to exercise the rule of law and provide services to citizens, beginning with security, will slow their efforts to improve citizen security, reduce inequality, and foster development in the region. We will continue to work with regional governments as they strengthen their institutions and secure their streets, waters, remote regions, and vulnerable populations. Stronger communities with vibrant civil society organizations that can resist the transnational criminal organizations are also critically important—especially as partners with governments against crime.

While we have made good initial progress, there is much to be done, and we must ensure that the progress made by our partner governments becomes more systematic and institutionalized.

We are urging our partners in Central America—which have some of the lowest tax collection rates in the world—to invest more in their own security. We are continuing to provide critical targeted assistance through the Central American Regional Security Initiative and the Caribbean Basin Regional Security Initiative. Central America and the Caribbean are already high priorities, as evidenced by the Secretary's frequent travel to both regions and our assistance within both programs—which we hope to maintain at consistent levels in the coming years. As drug trafficking organizations have repeatedly demonstrated their adaptability, we will continue to be particularly alert for any "balloon effect" increasing the flow of drugs through Central America and/or the Caribbean as Colombia and Mexico continue to pressure drug trafficking organizations and current trafficking patterns. We must not allow success in one part of the hemisphere to increase the threat to other parts of the hemisphere.

*Question.* Barriers to Market Access in Argentina and Brazil: USTR's 2011 National Trade Estimate maintains that both Argentina and Brazil have barriers

that can impede U.S. imports. Since 2008, Argentina has imposed a growing number of customs and licensing procedures and requirements that make importing U.S. products more difficult, including nonautomatic import licenses, minimum pricing, and import-export swap arrangements, in addition to intentionally slow processing virtually all imports. Argentina has now applied these restrictions to imports of virtually all U.S. products. Meanwhile, Brazil has started to follow in the footsteps of its southern neighbor, starting in 2009 with increased import tariffs on hundreds of industrial products and application of a variety of federal and state taxes on imports that effectively double the cost of imported products. Recently, Brazil has expanded the number of new restrictions a wide range of imports of U.S. goods, including additional import monitoring, enhanced inspections, and delayed release of targeted goods. Brazil also recently imposed new increases in customs fees on imports a wide range of products.

- What efforts are being made with Argentina and Brazil to address barriers to U.S. exports to these countries and to ensure that these countries are living up to their bilateral and international trade commitments?

Answer. The Department and our Embassy in Buenos Aires speak directly to the Argentine Government to register concerns with Argentina's import licensing procedures which restrict imports of U.S. goods. We also work closely with USTR, the lead U.S. agency at the WTO Committee on Import Licensing Procedures at the Council for Trade in Goods. In these meetings, the United States, joined by other WTO members, have raised concerns regarding Argentina's practices, including the legal basis under the WTO for its use of these import licensing procedures. We have also sought further clarification regarding the time period for approving licenses, and the reported requirement that companies commit to exporting or establish production facilities in Argentina in order to obtain an import license. We continue to insist that the Government of Argentina explain how such requirements are consistent with WTO rules.

We agree that Argentina's import licensing procedures are hurting U.S. companies' ability to export to Argentina. Not only are our companies concerned about the added costs and uncertainty associated with these measures, they are also concerned about the negative effects of products being sold increasingly on the gray market due to distortions created by Argentina's import procedures.

With respect to Brazil, we monitor closely what appears to be an increase in import duties on foreign goods and the promotion of products manufactured in Brazil through trade-distorting measures. We have broached this in our bilateral discussions with Brazil and we are working closely with USTR to advocate our interests in WTO negotiations.

We have established high-level trade, economic, and commercial dialogues with Brazil to promote the free flow of goods, services, and investment between the two countries. As a result, U.S. exports to Brazil are booming.

Our discussions include private sector input which is essential for identifying areas of opportunity for greater cooperation, as well as impediments to a level playing field for international trade. Business groups in both countries discuss opportunities to foster understanding and advance commercial priorities between the two countries. Trade missions also provide important channels for U.S. companies to meet with Brazilian Government officials to discuss and better understand the business climate.

*Question.* China's Interest in Latin America. China's linkages with the region, including trade, investment, and political relations, have grown significantly over the past several years. What are China's reasons for expanding its economic and political linkages with Latin American and Caribbean countries? What are the implications of China's engagement with Latin America and the Caribbean for U.S. policy toward the region?

Answer. China's economic engagement in the hemisphere is not necessarily a cause for friction between the United States and China. The United States remains the region's largest trading partner. China's trade, mainly from commodity purchases and exports of manufactured goods, reached $178 billion with Latin America in 2010 compared to $661 billion in trade between the United States and Latin America. China's trade presence and investment are focused mainly on satisfying its domestic demand for fuels, mineral resources, and agricultural products. We recognize that China's growing economic influence has become important to many countries in the region, but the United States trade with the region remains far larger, more diverse, and is also growing rapidly. The recent passage of the Colombia and Panama Free Trade Agreements will help to maintain U.S. economic leadership in the hemisphere.

The primary goal of U.S. policy is to encourage a responsible role of China in the development of the region's economic prosperity.

*Question.* Haiti Reconstruction: What type of international support would be needed to improve Haiti's economic development prospects over the long term? Other than France, what countries are still providing disaster assistance to Haiti? Job creation is vitally important for Haiti's economic recovery to take hold, but are you concerned that U.S. development projects like the North Industrial Park will have negative effects on those companies that are already in Haiti? What is the status of President Martelly's ability to address the political and legal roadblocks to reform, such as land titling?

Answer. Haiti will need sustained international donor attention over the next decade not only to provide development assistance, but also to advocate for the reforms that will enable sustainable economic growth. Several nations contribute to disaster assistance in Haiti. The Office of the U.N. Special Envoy provides the most regularly updated and comprehensive information about the contributions of donors to Haiti at www.haitispecialenvoy.org—specifically the data sheet under the section labeled "assistance tracker."

The North Industrial Park is part of a comprehensive northern region development initiative ably coordinated by the Inter-American Development Bank (IDB). Joint efforts in the north are designed to improve the conditions for all companies in the region—enhancing the infrastructure, including roads, shelter, and electricity generation, and providing workforce vocational training that will ultimately benefit not just one industrial park, but several industries throughout the region.

President Martelly has shown an early commitment to systemic reforms—including by strengthening a working group to deal with land titling issues, bringing together NGOs, donors, and the various government agencies that have some responsibility for housing in Haiti. With respect to judicial reform roadblocks, President Martelly has filled three long-vacant positions at Haiti's Supreme Court, enabling that key branch of government to finally begin to play its constitutional role.

*Question.* Following several years of political animosity, yesterday, the United States and Bolivia signed a framework agreement, pledging to work together in the areas of trade, development assistance, and counternarcotics. What does the United States hope to get out of the framework? Do you expect to see a decrease in anti-American rhetoric by the Bolivians and enhanced cooperation, particularly in the area of counternarcotics?

Answer. The signing of the Framework Agreement is the first step toward more normal relations between the United States and Bolivia. We believe increased dialogue, resulting in part from the forums established by the agreement, will help achieve concrete improvements in counternarcotics cooperation, development assistance, and trade. However, both governments recognize that successful implementation will require substantial engagement and dialogue.

In addition to discussions in the working groups established by the Framework Agreement, our governments will work toward the restoration of diplomatic representation at the ambassadorial level. The exchange of Ambassadors will permit the United States to engage the Bolivian Government, and wider Bolivian civil society, at the highest level.

By channeling both nations' desire to return to a functional relationship based on our mutual interests, the agreement sends a powerful signal as to the desired direction of the bilateral relationship, which includes effective counternarcotics cooperation.

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RESPONSES OF HON. MARI CARMEN APONTE TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* Flooding: Last week, the First Lady of El Salvador and the Secretary of Social Inclusion, Dr. Vanda Pignato, met with a number of Senators to discuss U.S. flood assistance to the country. What will the United States be doing down the road to assist the Salvadoran people? What are the implications of the damage for the Salvadoran economy? Are you concerned that this event might increase undocumented immigration to the United States if jobs become few and food becomes too expensive?

Answer. In response to tropical depression 12-E, the U.S. Government has provided $409,231 in disaster assistance. Humanitarian assistance included funds from USAID and the Defense Department for transportation support, toolkits, medicine, food, hygiene kits, and supplies for emergency relief projects and rescue operations.

USAID continues to coordinate closely with the Government of El Salvador and the international donor community to identify areas in which we can further assist El Salvador in disaster recovery, including infrastructural and agricultural needs. USAID is reviewing its programs to determine if funds can be redirected to meet recovery priorities identified by the Government of El Salvador.

*Question.* Counternarcotics Cooperation: On September 16, 2011, President Obama included El Salvador on the list of countries designated as "major" drug-producing or "drug-transit" countries, the first time the country has received such a designation. What evidence supports El Salvador's designation as a major drug transit country? How would you assess the current level of bilateral antidrug cooperation and the adequacy of U.S. counternarcotics assistance to El Salvador (both bilateral aid and assistance provided through CARSI)?

Answer. The countries of Central America are increasingly used for trafficking of cocaine and other drugs primarily destined for the United States. As a result, crime and insecurity are increasing throughout the region. El Salvador forms part of the "Northern Triangle" along with Guatemala and Honduras, where international criminal syndicates are transiting illegal drugs headed to the United States from South America.

El Salvador and the United States enjoy close cooperation on counternarcotics issues. Bilateral counternarcotics cooperation funded under the Central America Regional Security Initiative (CARSI) focuses on projects designed to reduce the flow of illegal narcotics and other contraband through El Salvador's territory and its littoral waters. Projects include support for police professionalization, assistance for interdiction efforts at borders and checkpoints, and equipment and technical assistance for the country's police, immigration, and security services.

Additional CARSI assistance is being provided to the Government of El Salvador to support the implementation of recently passed legislation related to wiretapping, electronic intercepts, and asset forfeiture. These laws, and related U.S. assistance, will enable the Government of El Salvador to more effectively investigate complex transnational crimes, including narcotics trafficking, and to seize, sell, and monetize property and assets seized in conjunction with narcotics arrests and to use the profits for counterdrug efforts.

To enhance the delivery of U.S. Government counternarcotics and related citizen security assistance to the Government of El Salvador, the Department has decided to open a full-fledged Narcotics Affairs Section within the Mission, which will bring additional management, procurement and planning resources to bear in support of our engagement.

*Question.* Violence/Gangs: How has the Funes government's approach to addressing gangs and other public security challenges differed from that of previous ARENA governments? How likely is it that the government will be able to implement some sort of security tax to increase funds for efforts to deal with gangs and crime? How well is U.S. assistance (both bilateral aid and assistance provided through CARSI) supporting those efforts and how might that assistance be targeted more effectively?

Answer. Across the political spectrum in El Salvador, there is agreement that gangs operating in El Salvador, whether transnational in scope, such as the 18th Street Gang or MS–13, or not, represent one of the most visible, pressing threats to the citizens of El Salvador. As such, the Farabundo Marti National Liberation Front (FMLN) government of President Funes has continued the efforts of former ARENA governments to investigate and dismantle these criminal organizations, including by prosecuting gang members.

President Funes took the additional step of allocating military resources to supplement the police in June of 2010, and up to half the military remains engaged in street patrols, border security, and guarding the prisons. This move has been widely supported by a public concerned with rising crime; polls show the military is the most highly respected government institution.

The Funes government has welcomed collaborative antigang efforts with the U.S. Government, aimed at dismantling those gangs which have a nexus to the United States. Central America Regional Security Initiative (CARSI) funded cooperation supports the FBI-led Transnational Anti-Gang Unit (TAG) in San Salvador, and an Immigration and Customs Enforcement Vetted Unit that addresses gang-related smuggling activities, and provides assistance to segregate gang members incarcerated in El Salvador's prisons. CARSI also provides funding for USAID programs to identify youth and communities at-risk to provide educational, training, and related services to mitigate risks in these affected areas, in coordination with the Government of El Salvador.

Additional CARSI assistance is being provided to the Government of El Salvador to support the implementation of recently passed legislation related to wiretapping, electronic intercepts, and asset forfeiture. These laws, and related U.S. assistance, will enable the Government of El Salvador to more effectively investigate gang activities, to seize, sell, and monetize property and assets seized in conjunction with gang arrests, and to use the profits for gang and citizen security efforts.

President Funes has sought additional national funds for this effort. He has been negotiating with the private sector over a security tax that would generate additional resources to be directed at improving citizen security. So far, that effort has not achieved consensus. Consequently, President Funes did not include a security tax in the FY 2012 budget he submitted to the legislature on September 30. The U.S. Government supports efforts in El Salvador and throughout the region to generate resources that would bolster the capacity of law enforcement institutions to combat criminal gangs and drug cartels and reduce reliance on foreign assistance.

To enhance the delivery of U.S. Government citizen security assistance to the Government of El Salvador, the Department has decided to open a full fledged Narcotics Affairs Section within the Mission, which should bring additional management, procurement, and planning resources to bear in support of our engagement. The Department's Bureau of International Narcotics and Law Enforcement Affairs also maintains a Regional Gang Advisor in San Salvador to coordinate antigang assistance being provided to the Government of El Salvador.

*Question.* Economic Issues: A joint U.S.-Salvadoran assessment published in July 2011 as part of the Partnership for Growth (PFG) Initiative identified the two greatest constraints on growth in the country as crime and insecurity and a lack of competitiveness in the "tradables" sector of the economy. To what extent have those barriers inhibited El Salvador from receiving the full benefits of its participation in DR–CAFTA Agreement? To what extent, if at all, has dollarization inhibited El Salvador's ability to remain competitive with other countries? How much support are government reform efforts receiving from the private sector? What type of U.S. support could be useful?

Answer. The two constraints identified by the joint analysis do limit El Salvador's ability to fully benefit from the DR–CAFTA. The World Bank estimates the costs associated with mitigating the effect of crime and insecurity add at least 10 percent to the cost of doing business for firms in El Salvador. The joint U.S.-Salvadoran assessment indicates that El Salvador may be losing 8 percent of its GDP, compared to other CAFTA countries, due to the productivity constraint in tradables. Relieving these constraints will allow El Salvador to more fully benefit from the opportunities created by the DR–CAFTA. Dollarization has protected El Salvador from inflationary shocks that were common with the Colon, and it prevents speculation against the local currency, which can put pressure on the government's reserves and cash flow. Dollarization also benefits Salvadorans living in the United States by making their remittance transfer costs cheaper.

The private sector is playing a constructive role in support of reform efforts. For example, banks and power distribution companies worked together with the Salvadoran Government to restructure natural gas subsides. Under the Partnership for Growth, the private sector also makes up one-half of the newly installed Council for Growth, which will work to address competitiveness issues in El Salvador. Continued strong U.S. support through the Partnership for Growth will help El Salvador overcome obstacles related to sustained broad-based economic growth. Funding the various lines of action and accelerating the development of our PFG and other programs will help us apply maximum political and diplomatic tools in support of President Funes and his government.

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RESPONSES OF ELIZABETH M. COUSENS TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* Palestinian U.N. Membership: In addition to serving as the U.S. Representative to ECOSOC, you are also nominated to serve as an alternative representative to the General Assembly and in that context you are a part of our USUN team in New York, advocating for the broad spectrum of U.S. interests. With respect to the Palestinians' efforts to obtain membership in the U.N. and its affiliated bodies, what is the latest state of play? What is the earliest date that UNSC will have to take up this issue? Have the Palestinians communicated through official channels that they do not intend to apply for membership at any other U.N. bodies, as has been reported in the press? Has the mission made clear to other countries and to General Secretary Ban Ki-moon that the United States will not pay its contribution

to UNESCO? Is USUN privy to any discussions to continue U.S. contributions to UNESCO by other means, for example, by paying for related programs in countries where UNESCO is currently working?

- With respect to the Palestinians' efforts to obtain membership in the U.N. and its affiliated bodies, what is the latest state of play?

Answer. With respect to the Palestinian application for U.N. membership, the U.N. Security Council Admissions Committee is currently reviewing a draft report circulated by Portugal as the chair. Consistent with longstanding precedent, the report summarizes the discussions of the Admission Committee over the last several weeks, including the various positions of the committee members. We anticipate the committee will adopt the report on November 11 and that it will be submitted to the Security Council. If a member of the UNSC, at the behest of the Palestinians, calls for a vote, such a vote could be held as early as the week of November 14. The United States has made clear it will not support any such initiative in the Council, vetoing it if necessary. Our view is that Palestinian moves to join U.N. bodies undermine the prospects for peace, delay their quest for an independent state, and damage the U.N. entities they seek to join—and as a result undermine U.S. security interests.

*Question.* What is the earliest date that UNSC will have to take up this issue?

Answer. A member of the Council could introduce a draft resolution recommending Palestinian admission and call for a vote at any time after November 11.

*Question.* Have the Palestinians communicated through official channels that they do not intend to apply for membership at any other U.N. bodies, as has been reported in the press?

Answer. The Palestinians have indicated publicly that they won't pursue membership in other U.N. entities for the time being.

*Question.* Has the mission made clear to other countries and to Secretary General Ban Ki-moon that the United States will not pay its contribution to UNESCO?

Answer. We have been very clear in public, in all our exchanges with the Palestinians, and in senior-level engagement with governments worldwide that Palestinian membership as a state in UNESCO triggers longstanding provisions of U.S. law that prohibit the United States from making assessed or voluntary contributions to UNESCO.

*Question.* Is USUN privy to any discussions to continue U.S. contributions to UNESCO by other means, for example, by paying for related programs in countries where UNESCO is currently working?

Answer. We have already withheld contributions to UNESCO following the vote to approve the Palestinian application. I am not aware of any consideration of plans to continue contributions to UNESCO by other means.

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RESPONSES OF ADAM E. NAMM TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

*Question.* Freedom of Expression: What do you believe will be the impact on Ecuador's press from the government's successful lawsuit and judgment against the leading opposition newspaper? What are the repercussions of a new communications law in Ecuador as the law is environed pursuant to the May referendum? What steps, if any, would you take to encourage freedom of the press in Ecuador if appointed Ambassador?

Answer. As a matter of principle and longstanding policy, the United States upholds freedom of the press as a vital element of a representative democracy. All signatory nations to the Inter-American Democratic Charter, including Ecuador, are committed to uphold the democratic practices and institutionality.

In July, an Ecuadorian court ruled in favor of Ecuador's President Correa in a civil suit, convicting the editor and two directors of the second-largest national daily, El Universo, of libel, for an editorial criticizing President Correa for the events surrounding police protests of September 30, 2010. Immediately following the verdict, we joined the Inter-American Press Association, the Committee to Protect Journalists, and others in expressing concern over the sentence. We understand the case is under appeal, and are following that process closely.

The May Referendum, approved by popular vote, included a proposal for a new Communications Law, which is still under debate in Ecuador's National Assembly. The implementation of these revisions, including the Communications Law, deserves

careful scrutiny and analysis within Ecuador, by civil society, and by other nations that, like Ecuador, are signatories to the Inter-American Democratic Charter, which commits them to uphold strong democratic principles.

U.S. engagement with and assistance to Ecuador include an important and enduring focus on strengthening democratic institutions, including a free press, an independent and vigorous judiciary, and vibrant civil society organizations. If confirmed, I will speak out publicly and forcefully on these points, engage with the Ecuadorian Government at the highest levels, and work with Ecuador's civil society to further these U.S. policy priorities.

*Question.* Investment Climate: Private companies have long experienced problems in Ecuador's oil and mining industries. How would you describe the current investment climate in Ecuador and how might it be improved? How would you assess the Correa government's efforts to attract much-needed foreign investment and how might they be improved? To what degree are U.S. companies welcome to invest and operate in Ecuador?

Answer. The United States and Ecuador have maintained a strong commercial relationship in Ecuador dating that country's independence from Gran Colombia in 1830. The United States remains Ecuador's largest trading and an important investment partner. The Ecuadorian Government and private sector have expressed interest in strengthening the bilateral commercial relationship with the United States. Taking into consideration specific areas for improvement in attracting foreign investment, we will look to engage with Ecuador to promote U.S. interests and protect U.S. investments.

Ecuador's investment climate includes a number of contrary factors, not least of which is the task of implementing provisions precipitated by Ecuador's 2008 constitution which could impact investment. Ecuador's stated intention to withdraw from bilateral investment treaties, including with the United States, has increased uncertainty.

Despite these challenges, Ecuador is relatively open to foreign investment, including from the United States, and is cognizant of the need to attract foreign investment as it looks to expand its petroleum and mining sectors. The Ecuadorian Government announced that it plans to make available new oil concessions in the southwestern portion of the country. It is currently negotiating large-scale mining contracts with a number of foreign investors to move the sector from exploration to production in order to exploit the country's untapped yet substantial reserves. In addition, the government has sought to generate investment in small and medium-sized firms through a newly adopted "Production Code," which includes tax incentives to encourage investment in key sectors.

The Ecuadorian Government has expressed hope for an improved commercial relationship with the Unites States in the future. The United States funds assistance programs aimed at aiding Ecuadorian efforts to fight corruption, address rule of law and overall security concerns, and in general improve the judicial system. Such steps could be helpful in terms of the investment climate. If confirmed, I would commit my efforts and those of the Embassy to engage with the Ecuadorian Government and with the private sector to raise any concerns about the business and investment climate, to seek U.S. investment in Ecuador, and to ensure that U.S. investors are treated fairly and equitably under the law.

*Question.* Non-Tariff Barriers/WTO: Ecuador maintains a number of WTO-illegal safeguards measures against imports of U.S.-made and U.S.-branded products including textiles, tires, windshields, apparel, footwear, and television sets as well as very restrictive and nontransparent tariff-rate quotas (TRQs) on imports of most U.S. agricultural products. What efforts are being made with Ecuador to address barriers to U.S. exports, especially as the World Trade Organization plans its next biennial Trade Policy Review of Ecuador later this month?

Answer. USG officials in Washington, Quito, and elsewhere have raised concerns with the Ecuadorian Government that a number of its trade policies may not be consistent with its WTO obligations. We continue to urge Ecuador to comply fully with its WTO commitments, and are working to mitigate the adverse impact of Ecuadorian trade restrictions on U.S. interests by engaging with the Ecuadorian Government directly through frank discussions on these issues. We also plan to raise our concerns at the next World Trade Organization biennial Trade Policy Review of Ecuador and utilize all other mechanisms at our disposal to address concerns of barriers to U.S. exports.

Despite these restrictions, the Department, USTR, and our Embassy in Quito have been instrumental in successfully advancing and promoting U.S. economic and commercial interests in Ecuador. In July 2010, as a result of our Embassy and

USTR efforts, the Government of Ecuador eliminated balance of payments safeguards that had negatively affected U.S. exports. In addition, the Ecuadorian Government lifted its Sanitary and Phyto-Sanitary agreement ban on poultry imports from West Virginia and Arkansas. In 2010, the United States registered a 30-percent increase in exports to Ecuador.

Among the Embassy's advocacy successes is the New Quito International Airport project, which was successfully renegotiated and includes $264 million in lending from U.S. Government agencies and $685 million in U.S. exports of goods and services over the project life.

If confirmed, it will be a priority for me to engage, along with my colleagues from the Foreign Commercial Service and USDA, with Ecuador's Coordinating Ministry for Production, Ministry of Industries, Ministry of Agriculture, National Customs Service, and Foreign Trade Committee to facilitate imports of U.S. products and services. Likewise, if confirmed, I will work to advance further the Embassy's Economic and Commercial sections' efforts with Ecuador's Intellectual Property Institute to promote awareness of Intellectual Property Rights (IPR) issues through educational campaigns and to promote increased IPR enforcement.

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RESPONSES OF ROBERTA S. JACOBSON TO QUESTIONS SUBMITTED BY SENATOR MARCO RUBIO

*Question.* For more than three decades, the State Department has designated Cuba as a State Sponsor of Terrorism. Last month, there were troubling reports that the administration could be considering removing Cuba from the list in exchange of Mr. Alan Gross' release.

- Can you confirm whether the administration has ever considered removing Cuba from the State Sponsors of Terrorism list in exchange for Mr. Gross' release?
- Under what conditions would the administration consider removing Cuba from this list?
- Do you envision brokering any additional deals with the Government of Cuba that involves their status as a terrorist supporting state?

Answer. At no time has the administration considered removing Cuba from the State Sponsors of Terrorism list in exchange for Mr. Alan Gross' release. There is an established series of requirements necessary for a country to be removed from the State Sponsors of Terrorism list, and the Government of Cuba is well aware of these requirements.

The conditions/requirements under which Cuba could be considered for removal from the State Sponsors of Terrorism are as follows:

In the absence of a fundamental change in the leadership and policies of the Cuban Government, in order to rescind Cuba's designation as a State Sponsor of Terrorism, the law requires the President to first submit a report to Congress justifying the rescission and certifying that:

- The Government of Cuba has not provided any support for international terrorism during the preceding 6-month period, and,
- The Government of Cuba has provided assurances that it will not support acts of international terrorism in the future.

We have not brokered any deals with the Government of Cuba that involve their status on the State Sponsor of Terrorism list, and we do not envision brokering any such deals at this time.

*Question.* I understand that our policies in Cuba are based on a cost-benefit analysis that balances accomplishments in democracy promotion versus the financial resources that will go to the Castro regime and indisputably enhance the regime's capacity for repression. We now know that since the Obama administration eased restrictions on travel and remittances in April 2009, the regime has doubled its hard currency deposits in foreign banks. The Bank for International Settlements reported banks in 43 countries held $5.76 billion in Cuban deposits as of March of this year, compared with $4.285 billion at the close of 2009 and $2.849 billion at the close of 2008.

- Can you provide detailed examples of what has been achieved in terms of democracy promotion in Cuba since April 2009 that outweigh the financial gains to the regime?
- Political repression by the regime has more than doubled this year, reaching the worst documented level of repression in 30 years. How is this increase in funds helping the regime's repressive apparatus?

Answer. The increase in Cuban bank account balances from 2008–2011 is most likely the result of substantial third-country lines of credit, petroleum subsidies, import reduction efforts, and remittances from other countries. We do not believe it is likely the direct result of increased U.S.-based remittances or travel activities to the island.

Regulatory changes announced in April 2009 and January 2011 were designed to enhance the free flow of information to, from, and among the Cuban people and promote their independence from the Cuban state. These measures do not allow for tourist travel, which is against the law and will not be authorized under these regulations. We work very closely with the Treasury Department's Office of Foreign Assets Control (OFAC) to prevent the misuse of these measures to promote tourism. We believe the Cuban people's gain through the people-to-people measures outweigh any potential benefit to the Cuban regime.

In addition to expanding people-to-people contact, our democracy and human rights programs complement our efforts to support the Cuban people by providing them with the knowledge base and the tools to gain greater freedom. Our Interests Section in Havana meets frequently with dissidents and we have trained hundreds of independent journalists whose work has appeared in major international news outlets. Human rights groups trained by our grantees have also documented human rights abuses for submission to international human rights bodies at the United Nations and Organization of American States and our diplomats work tirelessly to keep attention focused on Cuba's human rights record.

*Question.* Over the last 9 months, you have also served as the Western Hemisphere Security Coordinator at the State Department, coordinating U.S. security cooperation across the region and U.S. Federal agencies.

- How often did you hold coordination meetings with agencies outside of the State Department?
- What concerns and complaints did U.S. federal agencies express to you regarding coordination of State Department projects?
- How could U.S. cross-agency coordination better work to address the increased security challenges in this complex environment along our southern border?
- As Western Hemisphere Security Coordinator, how often did you brief the U.S. Congress on the interagency and interprogram coordination strategy and developments?
- How often did you brief other agencies on delays or coordination challenges that arose in relation to any of the security programs in the region? Please list date and general content of discussion.
- Are there examples of successful cross-agency coordination for State Department led initiatives that were carried out by the Under Secretary for Political Affairs? What is the benefit to having a high-level career officer hold this role?

Answer. The coordinator on citizen security initiatives is responsible for ensuring necessary coordination among our citizen security initiatives in the hemisphere, and among the agencies that execute them. In this capacity, it has been my responsibility to ensure that the appropriate WHA offices were in regular contact with their interagency interlocutors. I facilitated coordination within WHA, with partner bureaus in the State Department, and throughout the interagency community. During the period in question, I chaired or cochaired large, high-level interagency meetings on April 1 and on May 26, 2011, and attended at least a half dozen interagency policy committee meetings during which such coordination took place. While these larger meetings are of significant value, I would also note the very intense coordination on the citizen security initiatives in the Western Hemisphere that take place every day in smaller, more informal meetings and at the working level.

Interagency discussions focused not only on the implementation of State Department programs but more importantly also on the critical effort to ensure the best possible coordination among the various programs executed by our interagency partners. For example, security programs and development programs often had to be sequenced to ensure maximum effectiveness.

As one example, through our broad engagement with Mexico on the full range of important security, economic, and border management issues, we are enhancing U.S. interagency coordination and information sharing to address the increased security challenges along our southern border. For example, the "National Southwest Border Counternarcotics Strategy" was updated by the Office of National Drug Control Policy on July 7, 2011, to better guide national efforts focused on reducing the flow of illicit drugs and drug proceeds across the Southwest border. Other mechanisms to improve coordination include the Executive Steering Committee on 21st Century Border Management and the Mexico Merida High Level Consultative Group.

Alone, and with other State Department officials from multiple bureaus, I have briefed Members of Congress and their staff on our citizen security initiatives, our budget requests, and overall strategy on many occasions, as requested. I testified before the U.S. Senate Caucus on International Narcotics Control on May 25, 2011, on our Central America Regional Security Initiative (CARSI) in a hearing titled "Combating Drug Violence in Central America." Our efforts to improve coordination were both integrated into the initiatives themselves and regular briefings and conversations regarding the initiatives between WHA and Congress.

On the matter of coordinating delivery of U.S. assistance, I and my staff were in constant coordination with the Bureaus of International Narcotics and Law Enforcement Affairs and Political-Military Affairs (INL and PM), our embassies, interagency colleagues, and host governments concerning the details of implementation, seeking the best possible information, and to ensure an integrated and effective effort. These meetings occurred virtually every day. We developed improved mechanisms to speed the delivery of assistance and developed best practices to help to alleviate future delays and coordination challenges. For example, as a result of interagency coordination and the intervention of the most senior levels of the State Department, we were able to overcome early challenges in the delivery of UH–60 helicopters to the Mexican Navy and accelerate the manufacturer's schedule to meet the initiative's requirements.

Various Under Secretaries have very effectively coordinated Department-led initiatives. The Under Secretary for Global Affairs will become the Under Secretary for Civilian Security, Democracy, and Human Rights, and will have a key role in coordinating and overseeing civilian security efforts, including by ensuring coordination of cross-cutting initiatives and global or multiregion initiatives. That said, we take advantage of the enormous expertise involved in coordinating implementation of bilateral and subregional citizen security initiatives which exists within State's regional bureaus. The relationship between the Western Hemisphere Bureau and the functional experts within INL, PM, DRL and other Bureaus continues to be extremely positive and results-oriented.

*Question.* Regarding Daniel Ortega's reelection in Nicaragua. What are the implications of his reelection—and the process leading up to it—for the democratic consensus in Central America and the broader Western Hemisphere?

Answer. The Nicaraguan elections were marred by irregularities and lack of transparency. The government failed to accredit some credible domestic organizations as observers, voters faced difficulties in obtaining proper identification, and Nicaraguan authorities declared that electoral candidates could be disqualified after the elections.

We view this as an exception rather than the rule in Central America and in the hemisphere more broadly. The region's commitment to democratic development is widespread and strong. The Organization of American States can help support the hemisphere's democratic progress, especially as we work to implement fully the unique Inter-American Democratic Charter which enshrines the duties of our governments to protect and promote our citizens' right to democracy.

Through our statements, our bilateral diplomacy, and our multilateral diplomacy, if confirmed, I will remain committed to defending democratic processes and universal human rights, during electoral processes and beyond, and addressing threats to democratic institutions as they arise.

*Question.* What measures has the administration taken to lead a robust debate at the OAS on the irregularities and violations of the Nicaraguan Constitution that took place leading up to the November 6 election?

Answer. We have spoken out publicly about the elections, agreeing with the European Union electoral mission that the Supreme Electoral Council did not operate in a fair and impartial manner, including in a public statement on November 10. We also share the concerns of the OAS electoral mission regarding irregularities in the electoral process, and we join the OAS in calling upon Nicaraguan authorities to investigate acts of violence perpetrated on election day.

The United States—and other member states—also expressed concern with the initial press release issued by the OAS which spoke of democracy advancing through the elections. This quote was later removed by the OAS.

In our ongoing discussions with OAS Secretary General Insulza, Chief of Mission of the OAS Electoral Mission Dante Caputo, OAS member states, and other donors, we have underscored the importance of ensuring that the OAS take into consideration preelectoral issues impacting democratic institutions in Nicaragua. We will continue to raise our concerns on these points when the preliminary report of the OAS Electoral Mission is presented to the OAS Permanent Council.

The United States remains committed to defending democratic processes and universal human rights in the OAS. This is fully consistent with our common commitment to representative democracy, as expressed in the Inter-American Democratic Charter.

*Question.* What steps is the administration taking or is prepared to take to ensure the constitutional and electoral irregularities that have taken place in Nicaragua receive a robust response at the OAS, consistent with previous decisions regarding constitutional disruptions elsewhere in Central America?

Answer. The administration is working tirelessly with our partners in the region to ensure that the OAS addresses the irregularities observed in the Nicaraguan election, consistent with the shared commitment of all OAS member states to representative democracy, as expressed in the Inter-American Democratic Charter. As Article One of the Charter clearly states, "the peoples of the Americas have a right to democracy and their governments have an obligation to promote and defend it."

The United States is committed to defending democratic processes and universal human rights and continues to urge the OAS to take steps to address the irregularities in a transparent and open manner. The United States has been working closely with the OAS Secretary General, Chief of Mission of the OAS Electoral Mission Dante Caputo, and other donors to review the irregularities in the Nicaraguan elections and ensure appropriate followup by the OAS Permanent Council. A preliminary report will be made to the OAS Permanent Council in the coming days by Mr. Caputo, and we look forward to a robust discussion of the findings.

The mission's report will address concerns regarding the identity card process, the makeup of the polling committees or "Juntas Receptoras de Votos," the accreditation of political party observers ("testigos") and the fulfillment of procedures related to the activities of international observers. The OAS Electoral Mission has also expressed concern regarding irregularities in the electoral process, as well as different acts of violence perpetrated on election day. We fully support the Electoral Mission's call on Nicaraguan authorities to fully investigate and clarify these events.

We will continue to press the OAS to take all necessary steps to promote free and fair elections in all countries in the hemisphere. We remain steadfast in our commitment and will continue to raise our concerns at the highest levels of the OAS.

*Question.* As you know, the administration has announced that it will oppose all loans from multilateral development banks to the Government of Argentina until the Argentine Government respects its obligations under the International Centre for Settlement of Investment Disputes (ICSID) Convention. I understand that the administration is also considering the prohibition of trade benefits to Argentina currently granted under the Generalized System of Preferences, until that country comes into compliance with its ICSID obligations.

- When do you expect a decision on the GSP measures? Are there other steps that the U.S. Government can take to protect American investors affected by Argentina's behavior on this matter?

Answer. The Department of State is pleased that the Generalized System of Preferences (GSP) program was recently reauthorized.

The Department of State is one of several executive branch agencies on the GSP Subcommittee of the Trade Policy Staff Committee, led by USTR. The subcommittee has two petitions under review seeking Argentina's removal from the GSP program based on alleged nonconformance with certain GSP eligibility criteria. Each of the petitions alleges that the Argentine Government has failed to act in good faith in recognizing as binding or in enforcing an arbitral award owed to the petitioner. On September 28, 2010, the GSP Subcommittee held a public hearing on these two petitions.

Following the hearing, the subcommittee undertook a review of the hearing testimony, public comments, and other information in order to consider whether the circumstances warrant any changes to Argentina's GSP eligibility. When authorization for the GSP program expired, on January 1, 2011, review of this and other petitions was suspended, pending reauthorization of the program. In October 2011, Congress passed, and the President signed into law, legislation reauthorizing the GSP program. As a result, the GSP Subcommittee has resumed its review and is now considering next steps with respect to the petitions. Any change to the list of GSP beneficiaries would require a determination by the President.

The United States has repeatedly raised Argentina's final and enforceable International Centre for the Settlement of Investment Disputes (ICSID) awards with Government of Argentina officials at the highest levels and will continue to do so in the future. The United States will continue to remind the Government of Argentina of its international obligations, stress the importance of maintaining a fair and

transparent investment climate that allows for effective dispute resolution, and underscore the extent to which foreign investment is critical to Argentina's economy.

The new multilateral development bank lending policy responds to serious concerns about Argentina's failure to pay outstanding final ICSID arbitral awards and also to take the necessary steps to fully and conclusively normalize relations with its creditors.

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RESPONSES OF HON. MARI CARMEN APONTE TO QUESTIONS SUBMITTED BY SENATOR MARCO RUBIO

*Question.* Mexico has had some success in combating how the cartels and Drug Trafficking Organizations (DTOs) finance themselves by limiting one-time cash deposits into a Mexican bank account to $10,000. This has driven the DTOs into Guatemala and El Salvador, where regulations are much weaker and they can open bank accounts with huge sums of cash.

- Can you describe your work with Salvadoran authorities to encourage banking regulations and reforms that will target the cartels and DTOs that are bringing violence into Central America?

Answer. U.S. agencies are currently working with the National Civilian Police to create a vetted unit that will focus on money laundering and other related criminal activities. Under President Obama's Partnership for Growth, we will also create a committee comprised of experts from El Salvador and the United States to encourage the approval and implementation of a complete asset forfeiture law as well as improvements to legislation to combat money laundering. The committee will use a portion of the forfeited assets to fund crime prevention programs. Additionally, we will work with the Salvadoran Government to strengthen units in charge of financial investigation in the Police Force and Attorney General's Office.

*Question.* Our cooperation with Mexico has been affected by bureaucratic delays in the delivery of key equipment. Have you identified similar delays affecting the timely and efficient delivery of our security cooperation programs in El Salvador?

Answer. Mexico had significant national resources available to support, sustain, and expand upon the equipment purchased through our security programs. Central American nations, including El Salvador, lack the capacity to provide similar levels of support for large equipment purchases, such as helicopters, planes, and advanced nonintrusive inspection equipment (NIIE). Therefore, CARSI's focus is heavily oriented toward training, mentoring, and professionalization versus the acquisition of equipment. As required, and based upon assessments of El Salvador's needs and capabilities, we are supporting the acquisition of limited quantities of equipment for El Salvador that is easy to maintain, requires little additional host-nation maintenance to sustain the capability, and require limited training. Examples of this equipment include bullet proof vests, communications equipment, and hand-held nonintrusive inspection equipment, such as fiber optic scopes.

To enhance the delivery of citizen security assistance to the Government of El Salvador, the Department has decided to open a full-fledged Narcotics Affairs Section within the Mission, which should bring additional management, procurement and planning resources to bear in support of our engagement. To ensure that we are providing a whole-of-U.S. Government approach to citizen security in El Salvador, the Mission coordinates all citizen security efforts of all U.S. agencies involved in delivering prevention, law enforcement, rule of law, and security assistance (relevant agencies include Bureau of Alcohol, Tobacco, Firearms and Explosive, Drug Enforcement Administration, Federal Bureau of Investigation, Immigration and Customs Enforcement, the Military Group, and U.S. Agency for International Development).

To increase the impact of our efforts, the mission is also leading a "Group of Friends of El Salvador" with like-minded donors, international financial institutions and multilateral organizations to avoid duplicative programming and seek leveraging opportunities to collaborate with other partners on El Salvador's most pressing citizen security challenges.

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RESPONSES OF ADAM E. NAMM TO QUESTIONS SUBMITTED BY SENATOR MARCO RUBIO

*Question.* What is your assessment of the current state of democratic institutions in Ecuador, specifically regarding government controls over the media, government regulations over civil society, and the consolidation of legislative and judiciary power under the executive branch?

Answer. The Ecuadorian Constitution of 2008 and a May 2011 referendum mandated a substantial restructuring of a number of Ecuadorian governmental institutions. Both measures were approved by popular vote. The referendum directed changes to Ecuador's judicial system and a new Communications Law. Both the judicial restructuring and the new Communications Law are still under debate in Ecuador's National Assembly.

Ecuadorian and international civil society have expressed concern about the referendum, particularly the possibility that the judicial reform would result in effective executive control over the judiciary. Similarly, a civil suit lodged by President Correa against the El Universo newspaper that resulted in a very large fine being assessed to El Universo has raised concerns about media freedom. The State Department expressed similar concerns.

As a matter of principle and longstanding policy, the United States believes that representative democracies require strong democratically established institutions, a robust, independent judiciary, and vibrant and independent media. It is for this reason that implementation of these revisions deserves careful scrutiny and analysis within Ecuador, by civil society, and by other nations that, like Ecuador, are signatories to the Inter-American Democratic Charter, which commits them to uphold strong democratic principles.

Secretary Clinton has stated publicly that free press, freedom of expression, and a vibrant civil society are critical elements of democratic governance. If confirmed, I will continue to communicate the importance of these irreplaceable democratic values and universal human rights to the Ecuadorian Government and ensure that we follow closely any restructuring of Ecuador's institutions.

*Question.* What are your greatest concerns regarding the growing ties between the government of Rafael Correa and Iran?

Answer. We are fully aware of the Iranian Government's flouting of international standards, including defiance of United Nations Security Council resolutions. Secretary Clinton said in 2009 that Latin American nations should therefore "think twice" about engaging with Iran.

The focus of the Ecuador-Iran relationship has largely focused on diplomatic and some commercial ties. Both governments have discussed closer cooperation and have signed a number of agreements, but to date, there have been few concrete results, if any, from such projects.

For our part, we carefully monitor Iranian activities in Latin America to ensure that violations of U.S. law or international sanctions are quickly detected and appropriate actions taken. The United States, when merited, has taken specific and effective actions concerning other countries in the region to address violations of U.S. statute or regulation with respect to dealings with Iran. We would do the same in the case of similar violations involving Ecuador or any other country in the region.

We have expressed to the Ecuadorian Government our concerns over Iran's support for terrorism, human rights violations and nonproliferation activities, U.S. policy designed to address this threat, and the importance of complying with international sanctions intended to deprive funding for entities involved in these activities. In 2009, the Export Development Bank of Iran, which was and is designated by Treasury's Office of Foreign Assets Controls, indicated publicly that it had reached agreement to operate in Ecuador. At the time, and since, we have continued to reiterate the risks that financial institutions, both private and public, run, should they engage in transactions with U.S.-sanctioned entities, such as the Export Development Bank of Iran.

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RESPONSES OF ELIZABETH M. COUSENS TO QUESTIONS SUBMITTED BY SENATOR JOHN BARRASSO

*Question.* In your speech on November 19, 2009 at the Informal Meeting of the General Assembly on Climate Change, you stated that "one of mankind's greatest challenges" is "sustainable, climate-friendly development."

- You also stated, "We have in Copenhagen the opportunity to reach a deal that can spur us on this path immediately and speed the transition to a low-carbon global economy."
- If confirmed, will you promote sustainable, climate-friendly development over all other forms of development?
- Do you believe U.S. taxpayers should pay billions in climate change adaptation assistance to developing countries?

Answer. The new Presidential Policy Directive (PPD) on Global Development recognizes that development is vital to U.S. national security and a strategic impera-

tive for the United States. It calls for a new focus on sustainable outcomes and a more strategic approach to development policy and assistance. The strategic approach focuses on the key drivers of broad-based economic growth and democratic governance, innovative solutions to longstanding development challenges, stabilization of countries emerging from crisis or conflict, and a new emphasis on holding all recipients of U.S. assistance accountable for development results. Climate change considerations are integrated in this policy as one important factor for countries' long-term economic growth prospects and resilience.

As I have understood from colleagues in the Office of the Special Envoy for Climate Change, part of what made the Copenhagen and Cancun agreements possible was a commitment, in the context of meaningful mitigation commitments and transparency by developing countries, to assist poor countries—particularly the least developed countries who are some of the most vulnerable to climate change impacts—in both their adaptation to the effects of climate change and in their own efforts to limit carbon emissions. There was also an understanding that resources for adaptation assistance would need to be mobilized from a wide variety of sources, including the private sector. I believe that such a balanced approach to climate change is very much in U.S. national interest and bolsters U.S. leadership. It can also contribute to our own economic growth and help build a clean-energy world that is more resilient to the challenges presented by climate change, helping to decrease the costs of disaster assistance in the future.

Many countries around the world, from least developed countries to some of our longest standing allies see climate change as one of the fundamental challenges facing their populations. It is vital to U.S. diplomatic leverage generally, and to long-term U.S. interests, to remain internationally engaged on these issues.

Our programs are already making a difference on the ground. For example, in northern Uganda, we have worked to replace costly and inefficient diesel-powered water pumps at schools and health centers with solar energy systems. In the country of Georgia, the United States is promoting energy efficiency and renewable energy demonstration projects in sectors and buildings typically short of funding and lacking in donor support for energy improvements, such as hospitals. These kinds of programs, along with those of our partners around the world, make a difference not only in the effort to address climate change, but also in the lives and economies of the communities in which we work.

*Question.* India and China are growing rapidly as a result of affordable power, primarily from coal. Broader economic improvements in poor countries have been bringing real living improvements to people.

- Given your previous statement in support of sustainable, climate-friendly development, do you believe poor countries should not be allowed to improve their standard of living by using affordable power derived from coal?

Answer. Every country has unique energy needs and energy options. A clean and secure energy future that allows for sustained economic growth over the long-term must therefore include many options and incorporate a diversity of energy sources over time. In many contexts, traditional energy sources such as coal will remain an important part of a country's energy portfolio in the short and medium term. However, the administration's energy policy is focused on diversifying sources beyond traditional fossil fuel energy as part of a comprehensive, long-term strategy for energy independence. This includes expanding cleaner sources of electricity, including from renewable resources, nuclear power, and cleaner fossil fuels, such as natural gas, as well as energy efficiency measures.

Through the Global Climate Change Initiative (GCCI), the United States will integrate climate change considerations, as appropriate, into other considerations of law and policy guiding foreign assistance to foster low emissions development strategies and enable developing countries to explore energy solutions path that are commercially viable as well as environmentally sustainable.

# NOMINATIONS

**THURSDAY, DECEMBER 8, 2011**

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

Tara D. Sonenshine, of Maryland, to be Under Secretary of State for Public Diplomacy
Earl W. Gast, of California, to be an Assistant Administrator of the United States Agency for International Development
Anne Claire Richard, of New York, to be Assistant Secretary of State for Population, Refugees, and Migration
Robert E. Whitehead, of Florida, to be Ambassador to the Togolese Republic

The committee met, pursuant to notice, at 10:04 a.m., in room SD–419, Dirksen Senate Office Building, Hon. Benjamin L. Cardin, presiding.

Present: Senator Cardin.

## OPENING STATEMENT OF HON. BENJAMIN L. CARDIN, U.S. SENATOR FROM MARYLAND

Senator CARDIN. Well, good morning, everyone. The Senate Foreign Relations Committee will come to order.

I want to thank Senator Kerry for allowing me to chair this particular hearing on the nominees.

I noticed Senator Corker was here a little bit earlier and greeted our nominees.

And I am going to apologize in the beginning because there is a scheduled vote at 10:30 this morning which may require us to take a brief recess. But we will try to get this hearing done as efficiently as possible. There may be additional questions that are asked for the record, and I would just encourage the nominees to respond to those questions submitted for the record as promptly as possible.

So let me welcome you all here. It is nice to have Mr. Earl Gast, who has been nominated to the Assistant Administer of the United States Agency for International Development; Ms. Tara Sonenshine, to be Under Secretary of State for Public Diplomacy and Public Affairs; Ms. Anne Richard, to be Assistant Secretary of State for Population, Refugees, and Migration; and Mr. Robert Whitehead, to be United States Ambassador to Togo.

We thank all of you for your willingness to serve in these public positions during these extremely challenging times, and we thank

not only you, but we thank your families because we know this is not something that you can do without the support of your families. And we do thank you for this and we appreciate very much your willingness, in many cases, to continue in public service.

Mr. Gast and Mr. Whitehead have over a half a century of public service between the two of you. Both will work on critical issues in Africa, including economic development, human rights, and support of democracy.

Mr. Gast, as USAID's Assistant Administrator for Africa, you will be responsible for nearly 40 percent of the USAID's budget. As you know, this is a continent that suffers from food insecurity and mounting humanitarian crises, staggering gender inequalities, epidemics, extremism, crippling poverty, and climate change, just to mention a few of the challenges that we will be expecting you to deal with in this new position.

Our development assistance works with people and governments of Africa to strengthen democratic institutions, foster broad-based and sustainable economic growth, combat disease, and improve public health, promote the rights of women, prevent, mitigate, and resolve armed conflict, and address transnational threats and challenges.

There are some in the Congress today who question the utility of this aid and often imply that perhaps it is not in America's strategic interest to provide this assistance. I could not disagree more. We must never forget, or let others forget, that our development assistance constitutes less than 1 percent of the Federal budget. Disproportionate cuts in these programs will not solve our budget crisis but will have a catastrophic result in the pursuit of our national security and our economic goals.

Mr. Whitehead, as U.S. Ambassador to Togo, if confirmed, you will represent the President in West Africa among an ally who has a mixed record on democratic rule. I urge you to do your utmost to encourage stability in economic development, improve health care and personal freedoms to the government so that the Togolese themselves can begin to fully enjoy the fruits of democracy.

I also expect that you will make a concerted effort to engage the ministers who will represent Togo at the United Nations Security Council so they are fully informed about the consequences of their votes as it relates to international events and U.S. interests.

And now for our two Marylanders. The two Marylanders will have an easier time today. [Laughter.]

I am very proud of both of our Maryland residents who are here today. Ms. Sonenshine, you bring an impressive qualification to this role of Under Secretary for Public Diplomacy and Public Affairs. Certainly your years of experience at ABC, including 10 Emmy Awards, Newsweek, and most recently the U.S. Institute of Peace have exposed you to both the intricacies of the press and a broader peace agenda. I look forward to hearing more about your ideas as to how to adapt our traditional methods of messaging to today's increasingly connected world and how you plan to expand not only the use of new technology, but also good, old-fashioned people-to-people exchanges.

Under your jurisdiction will be many important functions, including the educational and cultural affairs. I have found, from my own

experience, most of the foreign leaders with whom I have had the most rapport often are those who have studied or visited the United States. The programs that come under your role allow for that type of contact to continue. I can tell you that this is money well spent, but we want to make sure that we get the maximum benefits from these types of public investments.

Ms. Richards, I have to tell you that the bureau that you will lead, if confirmed, has a mighty task. You will be deeply involved in the politics of your issue but also have programmatic responsibility to address individual needs. With your extensive background in previous State Department roles and at the International Rescue Committee, you know that this role for which you are nominated will put you as one of the champions of the world's most vulnerable population. The Population, Refugees, and Migration Bureau deals with the plight of refugees worldwide, as well as conflict victims, those displaced by natural disasters, and populations of concern to the United Nations High Commissioner for Refugees.

In your new role, you will also provide a range of services addressing basic needs, community services, tolerance-building, and dialogue initiatives and take the lead on refugee protection and resettlement in the United States. Your staff members are often among the first Americans to come into contact with refugees who, in time, will also become Americans. The humanitarian nature of your work has got to be among the most fulfilling tasks of the State Department, in an area that is very close to my heart and the priorities that I have proposed as U.S. Senator.

Once again, I thank all four of you for being willing to serve in critically important public positions, but ones which get a lot of attention and are not always well understood. We appreciate that willingness and we look forward to hearing your testimony today.

With that, we will start. Mr. Gast, you can start. I will be glad to hear your comments, and we will follow that up with some questions.

**STATEMENT OF EARL W. GAST, OF CALIFORNIA, TO BE AN ASSISTANT ADMINISTRATOR OF THE UNITED STATES AGENCY FOR INTERNATIONAL DEVELOPMENT**

Mr. GAST. Thank you, Mr. Chairman. And I would like to start by saying that I was born in Maryland. [Laughter.]

And I am very thankful that my family is here today and they are all Marylanders as well.

Senator CARDIN. Well, that is very good. Do you want to make any confessions here about your connections? [Laughter.]

Mr. GAST. It is an honor to appear before you today as the nominee to be USAID's next Assistant Administrator for Africa.

I want to express my appreciation for the trust and confidence that President Obama has placed in me by nominating me for this very important position and for the strong support of Secretary Clinton and Administrator Shah. I would also like to thank Sharon Cromer, a dedicated senior Foreign Service officer and a good colleague of mine, who has ably led the Bureau over the past year. And finally, I would like to recognize my predecessor in the Africa Bureau, Kate Almquist, whose expertise gave me an invaluable initiation to the region.

After more than 20 years in the Foreign Service, I have seen development improve people's lives and help countries grow, but I have also seen it fail to live up to our expectations and our hope. Nowhere does development show more promise, yet pose such challenge than it does in Africa today.

Many Americans see only Africa's seemingly intractable problems, but the remarkable progress on the continent is the often untold side of the story. Ghana and Tanzania are leading their own development plans that we contribute to, not direct. Liberia and Sierra Leone are quietly reaping the dividends of peace after a brutal civil war. Our response to the crisis in the Horn of Africa is providing emergency food, health care, and other lifesaving services to millions, and perhaps most extraordinary, millions of South Sudanese citizens came together to vote against war in favor of a peaceful independence from Sudan.

U.S. support helped to create the environment where the Sudanese people were able to make their voices heard. This is a powerful illustration of what we can achieve in Africa and how continued United States involvement is critical to supporting African progress. There is no denying Africa's importance to the United States, both for our moral imperative to help solve the world's biggest development challenges and for the imperative to protect the United States own national security and economic growth. USAID Forward is improving the impact, the cost-effectiveness, and sustainability of our programs. And if confirmed, Senator, I am eager to advance this new approach to doing business.

I would also look forward to deepening our relationship with Congress whose bipartisan support and commitment to Africa has provided the foundation for our programs and the springboard for our success.

I am honored to be considered for this position, and if confirmed, I look forward to advancing the United States interests to help build a better future for all Africans.

Thank you for the opportunity to appear before you today. I welcome any questions.

[The prepared statement of Mr. Gast follows:]

PREPARED STATEMENT OF EARL W. GAST

Mr. Chairman, Ranking Member, distinguished members of the committee, it is an honor to appear before you today as the nominee to be the next Assistant Administrator for Africa at the United States Agency for International Development.

I want to express my appreciation for the trust and confidence that President Obama has placed in me by nominating me for this important position, and for the strong support of Secretary Clinton and Administrator Shah. I would also like to thank Sharon Cromer, an extremely dedicated senior officer who has ably led the Bureau for Africa across the past year. Her leadership has been invaluable, especially as the Agency began implementing key foreign assistance reforms.

My own professional life has been devoted to improving the lives of others. In the aftermath of the People Power Revolution, I went to the Philippines to support the restoration of democratic values and economic opportunity. I worked in Russia, Ukraine, and Georgia after the collapse of the Soviet Union to help build new nations, and I served in Kosovo and Iraq during conflict and war to help implement our reconstruction efforts. During 2 years as Senior Deputy Assistant Administrator and then Acting Assistant Administrator for USAID's Africa Bureau, I got to know the complex fabric that makes up the continent's 48—now 49—countries. And most recently, I completed a tour in Afghanistan, where I led USAID's efforts during the U.S. Government's civilian surge. All of my assignments have been challenging—

some more than others. But I have always willingly committed myself to serving the U.S. Government's efforts to confront those challenges.

If confirmed, another important challenge awaits me. After more than 20 years in the Foreign Service, I've seen development improve people's lives and help countries grow, but I've also seen it fail to live up to our hopes and expectations. Nowhere does development show more promise yet pose such challenge than it does today in sub-Saharan Africa, and nowhere can we more effectively apply the lessons we've learned from both our successes and our failures. If confirmed, I look forward to working with my talented colleagues at USAID, our partners throughout the U.S. Government, the private sector, multilateral and nongovernmental organizations, and our counterparts in Africa to address critical development and humanitarian needs on the continent. I also look forward to deepening our relationship with Congress, whose long-time bipartisan commitment to the African people has provided the foundation for our programs and the springboard for our success. Whether meeting with you here in Washington or at our missions overseas, we always value the opportunity to discuss our work with you and demonstrate how our investment there is making a difference in people's lives.

Africa's future is bright. Our investments in its future are paying off, and the administration has plotted a path for our long-term support that capitalizes on the region's emerging opportunities.

Many Americans see only Africa's seemingly intractable problems. But the remarkable progress on the continent is the often untold side of the story. Ghana and Tanzania are stable democracies leading their own development plans that we contribute to, not dictate. Kenya, in its recovery from post-election violence, has created a coalition government that is working to reconcile differences that stretch back decades before 2007. Liberia and Sierra Leone are quietly reaping the dividends of peace after their brutal civil wars, building sustainable institutions that provide their people with social services. Our response to the crisis in the Horn of Africa is providing emergency food, health care, and other lifesaving services to millions of people suffering from the region's historic drought. And perhaps most extraordinary, millions of South Sudanese citizens came together to vote against war in favor of a peaceful independence from Sudan.

U.S. support helped to create that environment in which the Sudanese people were able to conduct a free and fair referendum. This is a potent illustration of what diplomacy and assistance can achieve in Africa and how continued U.S. involvement is critical to supporting African progress. There is no denying Africa's importance to the United States, both for our moral imperative to help solve the biggest development challenges on the planet, and for the imperative to protect the United States own national security and economic growth. Through USAID Forward, Administrator Shah's comprehensive reform agenda, the Agency is improving the impact, cost-effectiveness, and sustainability of development programs. Our work with local organizations is helping to build home-grown capacity that will continue to thrive long after USAID achieves its goals. USAID is also committed to collaborating with other donors, private sector partners, and faith-based organizations to leverage our relative strengths and amplify the effect of U.S. investments in development. These efforts are already having an effect on our work in Africa, and if confirmed, I am eager to advance this new approach to doing business.

On a personal note, I am honored to be considered for this position and to contribute to the goal of improving democratic systems, security, economic opportunity, health, food security, and education for Africans. I am deeply committed to USAID's goals and the integrated role that it plays with the Department of State and the Department of Defense in advancing U.S. policy and national security objectives, and if confirmed, I will work diligently toward advancing these goals.

Thank you for the opportunity to appear before you today. I welcome any questions you might have.

Senator CARDIN. Well, thank you very much.

Ms. Sonenshine.

## STATEMENT OF TARA D. SONENSHINE, OF MARYLAND, TO BE UNDER SECRETARY OF STATE FOR PUBLIC DIPLOMACY AND PUBLIC AFFAIRS

Ms. SONENSHINE. Thank you, Senator. And it is with great respect and humility that I come before you and the committee seeking your support for my nomination as Under Secretary of State for Public Diplomacy and Public Affairs. I thank my family members—

my husband, Gary Friend, and my sons, Jordan and Yale—for their constant support. I thank President Obama and Secretary of State Clinton for the confidence in me. And I thank this committee for its steadfast support of public diplomacy.

Much of my career has been at the intersection of foreign policy and communications; that intersection of public diplomacy.

Let me stress at the outset that I view public diplomacy as a profession, and I view public diplomacy skills as vital to advancing our national interests. As we sit here today, all around the world Americans and their host country partners are working to support public diplomacy in embassies, in consulates, at missions, at bases. Their work and the work of American citizen diplomats and volunteers are helping to build strong civil societies through engagement. Public diplomacy practitioners wherever they are, virtual or physical, deserve our leadership and support.

Public diplomacy is a shared means to a shared goal of extending America's reach and security by influencing how individuals around the world come to know us and understand us. It is about the advancement of our foreign policy goals through people-to-people connections in a complex, global networked society.

So what does it take to succeed at public diplomacy today? One starts with fundamental notions.

First, public diplomacy today is inextricably linked to national security. It is a critical part of 21st century statecraft because how safe we are at home and abroad is a reflection of a global community's shared interests and values, and it leads to a common understanding of shared burdens and responsibilities.

Two, public diplomacy increases economic security through global engagement because it keeps us competitive in the marketplace of ideas. We live in a world of transactions not just in goods and services, but in ideas and innovation, and we can use public diplomacy exchanges, engagement, and dialogue to advance scientific, health, and development policies, to spark discoveries, to open markets, to unleash the economic power of young people and women, to spur entrepreneurism, to encourage professional and private sector exchanges, and to diffuse conflicts.

Third, public diplomacy today must be agile and adaptive in using state-of-the-art information technologies, for information today is like oxygen; it is part of how a society breathes. We are important players in the global public square where information access is still, in parts of the world, restricted or restrained. There are still barriers to information for some. Control of information abused by others. Restrictive governments will still try to control information, but citizens are proving the power of information in the public square.

So for public diplomacy to succeed in the 21st century, it must be strategic in how it engages stakeholders and tactical in the use of new tools. Public diplomacy must be like America, robust and resilient, consistent, transparent, and resourceful. Especially at a time when global resources are tight, tied to foreign policy goals and priorities, integrated into a strategic whole of foreign affairs, it is critical that public diplomacy show results through monitoring and evaluation.

Technology is powerful, but so is human capacity, and there is no substitute for having that student from another country at your dinner table, in a classroom, or seeing our institutions at work. We need exchanges that make connections with civil society across many fields and to identify the next generation of leaders.

I am fortunate. My predecessors in this job laid a strong foundation, including a strong strategic framework developed by my immediate predecessor, Under Secretary Judith McHale. I am fortunate because, if confirmed, I will be working with Secretary of State Clinton who truly understands smart power and public diplomacy. As the Secretary has said, "we must be out there in as many ways as possible and at every hour of every day."

I look forward, if confirmed, to working with you and the committee, and I look forward to any questions you may have.

[The prepared statement of Ms. Sonenshine follows:]

PREPARED STATEMENT OF TARA DIANE SONENSHINE

Thank you, Senator Cardin, Senator Corker, and members of the committee. It is with respect and humility that I come before you seeking your support for my nomination as Under Secretary of State for Public Diplomacy and Public Affairs. I thank my family members, my husband, Gary Friend, and my sons, Jordan and Yale, for their constant support. I thank President Obama and Secretary of State Clinton for their confidence in me. And I thank this committee for its steadfast support of public diplomacy.

Much of my career has been at the intersection of foreign policy and communications—that intersection of public diplomacy.

Let me stress at the outset that I view public diplomacy as a profession, and I view public diplomacy skills as vital to advancing our national interests. As we sit here today, all around the world Americans and their host country partners are working to support public diplomacy in embassies, in consulates, at missions, at bases. Their work and the work of American citizen diplomats and volunteers are helping to build strong civil societies through engagement. Public diplomacy practitioners wherever they are—virtual or physical—deserve our leadership and support.

Public diplomacy is a shared means to a shared goal of extending America's reach and security by influencing how individuals around the world come to know and understand us. It is about the advancement of our foreign policy goals through people-to-people connections in a complex, global networked society.

To succeed at public diplomacy one starts with fundamental notions:

1. Public Diplomacy today is inextricably linked to national security—it is a critical part of 21st century statecraft because how safe we are at home and abroad is a reflection of a global community's shared interests and values that lead to a common understanding of shared burdens and responsibilities.

2. Public Diplomacy increases economic security through global engagement because it keeps us competitive in the marketplace of ideas. This is a world of transactions—not just in goods and services, but in ideas and innovation. We can use public diplomacy exchanges, engagement, and dialogue to advance our scientific, health, and development policies, to spark discoveries, to open markets, to unleash the economic power of young people and women, to spur entrepreneurism, to encourage professional and private sector exchanges, and to diffuse conflicts.

3. Public diplomacy today must be agile and adaptive in using state of the art information technologies. Information today is like oxygen—it is part of how a society breathes. We are important players in the global public square where information access is still, in parts of the world, restricted or restrained—where there are still barriers to information for some—or where control of information is abused by others. Restrictive governments will still try to control information—but citizens are proving the power of information in the public square.

For public diplomacy to succeed in the 21st century, it must be strategic in how it engages stakeholders and tactical in the use of new tools. Public diplomacy must be like America—robust and resilient—consistent, transparent, and resourceful especially at a time when global resources are tight. Tied to foreign policy goals and priorities, integrated into a strategic whole of foreign affairs—it is critical that public diplomacy show results through monitoring and evaluation. Technology is powerful but so is human capacity. There is no substitute for having a student from

another country at your dinner table, in a classroom, seeing our institutions at work. We need exchanges that make connections with civil society across many fields and help us identify the next generation of leaders.

I am fortunate. My predecessors in this job laid a strong foundation, including a very strong strategic framework developed by Under Secretary Judith McHale. I am fortunate because, if confirmed, I will be working with Secretary of State Clinton, who truly understands smart power and public diplomacy As the Secretary has said, "We must be out there in as many ways as possible and at every hour of every day."

Twenty-first century statecraft demands that we stay current and that our public diplomacy match our policies, priorities, and values of open access to information including unfettered access to the Internet. The Secretary of State has made it clear how committed she is to Internet Freedom and to working with the private sector on solutions to prevent countries from jamming our broadcasts or blocking Internet access. If confirmed, I look forward to working with the Broadcast Board of Governors and others on this vital challenge of advancing the freedom of information and open access to information.

Part of 21st century statecraft is using information tools like social networking to understand what is happening on the ground in societies around the world so that we can better predict trends and analyze events—because often what happens in the public square determines what happens at the highest levels of diplomacy. I will pay close attention to the world's newest democracies and emerging powers as information is critical to building tolerance and understanding with other countries.

If confirmed, I will also be mindful of resources. There is no doubt that public diplomacy, like every facet of American Government and American life, will have to do its work in ways that save costs. The former Under Secretary for Public Diplomacy and Public Affairs, Judith McHale, did groundbreaking work in leading a comprehensive strategic review of Public Diplomacy resources to ensure alignment among resources, planning and current foreign policy objectives. This includes shifting base resources to higher priority countries and issues as well as monitoring and evaluation of public diplomacy to make sure that we can show results. It means working with our embassies and missions, our cultural affairs officers and public affairs experts, and it means working with universities and organizations in the public square. Long-range planning, matching programs with resources tied to our policies and priorities, and tracking results will be critical aspects of my approach to the position.

Public diplomacy is about facilitating direct contact with people. Part of my job will include looking at our various types of American spaces overseas and ensuring they are effective. I plan to build teams to shape how we convey ideas and express ourselves, and create greater mutual understanding through such important means as educational and cultural exchanges and international programs. I would like, if confirmed in this new role, to focus on a few important areas.

First, as I said at the outset, it is important to stress the importance of public diplomacy as a profession and to garner respect for its mission and for those who carry it out. We need a strong, diverse, robust corps of public diplomacy officers to succeed.

Second, I will continue to focus on how public diplomacy can help to counter violent extremism, including outreach to young people as their ideas fully take shape. One of the most important jobs of American Public Diplomacy is to contribute to the security of the people of the United States. By highlighting the inherent flaws in the extremist message, and by telling America's story, we can help to discourage new recruits to organizations committed to violence. Their message of hate and destruction is resonating less and less as millions of people around the world demand full participation in their societies through genuine democratic structures. I look forward to working closely with the interagency Center for Strategic Counterterrorism Communications, a key instrument for realizing this goal. As my predecessor emphasized, public diplomacy must be integrated into the whole of government, through interagency coordination of strategy, messaging, communications—it is about team-building and cooperative ventures to reach across departments, agencies, and to work with all branches of government and civil society on better coordination of global messaging.

Third, I will help to further a youth and democracy Public Diplomacy Initiative—getting more young people positively engaged as the youth bulge around the world continues to challenge us. I hope to build on the great work that State is doing now with programs that engage youth from sports to culture to academic exchanges including the Kennedy-Lugar YES program.

I also remain committed to the issues facing global women. Women are half the world and they need more resources, training, and engagement. Our public diplo-

macy must include messaging to them and engagement with them. They are part of the future of a more secure world. If confirmed, I hope to build on the strong work throughout the government to ensure that women throughout the world continue to get support in the economic, cultural, social, and foreign policy arenas. Indeed, all of the work of public diplomacy can support America's economic statecraft agenda. There is great potential in the nexus between business and public diplomacy—having government use its convening power to open doors so that individuals can invest in one another's ideas and businesses to spur innovation and entrepreneurism and help identify a new generation of leaders.

This is a time of incredible transition and opportunity for the work of public diplomacy, to leverage the power of technology and increase understanding of America's values around the world. As nations and people, we are more dependent on each other than ever before and what happens in one part of the world affects another and ultimately affects our way of life. This is a historic time for public diplomacy. If confirmed, I will seize the moment.

Senator CARDIN. Well, thank you very much for your testimony. Ms. Richard.

**STATEMENT OF ANNE CLAIRE RICHARD, OF NEW YORK, TO BE ASSISTANT SECRETARY OF STATE FOR POPULATION, REFUGEES, AND MIGRATION**

Ms. RICHARD. I am honored to appear before you today as the President's nominee to be Assistant Secretary of State for the Bureau of Population, Refugees, and Migration, or PRM. I thank the President and Secretary of State Clinton for their trust and confidence. If confirmed by the U.S. Senate, I will bring to this position years of practical experience in Government and in a leading relief agency, and an absolute dedication to my country and to the life and death humanitarian issues that are the responsibility of this Assistant Secretary.

I am joined this morning by my husband, Will Davis; my children, Ellie and Max, who are so sad to be missing out on a day in Montgomery County schools. [Laughter.]

And I am also joined by my sister, Christine Palmer, her husband, Tim, and their children, and my cousin, Beth Dugan, in addition to several longtime friends. I have a caring extended family that has taken an interest in and supported my professional career, and I understand my mother, brother, and other relatives are watching this morning over the Web.

The United States provides humanitarian aid to tens of millions of people whose lives hang in the balance due to persecution, oppression, and conflict, thus expressing our highest American values and demonstrating our global leadership.

I have been involved in these issues for much of my professional life. Over the past decade, I have traveled to countries suffering from conflict and its aftermath, including South Sudan, Afghanistan, Burma, the Democratic Republic of Congo, Uganda, and Liberia. I have talked to refugees where they have sought safe haven, meeting Somalis in Kenya, Burmese in Thailand, Iraqis in Jordan and Syria, and Afghans in Pakistan. In trips abroad, I am repeatedly impressed by the courage and resilience of refugees and other uprooted people. Despite all that they have endured, most of them long to regain control of their lives and become self-sufficient again. They ask only for a little bit of help and a small share of our attention. And I have seen how modest investments of our know-how and resources can, indeed, bring about major improvements in their lives.

Secretary Clinton has consistently demonstrated over the past 3 years that meeting the world's humanitarian challenges is a Department priority. The Bureau I have been nominated to lead supports protection measures which seek to maintain safe places of refuge and prevent and respond to gender-based violence. PRM aid also includes clean water, sanitation, immunization and other health care, shelter, and items like bedding, pots and pans, and seeds and tools to grow food. It includes services such as treatment of HIV/AIDS, counseling on voluntary family planning, and other measures to reduce maternal mortality. PRM works through well regarded and highly accountable multilateral and nongovernmental organizations to reach millions and protect them from diverse threats, ranging from armed militias to cholera. It also promotes best practices in humanitarian response and ensures that humanitarian principles are integrated into U.S. foreign and national security policy.

If confirmed, I would place special emphasis on three PRM responsibilities. These are described in my written statement, and I would be happy to expand on them during the question and answer part of this hearing. But they can be summarized as: first, persistent humanitarian diplomacy to yield results in crisis zones such as needed now in the Horn of Africa; second, working with other parts of the U.S. Government to ensure that our country sustains a vibrant refugee admissions program while carrying out effective security screening; and third, continuing to emphasize the need to protect vulnerable populations, particularly women and girls.

In conclusion, the staff of the PRM Bureau brings extraordinary dedication and expertise to assisting people in distress and advocating on their behalf. If confirmed, I will seek to bring to the Bureau all the knowledge and insights gained during my career, including an understanding of the importance of U.S. assistance and diplomatic engagement.

I am thankful to the President for nominating me to lead this Bureau, grateful for the opportunity to serve under Secretary Clinton, and appreciate the Senate's careful consideration of my nomination. Thank you, and I look forward to answering your questions.

[The prepared statement of Ms. Richard follows:]

PREPARED STATEMENT OF ANNE C. RICHARD

I am honored to appear before you today as the President's nominee to be Assistant Secretary of State for the Bureau of Population, Refugees, and Migration or "PRM." I thank the President and Secretary of State Clinton for their trust and confidence. If confirmed by the U.S. Senate, I will bring to this position years of practical experience in government and in a leading relief agency, and an absolute dedication to my country and to the life-and-death humanitarian issues that are the responsibility of this Assistant Secretary.

I am joined this morning by my husband, Will Davis, and our two children, Ellie and Max. I am also joined today by my sister, Christine Palmer, her husband, Tim, and their children and my cousin, Beth Dugan, in addition to several long-time friends. I have a caring extended family that has taken an interest in and supported my professional career, for which I am profoundly thankful. Friends and professional colleagues also join us here today and I thank them.

The United States provides humanitarian aid to tens of millions of people whose lives hang in the balance due to persecution, oppression, and conflict. Our Nation's helping hand to refugees, victims of conflict, the uprooted, and the stateless expresses our highest American values and demonstrates our global leadership.

I have been involved in these issues for much of my professional life. Over the past decade, I have traveled to countries suffering from conflict and its aftermath, including South Sudan, Afghanistan, Burma, the Democratic Republic of Congo, Uganda, and Liberia. I have talked to refugees where they have sought safe haven, meeting Somalis in Kenya, Burmese in Thailand, Iraqis in Jordan and Syria, and Afghans in Pakistan. In trips abroad, I am repeatedly impressed by the courage and resilience of refugees and other uprooted people. Despite all that they have endured, most of them long to regain control of their lives and become self-sufficient again. They ask only for a little bit of help, and a small share of our attention. And I have seen how modest investments of our know-how and resources can indeed bring about major improvements in their lives.

Secretary Clinton has consistently demonstrated over the past 3 years that meeting the world's humanitarian challenges is a Department priority. The Bureau I have been nominated to lead is central to that effort as its mission is "to provide protection, ease suffering, and resolve the plight of persecuted and uprooted people around the world on behalf of the American people." PRM supports protection measures which seek to maintain safe places of refuge, address gender-based violence, ensure that refugees have appropriate documentation of their status, and that their newborn children are registered. PRM support includes clean water, sanitation, immunization and other health care, shelter, and items like bedding, pots and pans, sanitary supplies, and seeds and tools to grow food which increases self-sufficiency. It includes services such as treatment of HIV/AIDS, counseling on voluntary family planning, and other measures to reduce maternal mortality. PRM works through well-regarded and highly accountable multilateral and nongovernmental organizations to reach millions and protect them from diverse threats, which range from armed militias to cholera. It also promotes best practices in humanitarian response and ensures that humanitarian principles are integrated into U.S. foreign and national security policy. That is an ambitious agenda and a weighty responsibility that I would embrace without reservation.

If confirmed, I would place special emphasis on three PRM responsibilities. First, I salute the vigorous humanitarian diplomacy practiced by the Bureau's most recent Assistant Secretary, Eric Schwartz. He recognized that PRM has a valuable perspective: it is deeply involved in the delivery of aid through partners while also sending U.S. teams to engage with other governments on crucial issues to resolve crises and to find solutions. Because of this, it has a unique vantage point—at the intersection of humanitarian, human rights, and political issues—from which to inform and help shape U.S. foreign policy and the policies of foreign governments and international bodies. We know that persistent humanitarian diplomacy can eventually yield results. In the Balkans, for example, the State Department's efforts have helped to facilitate a landmark agreement this year which, when fully implemented, will provide housing solutions for as many as 74,000 refugees and internally displaced persons. This is a major step forward to bringing a permanent resolution to the Balkans' protracted refugee and IDP problem. We should continue to engage in humanitarian diplomacy that holds governments accountable for fulfilling their international obligations and emphasizes the hard truth that complex humanitarian emergencies ultimately require political solutions.

Nowhere is this truth more painfully evident in today's world than in Somalia, where tens of thousands have died and hundreds of thousands are at risk of death. Even as Somalis flee, there is no quick humanitarian solution to a famine being fueled by conflict and political instability. If confirmed, I would work with the Bureau of African Affairs, the U.S. Agency for International Development, and others in the U.S. Government to address the crisis in the Horn of Africa.

Second, the U.S. Refugee Admissions Program annually welcomes a fraction of the world's refugees into our country for resettlement. This is a great American tradition that not only saves lives and lets families thrive but also enriches the fabric of our Nation. This program, like others PRM oversees or manages, is a public-private partnership with organizations working at the local level. During the past decade it has been my privilege to visit refugees resettled in cities from Baltimore and New York to San Francisco and Salt Lake City. I never fail to be impressed by the hospitality and support new arrivals receive from local communities and by the energy refugees bring to their new lives in the United States. You may know that delays related to new security checks, unrest in Syria, and insecurity in Yemen have resulted in fewer refugees arriving in the United States over the past fiscal year. If confirmed, I will work with other parts of the U.S. Government to ensure that our country sustains a vibrant refugee admissions program while carrying out effective security screening.

Third, if confirmed, I will continue to emphasize the need to protect vulnerable populations, particularly women and girls. Protection of the vulnerable is the core

principle of international refugee law and should always be PRM's primary goal. Refugee women and children are particularly in danger of sexual violence, physical abuse and exploitation, and separation from families—among other threats. Secretary Clinton has long championed women's rights worldwide, and PRM's programs have helped hundreds of survivors of gender-based violence in places like Colombia and Kenya. More followthrough is needed so that our best practices in protecting and empowering women and girls are employed every time they should be.

In conclusion, I have been a fan of the PRM Bureau for many years. Its staff brings extraordinary dedication and expertise to assisting people in distress and advocating on their behalf. If confirmed, I will seek to bring to the Bureau all the knowledge and insights gained during my career, including an understanding of the importance of U.S. assistance and diplomatic engagement, and will be steadfastly committed to fulfilling the responsibilities entrusted to the Assistant Secretary. I am thankful to the President for nominating me to lead this Bureau, grateful for the opportunity to serve under Secretary Clinton, and appreciate the Senate's careful consideration of my nomination.

Thank you, and I look forward to answering your questions.

Senator CARDIN. Thank you very much.

Mr. Whitehead.

## STATEMENT OF ROBERT E. WHITEHEAD, OF FLORIDA, TO BE AMBASSADOR TO THE TOGOLESE REPUBLIC

Mr. WHITEHEAD. Thank you, Chairman Cardin. It is a great honor to appear before you today as the nominee to be the next United States Ambassador to the Togolese Republic. I am grateful for the confidence the President and Secretary of State have shown in me through this nomination, as well as for the support of Assistant Secretary of State for African Affairs, Johnnie Carson. If confirmed by the Senate, I will do my utmost to uphold this trust.

Mr. Chairman, please allow me to acknowledge family members who are here today, especially my wife, Agathe, who, along with our children, has over the course of 30 years borne the sacrifices and separations required by this profession. I would also like to thank colleagues and friends present today who have offered both encouragement and counsel that have smoothed the course of both my professional career and my personal life.

Finally, I would like to mention two individuals who could not be here in person: my mother, Lucretia, who was unable to make the trip, and my son, Wesley, who is currently deployed in Afghanistan.

Mr. Chairman, with a population of more than 6 million inhabitants, the Togolese Republic lies north of the Bight of Benin in the middle of a region of Africa that is important to the energy security of the United States and with which the United States has longstanding cultural ties. If confirmed, I would count it a great privilege to lead the Embassy in Lome and its interagency team of Foreign Service, civil service, locally employed staff, and family members as we seek to advance U.S. bilateral and regional interests. I am confident that my previous experience as chargé d'affaires in Khartoum; consul general in Juba, Southern Sudan; and deputy chief of mission in Harare, Lusaka, and Bangui, in all, a total of more than 2 decades on the ground in sub-Saharan Africa, will serve me well.

Mr. Chairman, our principal concerns in Togo are the welfare of Americans located there, the promotion of democracy and good governance, the improvement of basic health services, maritime security in the Gulf of Guinea, human rights, and the advancement of

economic prosperity. To achieve these goals, the United States has a range of modest programs supporting democracy, economic development, security sector reform, and peacekeeping. Given budget realities overlaid on global priorities, I realize that we will need to work collaboratively and creatively with other countries and international organizations involved in Togo to leverage progress in all of the areas listed above. If confirmed, I commit to work closely with our international partners to help the Togolese Republic promote empowerment and prosperity for all Togolese regardless of ethnic, religious, regional, or political affiliations.

Mr. Chairman, as you know, Togo passed through a period of internal upheaval from which it began to emerge just a few years back. The country is presently at peace. Democratic legislative and Presidential elections, held respectively in 2007 and 2010, were judged credible by both local and international observers. Legislative elections and perhaps local ones are scheduled to take place in 2012, and should I be confirmed, one of the Embassy's top priorities will be to support a peaceful, transparent, and fair electoral process, thereby consolidating and expanding on the democratic gains of the past 5 years.

A healthy economy provides fertile ground in which democracy and good governance can flourish, and the growth of the Togolese economy over the past decade is a positive portent. If confirmed, I will take advantage of available initiatives to support this trend, including identification of public-private partnerships that include American companies and that enjoy U.S. Government guarantees. The Embassy will look to use regional USAID programs to strengthen the Togolese Republic's role as a regional trade hub and help ensure that the country makes the most of Lome's deepwater port and can better manage land transportation infrastructure. All of these are important to efficient trade and shipping with landlocked Sahelian countries to the north. If confirmed, I will encourage the Togolese Government and Togolese entrepreneurs to take greater advantage of the opportunities the American Growth and Opportunities Act affords.

If confirmed, I will look to employ existing initiatives, including the multilateral partnership of the Global Fund, to assist the Togolese Ministry of Health in improving basic public health programs and treating and eradicating disease. The Embassy in Lome will look to continue to support a robust Peace Corps presence in the country with a programmatic focus on health, especially on HIV/AIDS awareness and prevention.

A stable, prosperous, and healthy Togolese Republic serves American values and interests and expands Togo's ability to contribute to stability on the African Continent. If confirmed, I look forward to collaborating with the Togolese authorities through regional initiatives to strengthen their capacity to police and to regulate Togolese waters in the Gulf of Guinea. The U.S. Embassy will look to use existing programs to help protect Togolese maritime resources, to regulate legitimate licensed trade, to combat the scourge of narcotics smuggling into and transshipment through Togo, and to prevent trafficking in persons. If confirmed, we will look to continue to encourage and support expanded Togolese Government's participation in U.N. peacekeeping missions in Africa through the

Africa Contingency Operations Training Assistance Program, which has been active in Togo since 2009, and which has assisted with training and deployment of Togolese peacekeeping forces to Cote d'Ivoire, Sudan, Chad, and the Central African Republic.

Mr. Chairman, thank you again for the opportunity to appear before you today. I would be pleased to answer any questions you may have.

[The prepared statement of Mr. Whitehead follows:]

PREPARED STATEMENT OF ROBERT E. WHITEHEAD

Chairman Cardin, Ranking Member Corker, and members of the committee, it is a great honor to appear before you today as the nominee to be the next United States Ambassador to the Togolese Republic. I am grateful for the confidence that the President and Secretary of State have shown in me through this nomination, as well as for the support of Assistant Secretary of State for African Affairs Johnnie Carson. If confirmed by the Senate, I will do my utmost to uphold this trust.

Mr. Chairman, please allow me to introduce family members who are here today, especially my wife, Agathe, who, along with our children, has over the course of 30 years borne the sacrifices and separations required by this profession. I would also like to thank colleagues and friends present today, who have offered encouragement and counsel that have smoothed the course of both my professional career and my personal life. Finally, I would like to mention two individuals who could not be here in person, my mother, Lucretia, who was unable to make the trip, and my son, Wesley, who is currently deployed in Afghanistan.

Mr. Chairman, with a population of more than 6 million inhabitants, the Togolese Republic lies north of the Bight of Benin in the middle of a region of Africa that is important to the energy security of the United States, and with which the United States has longstanding cultural ties. If confirmed, I would count it a great privilege to lead the Embassy in Lome and its interagency team of Foreign Service, civil service, locally employed staff, and family members as we seek to advance U.S. bilateral and regional interests. I am confident that my previous experience as Chargé d'Affaires in Khartoum, Consul General in Juba, and Deputy Chief of Mission in Harare, Lusaka, and Bangui—in all, a total of more than two decades on the ground in sub-Saharan Africa—will serve me well.

Mr. Chairman, our principal concerns in Togo are the welfare of Americans located there, the promotion of democracy and good governance, the improvement of basic health services, maritime security in the Gulf of Guinea, human rights, and the advancement of economic prosperity. To achieve these goals, the United States has a range of modest programs supporting democracy, economic development, security sector reform and peacekeeping. Given budget realities overlaid on global priorities, I realize that we will need to work collaboratively and creatively with other countries and international organizations involved in Togo to leverage progress in all of the areas listed above. If confirmed, I commit to work closely with our international partners to help the Togolese Republic promote empowerment and prosperity for all Togolese, regardless of their ethnic, religious, regional or political affiliations.

Mr. Chairman, as you know, Togo passed through a period of internal upheaval from which it emerged just a few years back. The country is presently at peace. Democratic legislative and Presidential elections, held respectively in 2007 and 2010, were judged credible by international observers. Legislative elections, and potentially local ones, are scheduled to take place in 2012, and, should I be confirmed, one of the Embassy's top priorities will be to support a peaceful, transparent, and fair electoral process, thereby consolidating and expanding on the democratic gains of the past 5 years.

A healthy economy provides fertile ground in which democracy and good governance can flourish, and the growth of the Togolese economy over the past decade is a positive portent. If confirmed, I will take advantage of available initiatives to support this trend, including identification of public-private partnerships that include American companies and that enjoy U.S. Government guarantees. The Embassy will look to use regional USAID programs to strengthen the Togolese Republic's role as a regional trade hub and help ensure that the country makes the most of Lome's deepwater port, and can better manage land transportation infrastructure; all are important to efficient trade and shipping with landlocked Sahelian countries to the north. If confirmed I will encourage the Togolese Government and Togolese entrepreneurs to take greater advantage of the opportunities AGOA affords.

If confirmed, I will look to employ existing initiatives, including the multilateral partnership of the Global Fund, to assist the Togolese Ministry of Health in improving basic public health programs and treating and eradicating disease. The Embassy in Lome will look to continue to support a robust Peace Corps presence in-country with a programmatic focus on health, especially on HIV/AIDS awareness and prevention.

A stable, prosperous, and healthy Togolese Republic serves American values and interests and expands Togo's ability to contribute to stability on the African Continent. If confirmed, I look forward to collaborating with the Togolese authorities through regional initiatives to strengthen their capacity to police and regulate Togolese waters in the Gulf of Guinea. The U.S. Embassy will look to use existing programs to help protect Togolese maritime resources, to regulate legitimate licensed trade, to combat the scourge of narcotics smuggling into and transshipment through Togo, and to prevent trafficking in persons. If confirmed, we will look to continue to encourage and support expanded Togolese Government's participation in U.N. Peacekeeping Missions in Africa through the Africa Contingency Operations Training Assistance program, which has been active in Togo since 2009, and which has assisted with the training and deployment of Togolese peacekeeping forces to Cote d'Ivoire, Sudan, Chad, and the Central Africa Republic.

Mr. Chairman and members of the committee, thank you again for the opportunity to appear before you today. I would be pleased to answer any questions you may have.

Senator CARDIN. Well, once again, let me thank all four of you for your being here, your testimony, and for your service, and I want to underscore the importance of the families that are here. We will write the necessary notes to the Montgomery County school system to take care of it. [Laughter.]

We think we can take care of that today.

You are each seeking different positions, but there is a lot of common agenda items in the four positions that are being nominated to be filled here today. I want to talk about an area of personal interest to me and part of my responsibilities. I not only serve on the Senate Foreign Relations Committee, I chair the Subcommittee on International Development Assistance which, Mr. Gast, you and I have had a chance to talk about that. I also am the Senate chair of the U.S. Helsinki Commission which deals with a variety of issues, but it is best known, I think, for its human rights basket.

So I want to ask all four of you a common question, and that is, how do you intend to make the advancement of human rights a top priority of your office?

I might point out that President Obama has made it clear, internationally, that the United States in its international bilateral and regional relations will insist upon basic human rights advancements.

Secretary Clinton has been extremely articulate particularly on gender equality issues but also on broader human rights issues and I noticed in this morning's paper getting the wrath of President Putin because of her support for the legitimate protests of the people of Russia with the fraud that was committed in their most recent elections.

On the refugee issue, human rights is critically important. We know a lot of the trafficking matters come out of the migration issues, and I would be interested in that. And of course, the bilateral with Togo—it has gone through a transition, but its record on human rights is far from clear.

So I would welcome your thoughts how you would use public diplomacy to advance these issues knowing that there have been

efforts made in many of the countries around the world to block international access to how human rights are viewed. So, Ms. Sonenshine, we will start with you this time and just work your way down as to how you would make human rights advancements a priority in the office.

Ms. SONENSHINE. Thank you very much for the question.

I share the concern that we really advance the democracy agenda and human rights as a cornerstone of that.

There are three things, Senator, that if confirmed, I would want to work on. One is strengthening the American narrative and weaving human rights into, as the Secretary has done, the tapestry of all of our messaging overseas. The second is to continue the support for media on the ground. The training of local indigenous media is critical to an open society. The third is, I think, what we are doing in nonpermissive environments such as Iran where we do not have a presence, but we can create a virtual embassy. We can leverage technology today such that the electronic curtain that is often put up around citizens—that we can get around it.

So I think the continuation of these values through our programs, through our assistance, through our messaging, and through our narrative, that this will be an important part of my responsibilities, and I would look forward to working with you and the committee on that.

Senator CARDIN. Mr. Gast, we will just work our way down.

Mr. GAST. Senator, I had the pleasure of working with the Helsinki Commission on issues related to Belarus in the past, and I know the good work of the commission quite well.

Supporting human rights is a critical component of our development assistance programs. President Obama has made it clear. Secretary Clinton and Administrator Shah have all made it clear that it is to be a critical component.

With regard to development assistance, we support civil society organizations throughout the continent of Africa, and we will continue to intensify those efforts. But they are also critical components, not stand-alone activities of some of the major initiatives that we have now. So, for example, the Global Health Initiative, is making sure that we are supporting women's rights, rights to health care, persons living with HIV/AIDS, et cetera. So I would see, if confirmed, Senator, that we would intensify those efforts.

Senator CARDIN. Thank you.

Ms. Richard.

Ms. RICHARD. Thank you for your question, Senator.

You will notice that when staff from the Population, Refugees, and Migration Bureau speak about the services that are undertaken by PRM, it is not just aid and it is not just the delivery and distribution of things, but it is also protection. And when we talk about protection, we mean physical protection, but we also mean protection of rights. And in terms of rights, we are talking about refugee rights, but also human rights, the most basic and fundamental human rights.

I can commit to you that I will work very hard, if confirmed, to pursue an agenda that fosters and preserves human rights around the world. And one reason I feel so confident in saying that is that I know already the work of colleagues like Michael Posner, who is

the Assistant Secretary for Democracy, Human Rights, and Labor, and Harold Koh, with whom I met recently, who is the Secretary's legal adviser and who is himself a great human rights leader.

And I also will continue to have, as I do now, good relations with leading experts from human rights nongovernmental organizations such as Amnesty International, Human Rights Watch, Human Rights First, and Freedom House. And so I would continue the pattern set by the most recent Assistant Secretary, Eric Schwartz, in having a very vigorous dialogue with leading experts in human rights in the United States.

Senator CARDIN. Thank you.

Mr. Whitehead.

Mr. WHITEHEAD. Thank you, Mr. Chairman.

I think you hit the nail right on the head when you got to human rights. As you know, Togo from about 1990 to 2005 went through a very difficult period, a lot of internal turmoil, instability; 2005 with the change of the head of state. It began in a rather awkward fashion with a sort of an extra-constitutional promotion of a President. Since then, however, the trend lines have been encouraging. There has been a concerted effort in reform in a number of areas. In terms of human rights, I would probably pick four areas as priorities that I would focus on, were I confirmed.

The first one I mentioned already, which is the democratic selection of a government, that it will be key in 2012 that the legislative elections are perceived to be free and fair. There are a number of issues surrounding them, including the need for redistricting based upon the most recent census, what have you. And I would commit, if confirmed, to work carefully and closely with the government to see that we make progress in these areas.

Another area of importance is the freedom of the press. I think this ties again into our public diplomacy, and it is a basic right. Recently, in fact, the press in Togo has sort of come out of its catatonic state. You have over 20 newspapers, probably 50 radio stations, several private television stations. The media has been confident enough to be critical of the various institutions, the President, the judiciary. None has been intimidated physically. No journalists are in prison. However, it is still very weak in terms of training, financing, what have you. The Embassy has provided programming to train and to improve the quality of journalism. If confirmed, I would commit to continue with that.

Another specific area is child labor. Togo has been identified as a country that has a problem with this, a large number of young children involved, about half of them in agricultural pursuits, about a quarter in domestic within the country. The Togolese Government has taken steps to form a national plan to work and try to resolve these issues. The Department of Labor has provided some grants to work with them. And I would commit again to work in this area.

Thank you.

Senator CARDIN. Well, thank you for that—all four of you for those answers.

We are going to take a brief recess, approximately 15 minutes, so that we will reconvene in 15 minutes. There is a vote on the floor of the Senate dealing with the confirmation of a nominee. So

I think it is important for me to go over and vote, and I will be back in about 15 minutes.

[Recess.]

Senator CARDIN. Once again, I apologize for the inconvenience of the recess, but that is the way the Senate schedule operates. The hearing will come back to order.

I am going to follow up a little bit on the human rights issues. So if I might start again with Ms. Sonenshine. One of the challenges of your position is that for public diplomacy to work, people have to be able to communicate, and modern communications are through the Internet in which many of the countries that we have incredible interest in try to block the access to that type of information. It has had limited success. We have seen during Arab Spring and during now what is happening in Russia that people find a way to get their information out. But under the responsibilities of the agency that you would head, it is critically important to use, as you pointed out in your statement, modern ways of communicating.

So what do you do about those countries who are trying to block access to their citizens of getting information not just from the outside world, but from their own people?

Ms. SONENSHINE. Thank you very much for the question.

I honestly believe that public diplomacy's first mandate is to stay in it for the long haul. It is very easy to recede during difficult information periods from a country. I think Burma is the most recent example of if you stay with something long enough. The extension of our values now include the right to connect, and that is sort of a new human right, the right to be informed, the right to connect, the right to have open access to information. In very closed regimes, Cuba in particular, we have to continue to try SMS texting, sometimes reverting to DVD's and more traditional means of getting information in. And where we are stymied as again in Iran, one has to believe that individuals—and we saw this yesterday with the virtual embassy—find a way around these blockades. The amazing thing about the Arab Spring is that despite all attempts to block information, individuals are very resourceful. And so if we have the staying power, if we have the sustainability, we can actually rely on new technologies to circumvent technology and we can rely on the willpower of individuals to find us if we are out there. If we are not out there with the information, then sadly others will fill the void that we leave behind.

Senator CARDIN. I agree with that. You mentioned Cuba. Of course, there is another Marylander, Alan Gross, who is in prison in Cuba working for our Government. Although all the facts are not exactly understood, we believe that it was an effort so the people of Cuba could get information, making the position that you seek to fill a little bit easier, and yet he is in prison today and it is a major human rights violation. So there are clearly challenges to open up the channels of communication, but I do think that public diplomacy very much depends upon an aggressive, long-term commitment to make sure that it is easier rather than more difficult for people to get access to information.

Mr. Gast, we have talked frequently about the fact that 40 percent of the aid of USAID is in Africa. Most of that funds go toward

humanitarian health-related type programs. We need to get more involved in economic development issues. But Africa has a huge problem on human rights. I have gone over the mineral extractive industry issues and whether those funds are used for finance corruption rather than for the people of the country itself. The gender issues there are huge. Land rights. You can do all the type of agricultural reforms. If you do not have the land reform, it is not going to work.

So how do you leverage what is a significant part of our foreign assistance budget, but a relatively modest amount of money generally? How do you leverage that to advance the basic sustainability of African countries putting in place the basic rights, try to avoid corruption, and make it clear that gender equality is mandatory?

Mr. GAST. Senator, we have shared in Africa's success over the last 15 to 20 years, and as you rightly point out, the gains that we have made working with African institutions and states and civil society organizations in democracy and governance, in health indicators, in education—they can only be sustained through economic growth. And so one of our first priorities, of course, will be to emphasize economic growth throughout the continent, equitable economic growth because in the end, that will lessen their dependence on assistance.

But what is also very critical to our efforts in Africa is supporting good governance. All three of the major initiatives that we have in Africa—and as you rightly point out, most of the resources are going into health. We also have the Feed the Future initiative and also the climate change initiative. They all contain elements of good governance, and that means building institutions, making sure that those institutions are accountable, that they are transparent, and then also building up the capacity of civil society to hold government accountable for the spending of resources and for delivering services to the people. So you have my assurance that as we move forward and if I am confirmed, that good governance will be at the forefront of our development efforts.

Senator CARDIN. And we would also ask you to keep us informed as to the progress we are making on extractive industry transparency. Senator Lugar and I have offered a change in U.S. law that now is the law supported by the administration to put a focus on the mineral companies to make sure that those revenues are held accountable to the country in which these minerals reside. You can play an important role in making this a priority as you develop strategies on the continent, and we would ask that you make this a priority and you keep us informed.

Mr. GAST. You have my assurance.

Senator CARDIN. Thank you.

Ms. Richard, there is an area of great interest to us that we have worked on for a long time, the special immigrant visas. Congress on two occasions has passed laws to provide special visas for those who helped us in Iraq. These are people whose lives are at risk because they helped us. And we are not satisfied with the progress that has been made to date. Let me just make that conclusive statement first. It is taking too long. It appears like restrictions are being imposed so that if there are other potential alternatives, that

they are being used to delay the safe exit of individuals whose lives are at risk. There is a different standard being used for those who helped us through third parties than directly. We do not quite understand that distinction quite frankly. But we do know that come the end of this year, the U.S.'s ability to protect those who helped us in Iraq will become much more marginalized. So time is of the essence. And I said Congress has acted on several occasions making it clear that we want this policy implemented.

How can you help us or what can you do, if confirmed, to move this process forward?

Ms. RICHARD. Thank you, Senator, for raising this question.

I, like you, am very interested in the situation that Iraqi refugees are facing. I have met with Iraqi refugees in the United States in Baltimore and in San Francisco, and elsewhere around the United States, and also in Jordan and in Syria.

As part of my briefings, I asked about the special immigrant visa program which, as you know, was set up to help Iraqis who had worked for U.S. forces or the U.S. Government—and yet were under threat because of that service—and get them a swift entry into the United States. So in looking into the situation, it may be that the SIV program is not being fully used because there is a complicated applications process. I will, if confirmed, work very closely with the Consular Affairs Bureau at the State Department to examine that and consider if that is part of the reason for the holdup.

Another aspect of this is that if one comes to the United States as a refugee, one can bring more family members than under the current SIV program.

So it is not completely clear to me what the problem is, but if confirmed, I would definitely commit to working on this problem.

Senator CARDIN. Well, thank you. I appreciate that.

The information we have—the concerns are more of the complicated application process and review process not the number and family under the different status of refugee or special program. So I would welcome your assessment of that. Our bottom line is that it is getting more and more difficult to protect those who helped us.

You have visited the refugees and I have too. I have been in Syria and I have been in Jordan, and I have visited Iraqi refugee facilities in those countries and know the numbers that have been dislocated as a result of the war and look at what different countries have done in accepting Iraqi refugees and then look at the numbers in the United States. Since we were the principal player in this campaign, the numbers in America are so small compared to the total numbers. Here we are talking about people who put their lives on the line to help America's mission in Iraq.

And Congress, again, does not always agree on policy rapidly. This is one time we did. So I would just urge you to give this the highest priority because of the timing issue here.

Mr. Whitehead, Togo is going to be on the Security Council of the United Nations. At least that is the information that we have. That changes the composition of the Security Council. And to say the least, there have been a lot of disappointing votes in the United Nations as it relates to U.S. positions. And at times, we think that is mainly because of the populist sentiment of a particular issue.

When you are dealing with the Middle East, it sometimes appears to be more populist to be with the multitude of Arab States rather than the state of Israel, which has caused many countries to feel like this is just a free vote. You might as well vote the populist sentiment.

The Obama administration developed a strategy in the Security Council as it related to the most recent problems of the unilateral efforts for declaration of statehood by the Palestinians and was able to maintain the necessary votes on the Security Council so that could not move forward. And there are many other issues, Iran sanctions. The list goes on and on and on where the Security Council becomes a dominant player in international diplomacy.

It is important that countries understand that the United States has a strong interest in a particular issue. It is not to say that countries will not exercise their independent judgment. They will exercise their independent judgment. But they need to know the U.S. position and know how we feel about certain matters and the consequences of U.N. action as it relates to U.S. policy.

Can you assure this committee that as the United States representative in Togo, should you be confirmed, that that message will be unambiguous and clear to the Togolese Government about the importance of their role on the Security Council?

Mr. WHITEHEAD. Yes. Thank you, Mr. Chairman. You have my unambiguous commitment that, if confirmed, one of my top priorities, of course, is going to be to identify who the key policymakers are in the various decisions that come before the United Nations Security Council and being certain that they understand clearly our position, why we are taking that position, and the stakes that are involved. I will give my utmost to do this on whichever issue should happen to come up during the 2 years in which Togo has the seat.

Senator CARDIN. I thank you for that. You are going to be hearing from us on this, and I really do applaud the Obama administration and Secretary Clinton particularly, because the issue of the U.N. votes have been on a lot of bilateral agendas of meetings taking place between the United States and other countries, not just those who are members of the Security Council, but the General Assembly as well. So it is becoming more and more relevant that we think that we can make progress. But it depends upon all of our assets being focused on letting other governments know how important this is. So we appreciate your making the points known, should you be confirmed.

Mr. WHITEHEAD. Thank you, sir.

Senator CARDIN. I want to get back, Ms. Richard, to an issue that is also of great interest to the Helsinki Commission, but the Congress of the United States as well, and that is the trafficking issue and how it affects the migration and the agenda that you deal with. The United States has been the leader internationally in dealing with this form of modern slavery. As you know, we have the TIP reports, the Trafficking in Persons annual report, that is done by the State Department. We have invested a great deal of resources into having zero tolerance. It is not just the countries of origin. It is the transit and the receiving countries.

How do you intend to deal with this issue, should you be confirmed?

Ms. RICHARD. Thank you for shining a light on this important issue, Senator.

I have some familiarity with the issue because the International Rescue Committee is partnered with the U.S. Government in our Miami office and in our Phoenix office trying to help people who have been trafficked and trying to get to them and make sure they know that they can step out of the exploitive situations they are in.

The other thing I am aware of with this issue is that there is a great deal of bipartisan support for doing something about it. I guess it is a scarce word these days. So from my way of thinking, when you have the attention of both sides of the aisle for such an important human rights issue, we need to move with alacrity to build on that and to do a lot about it.

I am glad to tell you that in my courtesy calls on different regional bureau assistant secretaries, almost every one of them has mentioned the problem of trafficking in persons. So, if confirmed, I will work very closely with these colleagues in the State Department, as well as colleagues in other U.S. Government agencies, to tackle this problem. But a big piece of that I think will be staying in touch with Congress about it, given that we are pushing on an open door up here. There is so much interest.

Senator CARDIN. Thank you.

Mr. Gast, would you want to fill us in on what you think we should be doing in the Horn of Africa where opportunities are? The humanitarian crisis there continues. What can we do to be a responsible international player and leader in this area?

Mr. GAST. Senator, as a result of the drought, close to 13 million persons are in dire need of emergency food assistance. It could have been much worse than it is. Fortunately, the U.S. Government, with your support, with the support of Congress, as well as the administration, understood more than a year ago that the region was facing a severe drought and, as a result, took measures. Some of the measures included prepositioning food in various areas located close to the Horn of Africa so that if the emergency were to arise, we would be able to respond very, very quickly. And as a result, we were able to do that.

But one of the priorities, Senator, will be to support resiliency strategies in the Horn of Africa. We know that drought has been a problem for years. It will continue to be a problem. But what we have seen in some of the resiliency strategies that we have implemented in Ethiopia over the past few years is that the Ethiopian Government has led them itself with support of other donors. By their productive safety net program, some 7.5 million persons who previously were receiving emergency assistance no longer require that. And so we are in the process now, I understand, and if confirmed, you have my assurance that I will be very much involved in developing resiliency strategies throughout the Horn of Africa, similar to the success that we have had in Ethiopia.

With regard to Somalia, it is extremely difficult, and the situation is very dire. And one does not know when al-Shabaab will allow emergency food assistance to enter the country, and as a re-

sult, significant numbers of Somalis are suffering and many are trying to flee the country.

Senator CARDIN. Are you up to date as to the current status of border crossings as to whether Somalians are able to get out of Somalia?

Mr. GAST. I do not have the up-to-date information on that, Senator.

Senator CARDIN. That has been one of the areas that we have been able to effectively provide some relief. It is really a challenge. I mean, it is a dilemma we face. You know, I have talked about this. You have got to be able to effectively provide help when you have a humanitarian crisis, and if you do not have the cooperation of the host government, it becomes extremely challenging. We have been able to do some work through NGO's, but at times even that becomes a matter of great risk and uncertainty. So we have a responsibility to make sure there is accountability. So we welcome your honest assessments of these types of challenges. We obviously will not abandon the people in that region. It is a desperate need.

Ms. Sonenshine, we talked a little bit about the Bureau of Educational and Cultural Affairs. You talked about it in glowing terms. I strongly support the program.

What can we do to make sure that these programs are more beneficial and safe for the participants? There have been some concerns expressed. Do you have thoughts as to what we should be looking at?

Ms. SONENSHINE. Yes. Thank you for the references to the security and safety of students.

First, in my view anytime an international student is coming to the United States on whatever program—and there are many programs—we have a responsibility to make sure that it is a positive cultural engagement experience and that that student is safe, secure, educated, and that we are responsible for their welfare here.

I have looked into—I know some of the issues around the summer work travel program. I am very heartened to see that the State Department and the Secretary are looking at that particular program with great seriousness and great urgency, and there are reforms underway.

What I would also say is we always have to go back to the spirit and purpose and mission of these programs. We are exposing our students overseas and international students here to our way of life, our values, and our democracy. I also think we have to remind each other that the real values are sometimes not quantitative; they are qualitative. Although there is data, more and more now—700,000 students came here last year from overseas. That international education contributed over $20 billion to the U.S. economy. So for those who suggest that there are not real numbers attached, there are.

I am also inspired by the fact that of the Nobel laureates in this world, 40 of them came from Fulbright programs. So we have invested many heads of state, many officials, many Nobel Prize winners around the world with those exchanges and we have to tell that story.

Senator CARDIN. Thank you.

Ms. Richard and Mr. Gast, we have talked about this, but I just want to put a spotlight on this for a moment. When there is a humanitarian crisis, women are more vulnerable. We have seen that. We have seen that with refugees. Women are more likely to be abused and could be subject to trafficking. We see that in the health and food crisis around the world. Women are generally more vulnerable.

So how do we take that into consideration in our strategies? What do we do about that? Either one.

Ms. RICHARD. Well, Senator, you will have seen in my testimony that I put down the welfare of women and girls in refugee and displaced situations as one of my top priorities should I be confirmed and undertake the job of Assistant Secretary.

There already is a great deal of thought that has been given to this by leaders at the State Department and leaders among the humanitarian community. And I think the particular challenge we have now is not to realize the problem, because I think it has been very well articulated by Secretary Clinton and others, but I think what we have to do now is to follow through in the field and make sure that our operations live up to the best standards and practices to protect and aid women and girls. So that means working very closely with our partners. As you probably know, the Population, Refugees, and Migration Bureau works very closely with the U.N. High Commissioner for Refugees, the International Organization for Migration, the International Committee of the Red Cross. And through those relationships, I think we have to make sure that our best intentions are followed through with and that the best practices, that we know now what they are, take place on the ground.

Mr. GAST. Senator, in areas where women are abused during humanitarian crises, we need separate strategies to protect women. So, for example, in the early period of Darfur, I traveled there and heard the abuses of many women, and it was very clear that we needed to develop separate programs and separate strategies to protect them, even some things as basic as providing them with more fuel-efficient stoves, for example, because the women frequently traveled outside of the camp to gather wood and that is when they were abused.

It also requires all the tools of government and international organizations. Certainly PRM is a valued partner with USAID. So, for example, in eastern DRC, Congo, where women are being abused to this day, it is making sure that the security forces, the MONUSCO, are trained in how to deal with women's issues, that the government's own security forces are trained, that we assist the government to bring into the police and military trained female officers, and that we provide direct services to women and also try to support prevention. And we try to support prevention through public education and public information.

Senator CARDIN. I was impressed by all four of your resumes and background and references before today's hearing, and I tell you, it has only been reinforced by your statements and your response to questions. So I look forward to supporting your nominations and hopefully to move them as promptly as we can through the Senate. Now, moving promptly through the Senate is always relative. [Laughter.]

Senator CARDIN. So we will do the best we can to bring these up in a timely fashion.

The committee record will remain open until close of business tomorrow. As I indicated earlier, some of our colleagues may have questions for the record, and we would encourage you to respond to them as quickly as possible.

And with that, if there is no further business, the committee will stand adjourned. Thank you all very much.

[Whereupon, at 11:20 a.m., the hearing was adjourned.]

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## ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

### RESPONSES OF ANNE RICHARD TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* The Bureau of Population, Refugees, and Migration coordinates efforts with USAID to provide assistance to people in emergency conflict situations. What are some actions you would take to improve and increase coordination and a clear delineation of responsibilities?

Answer. If confirmed, I will work to strengthen coordination between the Department's Bureau of Population, Refugees, and Migration (PRM) and USAID. I will be in regular, often daily, contact with the USAID Assistant Administrator for Democracy, Conflict, and Humanitarian Assistance (DCHA) Nancy Lindborg, whom I know well and respect immensely, and other members of her team. I will encourage State/PRM's Refugee Coordinators in the field to continue to consult closely with USAID/DCHA's overseas humanitarian and food aid advisors on programmatic and policy issues. I am also eager to explore the possibility of staff exchanges between State/PRM and USAID/DCHA and to build upon existing opportunities for reciprocal staff training.

Global humanitarian needs are far greater than what State and USAID collectively can address. For this reason, State and USAID personnel must work closely together to ensure U.S. Government resources are used effectively to address top priorities, consider neglected aspects of crises, and fill gaps. State/PRM and USAID/DCHA adhere to written "Coordination and Funding Guidelines" that have helped to facilitate an effective division of funding responsibilities to meet critical needs throughout the world. Regional offices within State/PRM confer regularly with regional counterparts within USAID in Washington and in the field.

In recent large-scale crises, I understand that State/PRM has coordinated closely within the Interagency, including through active participation in daily Interagency calls and/or video conferences among field staff, the Department, USAID, the Pentagon and combatant commands, National Security Staff, and other agencies. This has proven to be enormously useful to share the latest information from the field, flag emerging policy issues, and resolve operational challenges using whole-of-government resources.

During the past year, State/PRM, USAID/DCHA, and the State Department's International Organization Affairs Bureau have established a Humanitarian Policy Working Group (HPWG). The HPWG meets monthly at senior levels to address high-priority humanitarian policy issues, such as U.S. Government advocacy on U.N. humanitarian reforms, outreach to emerging donors, and guidelines for improved civil-military coordination in humanitarian response, in a collective and strategic manner. If confirmed, I look forward to participating in this group and ensuring that it moves key humanitarian policy issues forward. I will make strengthened coordination with USAID a top priority.

*Question.* During your nomination hearing, you mentioned your focus on the protection of women and girls in the refugee context. If confirmed, what steps would you take to address and ensure the protection of women, who are considered most vulnerable in such scenarios? Despite the strong advocacy by operational organizations on the need to plan emergency response with the specific needs of women and girls in mind, we continue to see camps hastily arranged, resulting in a situation where women and girls are at risk. How would you improve this?

Answer. The protection of women and girls in conflict settings is a priority for the Obama administration, and if confirmed, I would ensure that the Bureau of Population, Refugees, and Migration's (PRM) leadership on this front remains strong. Refugee women, children, and youth populations have special protection needs that

we are committed to addressing not only through funding support, but also through advocacy and diplomacy. Since State/PRM began its special initiative for prevention and response to gender-based violence (GBV) in 2000, State/PRM has contributed more than $62 million worldwide in countries such as Afghanistan, Pakistan, Colombia, Kenya, the Democratic Republic of Congo (DRC), and Thailand.

If confirmed, I will ensure that PRM continues to strongly encourage international and nongovernmental organizations to develop and implement programs and policies that protect and assist refugee women, children, and youth. For example, State/PRM has urged the World Food Programme (WFP) and the Office of the U.N. High Commissioner for Refugees (UNHCR) and their implementing partners to involve women and children in the programming and delivery of supplies to refugees, especially food. State/PRM has also encouraged partners to include gender issues in their programs and policies as a matter of course, because involving women in the design of camps and assistance programs can help reduce protection risks.

State/PRM works closely with USAID, NGO, and IO partners to develop best practices, guidelines, and training to strengthen the humanitarian community's capacity to address GBV and other gender issues throughout the humanitarian response. State/PRM actively engages with NGO partners to prevent sexual exploitation and abuse, encouraging partners to implement policies and procedures, rather than simply signing a code of conduct. State/PRM also emphasizes the importance of education in emergencies as a critical protection tool. The Bureau works closely with USAID and the Center for Disease Control, as well as UNHCR and UNFPA, to promote access to reproductive health care in emergencies. And PRM will continue to play a critical role in the Department of State in developing and implementing the U.S. National Action Plan on Women, Peace and Security.

If confirmed, I intend to build on the experiences and lessons learned over the past years to strengthen our efforts to better protect women and girls, working closely with colleagues across the U.S. Government, civil society, and international organizations. I will devote special attention to these matters during visits to the field and will ask PRM colleagues to do the same. I will also engage with other senior policymakers and leaders to ensure that they make protecting women and girls a top priority.

*Question.* With the U.S. military drawdown from Iraq, what challenges will arise with respect to addressing the needs and concerns of Iraqi refugees? As you know, the number of Iraqis coming to the United States through the Special Immigrant Visa (SIV) program is very low, as are the numbers of refugees. You mentioned in your confirmation hearing that this would be of utmost importance to you. Please describe the efforts you would take, if confirmed, with other U.S. agencies to improve the resettlement to the United States of eligible Iraqi refugees and SIVs.

Answer. Iraqi refugees and internally displaced persons will require continued support from the United States and the international community as solutions to displacement are identified—voluntary return to their former communities, local integration in areas of displacement, and resettlement elsewhere. Countries in the region hosting Iraqi refugees continue to offer asylum to Iraqis, and we do not expect the withdrawal of U.S. troops to affect their continued generosity. If confirmed, I will work to maintain our diplomatic engagement with the Government of Iraq and refugee-hosting countries and to sustain humanitarian support for Iraqi refugees and internally displaced persons.

I am also committed to maintaining the Bureau of Population, Refugees, and Migration's refugee resettlement programs that serve Iraqi refugees, those who have assisted the U.S. Government as well as other vulnerable Iraqis in need of resettlement. Since 2007, the United States has resettled more than 62,000 Iraqis as refugees, including over 7,800 from the U.S. facility in Baghdad. A new security check implemented in late 2010 caused a slow-down in refugee arrivals in FY 2011 to the United States, particularly for Iraqi refugees. This security check, a fundamental safeguard for our country, has equally affected the Special Immigrant Visa (SIV) program managed by the Department's Bureau of Consular Affairs. While I understand the Departments of State and Homeland Security, along with numerous intelligence agencies, are already reviewing this new check in order to gain efficiencies, it is one of my top priorities to engage at senior levels to resolve processing impediments caused by this new check while ensuring an effective system of security checks.

*Question.* I read with some alarm that the Governments of Bangladesh and Burma are in discussions regarding the possible return of Rohingya refugees currently residing in Bangladesh. As you know, this population is of great concern to me. The Bureau of Population, Refugees and Migration and the U.S. Embassy in Dhaka have both worked hard to champion the rights of the Rohingya. What will

you do, if confirmed, to restart the resettlement of Rohingya from Bangladesh to the United States and to improve their conditions in Bangladesh?

Answer. The Bureau of Population, Refugees, and Migration (PRM) is closely following the situation of the Rohingya in Bangladesh and elsewhere in the region. There has been no progress by the Government of Bangladesh on the formation of a coherent national refugee policy since the October 2010 interministerial meeting, which placed all Rohingya-related issues on hold for a policy review. Third-country resettlement of the most vulnerable people from camps is still suspended and international NGOs continue to face difficulty obtaining legal permission to operate and provide life-saving humanitarian assistance. The U.S. Government and UNHCR have engaged in humanitarian diplomacy and advocacy at senior and working levels on numerous occasions since October 2010.

During the recent official visit by Bangladesh Prime Minister Sheikh Hasina to Burma, she announced that Burma President Thein Sein agreed to the repatriation of Rohingya. Embassy Dhaka has been reassured that only willing refugees will be considered for repatriation and there is no established timeline. UNHCR is engaged with both governments and has a role in determining voluntariness and appropriate conditions in Burma for return. The eventual voluntary repatriation of Burmese refugees in safety and dignity, when conditions allow, is a solution which the U.S. Government and international community support.

If confirmed, I will work with the international community to press both Burma and Bangladesh to improve conditions for the Rohingya and will reiterate U.S. support for long-term solutions, if and when appropriate. I will emphasize our commitment to work with Bangladesh to provide assistance to and identify durable solutions for the Rohingya, including resettlement of the most vulnerable. Our humanitarian assistance is part of the U.S. commitment to seek a comprehensive solution for refugees from Burma in Bangladesh and the Southeast Asian region.

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RESPONSES OF TARA D. SONENSHINE TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* I commend the State Department for implementing reforms for the Summer Work and Travel J1 visa program, and look forward to working with the Bureau of Educational and Cultural Affairs as your monitoring efforts move forward. On secondary school exchanges, both grants-based and private sector, what reforms do you feel are necessary to ensure that international students who come to the United States have a safe, educational, and fun experience?

Answer. ECA's senior leadership has made it a top priority to strengthen and enforce regulatory oversight of all youth exchange programs. I intend to follow through on the current initiatives. The health, safety, and welfare of international students in the United States are top priorities for the State Department, and I will work energetically to ensure that it remains so.

ECA has increased staff in its Youth Programs Division, hired participant monitoring specialists and dramatically increased the number of visits and interviews with exchange students, host families, schools, and local coordinators.

In October 2010, ECA published new and more stringent regulations, including tighter family screening that includes: photographs of the host family home; an annual criminal background check; and a check of the National Sex Offender Registry for all host family adults and local coordinators.

Local Coordinators are now required to pass a training course and test on the program's purpose and regulations. Over 15,000 local coordinators have taken and passed the course.

In fall 2010, ECA/EC staff completed on-site inspections of the 39 largest fee-charging program sponsors and followed these inspections with sanctions of 15 sponsors and termination of 1.

*Question.* The Under Secretary for Public Diplomacy traditionally represents the Secretary of State at meetings of the Broadcasting Board of Governors, liaising between the BBG and the State Department.

- What will be your top priorities regarding your role with the BBG? What efforts will you promote?
- In your assessment, what challenges does the BBG face in the field of public diplomacy as it competes with similar efforts of other countries, including but not limited to China? How would you address these challenges?
- How will you reduce the overlap and redundant programming between BBG and public diplomacy?

Answer. The Under Secretary for Public Diplomacy and Public Affairs is the Secretary's designated representative to the BBG. In that role, as in all others, I would give top priority to working across agencies in a whole-of-government approach that creates synergies, leverages talent and makes the most of limited resources.

The State Department and the BBG share a commitment to promoting freedom of the press and open access to information around the world as a fundamental tenet of our democratic values. I would seek to foster ongoing dialogue between the Department and the BBG to ensure that we are reinforcing those messages while being respectful of the "firewall" that safeguards the independence of U.S. international broadcasting. I also would look forward to drawing upon my 25 years of media experience—including with ABC NEWS, Newsweek, and other outlets—to contribute ideas to the BBG on its reform efforts.

These efforts have been geared in part toward increasing U.S. international broadcasting's audience in an ever-growing global media marketplace. The ascendancy of government-supported international media on multiple platforms in other countries, including China, has created new competition for audiences—a point to which Secretary Clinton spoke earlier this year in testimony before the Senate Foreign Relations Committee. Concerns have been raised in particular over media backed by governments with views that are at odds with those of the United States. If confirmed, I will strongly support the BBG's work to improve its competitive edge.

Additionally, in a number of countries the BBG and its grantee organizations face challenges of government-restricted audience access to broadcast programs and products through signal jamming, as well as barriers to Internet usage and the distribution of content. The State Department has worked with the BBG to help overcome these restrictions, and if confirmed, I will ensure that this interagency coordination receives all the institutional backing that it needs.

The situation involving broadcasting and China is exacerbated by limits that the Chinese Government places on the number of visas granted to journalists working for U.S. international broadcasting entities. The State Department frequently raises this issue with the Chinese Government—via their Embassy in Washington, the U.S. Embassy in Beijing, and at various high-level meetings. As Under Secretary for Public Diplomacy and Public Affairs, I would lend my full support to finding a solution to this challenge.

With respect to any redundancies in programming, I will look to eliminate needless duplication, particularly given the tight budget environment in which the U.S. Government operates, by reviewing any areas where BBG and State Department activities appear to overlap. But I would also work to create synergies drawing on the strengths of public diplomacy and BBG programming to ensure that we reach the broadest possible audience using a range of tools that complement one another, such as opinion research and audience metrics.

*Question.* Online exchanges, or "Exchange 2.0"

a. Online exchanges, or "Exchange 2.0," are heralded by some as low-cost and effective means for advancing intercultural and international engagement.

- In a period of fiscal austerity and dwindling resources, what steps would you take to strengthen the efficacy of online exchanges and increase both Americans' and other nationals' use of such programs?

b. Others say "Exchange 2.0" cannot substitute for traveling to other countries and directly experiencing other cultures. The State Department has many programs through which foreign professionals and students come to the United States for immersion and cultural exchange purposes. But it is also very important for Americans of all demographics to explore other countries and serve, however indirectly, whether through volunteer or teaching programs, as citizen ambassadors of the United States.

- If confirmed, keeping in mind the economic climate, what measures might you take to encourage more Americans to travel overseas and learn about other societies? How would you envision your role in this, and how would you work throughout government on this issue?

Answer. Online or virtual exchange offers a cost-effective, meaningful, and scaleable complement to in-person exchanges, especially among youth. However, they are not a substitute for direct people-to-people exchanges. That said I will work on exploring how to support more of these sorts of exchanges around the world.

Impact and sustainability is increased by adding virtual exchange programs to currently funded activities. The projects are able to further educational reform through project-based learning, interdisciplinary education, and student teamwork. Also, virtual exchanges between international students and American students help

share American values through selected activity themes, such as freedom of the press or human rights, as the students research and report on the themes.

I am a strong advocate for the importance of Americans engaging in meaningful experiences abroad, and will work with colleagues across government as well as educators, artists, scientists, business leaders and others in the nongovernmental community to convey this message. In order for the United States to compete and lead, we must ensure that our people are equipped with the skills and understanding necessary to succeed in a global environment. The Department of State's international exchange programs fulfill the nation's priorities and serve as models in their emphasis on increasing participation by underserved populations, fostering language learning, and supporting career-relevant experiences and exchanges that promote leadership development.

*Question.* Over the last few months, we have witnessed the slow but hopeful liberalization of Burmese politics. Should Burma takes further steps to become a more open society, how do you envision increasing cooperation with that country to enhance people-to-people exchanges?

Answer. People-to-people exchange has been and will continue to be an important part of U.S. efforts to bring about political reform in Burma. Initiatives such as English teaching and other programs for Burmese citizens organized by the American Center in Rangoon, visits by journalists and other important figures from Burma to the United States in State Department exchange programs, have all contributed to the gradual development of civil society in Burma. Should Burma take further steps to become a more open society, the State Department will use the full range of public diplomacy tools at our disposal to expand people-to-people ties with Burma, including increasing youth, student, and professional exchanges.

*Question.* During your nomination hearing you said that public diplomacy is something for which engagement requires being "in it for the long haul." You also mentioned as an example of public diplomacy the recently launched U.S. Virtual Embassy in Iran. There are reports that already the Iranian Government has blocked Iranian citizens from accessing the Virtual Embassy Web site.

- What are all the tools available to the U.S. Government committed to public diplomacy in the long haul, to address challenges, such as blocked Internet access and hampered communication, as it pursues several mediums by which to engage people around the world and explain or demonstrate to them what America is about? How would you prioritize those tools?

Answer. Virtual Embassy Tehran has not been shut down. In fact, it has gone viral, rapidly approaching 1 million page-hits within the first week. After the site was "blocked" inside Iran, many of the Persian-language page-views originated from countries where the Persian-speaking community is negligible or nonexistent—a strong indicator that Iranians are using proxy software and/or Virtual Private Networks (VPNs) that mask IP addresses.

While we cannot exactly quantify the number of hits from inside Iran, Iranians have long found creative ways to get around the regime's attempts to stop them from controlling the information they see. "Blocking a site" does not equate to "making that side inaccessible."

While Facebook has never officially confirmed the number of Iranian users, the Iranian Government itself has estimated that more than 17 million Iranians have Facebook accounts—despite the fact that Facebook is one of those blocked Web sites.

Secretary Clinton has made clear that Virtual Embassy Tehran is just one step in what will be a sustained U.S. effort to pierce the "Electronic Curtain" Iran is attempting to place around its people. As part of this effort, we are increasing our communication efforts in the Persian-language through all available media (online, broadcast, print, etc.) to counter disinformation and persistent myths about the United States and our policies. We are exploring additional ways to make broadcast content available to Iranian audiences by countering Iranian jamming of foreign broadcasts. We will continue to explore innovative ways to put hardware, software, and expertise in the hands of Iranian citizens and assist them in bypassing their own government's censorship.

Finally, we are raising greater awareness for Iran's systemic efforts to deny information to its people. These efforts to control what the Iranian people see, hear, think, and feel are both a significant human rights violation and an approach that runs counter to the historical role successive Persian empires have played as a crossroads of civilizations.

We share internally best practices and employ similar tactics in other countries where systematic censorship and control of information challenge our diplomacy.

*Question.* With the U.S. military drawdown in Iraq, how would you increase public diplomacy efforts in that country to build on and improve America's relationship with Iraq and its citizens?

Answer. There is currently in place and underway a wide-ranging transition plan to enhance our public diplomacy efforts in Iraq. It includes both expanded communications with the Iraqi people and expanded educational and cultural programs to enhance direct engagement between Iraqis and Americans. If confirmed, I pledge to work with the Congress to extend the full range of our Nation's substantial public diplomacy abilities and tools to broaden understanding in Iraq of the new U.S.-Iraq civilian partnership, enshrined in the Strategic Framework Agreement (SFA).

The past decade has seen a major expansion of media outlets in Iraq and the arrival of broadly available cellular phone communications and open Internet access. If confirmed, I will work with our mission to vigorously leverage broadcast and new media—as well as press engagement—to project a bilateral partnership based on mutual interests and values, consistent with the evolving relationship. Our team of Arabic-speaking officers will be asked to conduct regular radio and TV interviews on Iraqi and pan-Arab television and will seek other creative means of leveraging the reach of television, the most common news source for Iraqis, to reinforce key themes. Embassy Baghdad will utilize its growing Facebook and YouTube presence to highlight the many partnership bilateral partnership activities under the SFA. I am a strong advocate for the effective use of social media and outreach programs that will include regular discussions with youth, women, and young professionals on a wide range of topics.

Our public diplomacy activities will support no less than six elements of the Strategic Framework Agreement. It is my hope to see that our engagement with Iraq effectively underscores the shared values and goals of our bilateral partnership.

The Bureau of Educational and Cultural Affairs currently operates a broad range of academic and professional exchanges with Iraq, including the ones with which you are most familiar—the Fulbright Program, International Visitor Leadership Program (IVLP), Hubert H. Humphrey Fellowships. These and other exchanges focus on education, English teaching, rule of law, entrepreneurship and economic growth, urban planning, public health, scientific research, and human rights.

We must do as much as we can to promote deep engagement between Iraqi and American educational institutions as a way of nurturing stronger people-to-people relations. Our public diplomacy program oversees seven university linkage programs that support exchanges between American and Iraqi universities. We will be continuing to make substantial investments in English teaching programs in Iraq to facilitate communication with and understanding of the United States. Our academic advising programs will promote U.S. study by Iraqis—a growing number of whom are funded by the Iraqi Government.

The United States has earned much good will through our efforts to support the preservation of Iraq's cultural and artistic legacy. Cultural heritage initiatives, including improved professional capacity in object conservation, historic preservation, and archaeology, continue to be an important part of our bilateral dialogue and will be supported to the best of our ability.

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RESPONSES OF ROBERT E. WHITEHEAD TO QUESTIONS SUBMITTED BY SENATOR JOHN F. KERRY

*Question.* Given your previous experience as Chief of Mission in Khartoum and Deputy Chief of Mission (DCM) in Zimbabwe, Zambia, and the Central African Republic, what lessons have most significantly shaped your approach to managing a post like Togo?

Answer. As Chargé d'Affaires in Khartoum and as DCM in Zimbabwe and the Central African Republic, I learned to anticipate what issues might arise in a very fluid political and social environment characterized by negative trend lines. During my tenure in these three countries, crisis management of unanticipated situations was often the rule. The situation in Togo, on the other hand, is more akin to what I experienced in Zambia, where the trend lines were largely positive. Togo currently appears well positioned to achieve a general improvement of the political, social, and economic environment. If confirmed, I will work with the Embassy country team, and through our bilateral and multilateral relationships, to harness the possibilities for improved governance, strengthened rule of law and accelerated economic liberalization.

*Question.* In your testimony, you noted that maritime security in the Gulf of Guinea is one of our principal concerns in Togo and that the U.S. Embassy will look to

use existing programs to help assist Togolese efforts. Piracy off the coast of Somalia, which has had a much larger economic impact and received far more attention, tends to be viewed often as primarily a naval problem, but its origins—and likely resolution—are found on land. How would you approach the question of piracy and maritime security, if confirmed?

Answer. Banditry, piracy, and armed robbery at sea are a crucial concern in the region and especially for a country like Togo, which benefits greatly from the port revenue from the transshipment of goods to the land-locked Sahelian countries to the north. Maritime insecurity is a threat not only to economic growth, but also national and regional security and stability. The maritime domain in the Gulf of Guinea is vulnerable to a wide array of threats that have significant land-based dimensions, whether related to the origin of the threat, the locus of its effects, or the land-based capabilities required for preventive or enforcement interventions. As a result, land-based actors and capabilities are as important to maritime security as the sea-based actors and capabilities. Most attacks at sea against maritime commerce in the Gulf of Guinea do not meet the definition of piracy, since they largely occur within national or territorial waters. As such, the problem requires a different approach than that employed in the Gulf of Aden. We must invest in smart and targeted engagements that capitalize on local political will and nationally owned initiatives with regional consequences. If confirmed, I will work with the Togolese authorities to strengthen their capacity to patrol the coastline and police Togolese territorial waters. The United States has provided two Defender patrol boats to aid the Togolese Navy in these efforts. I will continue to use existing programs such as Africa Command's African Partnership Station to build the capacity of Togo and neighboring littoral states in this domain. Understanding that this is a regional issue, I will encourage President Faure to engage in consultations with neighboring coastal countries of the Economic Community of West African States to develop a joint plan to respond to this growing threat.

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RESPONSES OF EARL GAST TO QUESTIONS SUBMITTED
BY JOHN F. KERRY

*Question.* As you know, we are currently in a very difficult fiscal situation. If the global foreign assistance budget is subject to cuts in FY 2012 and FY 2013, how will USAID approach this process in terms of its Africa programming? What priorities would guide the agency's thinking, particularly with regard to development outcomes and bilateral relationships?

Answer. Although the budget climate is challenging, USAID, in collaboration with our interagency partners, will prioritize implementing the Obama administration's Presidential Initiatives, combating major humanitarian crises and assisting those recovering from serious conflict, and advancing regional security, democracy and governance, and economic growth. By focusing our programming on these priorities, measuring outcomes, and working collaboratively with host governments, civil societies and private sector partners on the ground, we will help to resolve conflict, maintain stability, and promote development.

In particular, Africa's democratic gains cannot be taken for granted as democratic institutions across the continent have not been fully consolidated and remain fragile and vulnerable to authoritarian leaders and unconstitutional changes of government. In addition to supporting strong democracy programs throughout Africa, the Agency has a special focus on strengthening elected municipal-level governance and civil society counterparts in relatively well-performing African countries in order to deepen democratic governance and build systems of accountability.

*Question.* In your testimony, you noted that USAID is currently improving the impact, cost-effectiveness, and sustainability of development programs. What are the best ways to measure aid effectiveness and what mechanisms are currently in place or being considered in order to measure the medium- or long-term impact of completed U.S. programs?

Answer. USAID's newly adopted evaluation policy offers a comprehensive approach designed to set the standard for measuring the results and impact of our programming on the ground. These efforts focus not just on the imputs that are provided or even the outputs achieved, but on accountable measures of development outcomes. Through the implementation of this policy—a key pillar of Administrator Shah's USAID Forward reform agenda—the Agency will more effectively determine where we are seeing results and intensify or scale up interventions as appropriate, as well as those areas where we need to modify or scale back our investments. The

policy will improve the quality of our monitoring and evaluation agenda and guide our program strategies, program design, and resource allocation decisions.

*Question.* During your nomination hearing, you discussed the importance of supporting good governance in Africa. In countries where we have not seen progress in democracy and human rights, and particularly in countries where we've seen a backsliding in critical elements of good governance, how should this affect U.S. aid funding and in what ways would you recommend re-thinking existing assistance programs?

Answer. U.S. support for democracy, human rights, and governance (DRG) is central to protecting our national security, promoting our national values, and furthering U.S. interests (including economic) in Africa. Failed or authoritarian states pose a threat to the physical security of the United States through potential trafficking in drugs, persons, and weapons, and providing safe haven to those who wish our harm.

During the past decade, Africa has made significant progress in democratization, including the birth of a new democratic state of South Sudan, recent democratic elections in Zambia, and democratic transitions in Cote d'Ivoire, Guinea, and Niger. Since 1998, dozens of African countries have embraced democratic rule. This is a remarkable achievement given that 30 years ago military dictatorships and one-party states dominated the landscape. However, significant challenges remain, including persistent instability in Somalia, restrictions on civil society in Ethiopia, and the continued political crisis in Madagascar.

Strategic investments in DRG can make a big difference in whether a country progresses or backslides. Our assistance targets windows of opportunity for strengthening representative and responsive governance and civil society institutions, and to work across sectors—agriculture and food security, in education, in health, and in climate change—in increasing African partners' capacity for transparent and accountable governance.

In countries where engagement with central governments remains unproductive or not possible, efforts at the grassroots level to foster citizen demand for better governance and to facilitate tangible gains in local service delivery are important. USAID plays an important role in supporting civil society organizations delivering health, education, and other services while also supporting human rights and democratic activists outside of government and, when possible, reformers within government. Democracy, human rights, and governance programs have also been refocused more directly on promoting democratic principles in the delivery of services by integrating these principles through civil society support across several development sectors to build understanding of and demand for democratic governance at the local level.

*Question.* Please highlight what you consider to be three of USAID's most significant programming successes in Africa in recent years. What made these programs successful?

Answer. Among the many USAID success stories in Africa, three stand out as potent illustrations of what U.S. foreign assistance and priorities can accomplish: progress in addressing the scourge of HIV/AIDS, improved food security in Ethiopia, and the peaceful secession of South Sudan.

For over 20 years, one of the most significant health challenges facing Africa has been the rise and spread of the HIV epidemic. In addition to dire health consequences on affected individuals and families, the disease also places considerable demands on community resources and stunts economic growth. But according to a recent U.N. report, in 2010, new HIV/AIDS infections worldwide had dropped to their lowest levels since the peak of the epidemic, and treatment mobilized by the international community has saved the lives of 2.5 million people in poor countries worldwide since 1995. In 22 African countries, the rate of new HIV infections fell by more than 25 percent and AIDS-related deaths have dropped 21 percent between 2001 and 2009, largely as a result of international investments and coordination.

Through the U.S. President's Emergency Plan for AIDS Relief (PEPFAR), USAID and its interagency partners have worked together to make major strides in addressing and mitigating the effects of the disease. Today, PEPFAR is providing life-saving antiretroviral drugs to more than 3.8 million HIV-positive Africans, and care and treatment to over 10 million. USAID is the major implementer of PEPFAR throughout the world. PEPFAR is increasingly trying to link its efforts to other health programs in order to improve the efficiency, effectiveness, and impact of their programs, It has also targeted efforts toward women, who comprise the majority of people infected by HIV, and preventing mother-to-child transmission, which has allowed millions of babies to be born HIV-free.

In Ethiopia, USAID is partnering with the World Bank and other organizations to support the Government of Ethiopia's Productive Safety Net Program. For the last 5 years, the Agency's programs have worked to shift Ethiopia away from dependence on emergency food aid and toward long-term self-sufficiency and food security. This involved resiliency programs that introduced drought-resistance seeds, constructed wells and catchment areas, strengthened livestock health, and promoted good sanitary practices. We have seen striking results of these efforts this year, when, despite Ethiopia's experiencing its worst drought in 60 years, more than 7.5 million fewer Ethiopians required emergency food assistance than did during the country's last drought.

USAID has prioritized investments in the Productive Safety Net Program—implementing market-driven approaches to diversify livelihoods, build markets, and build stronger links among farmers, markets, and financial services. Additionally, the President's Feed the Future initiative is capitalizing on the lessons learned through this program and others to build country-led approaches in Africa that increase food security, improve household incomes and nutrition, and reduce poverty by investing in the main engine of Africa's economies: agriculture.

This past year, South Sudan emerged as the world's newest nation following a peaceful, transparent, and open referendum process stipulated by the 2005 Comprehensive Peace Agreement that ended the country's 22-year civil war. While South Sudan's challenges hardly ended with independence, the Government of South Sudan (GOSS), with USAID support, has built roads to facilitate trade with its neighbors; established systems to provide health care and education for its people; installed checks that ensure transparent management of its resources; and developed policies to protect its extraordinary natural resources. USAID continues to work with its institutions at all levels to sustain and deepen these accomplishments, including through the recent U.S.-sponsored international engagement conference for the Republic of South Sudan. USAID has been a strong partner of the GOSS since its inception, and that partnership continues today.

As you know, millions of Sudanese came together to vote against war for a peaceful independence. U.S. support helped to create the environment that led up to that extraordinary moment—a potent illustration of what diplomacy and development can achieve in Africa and how continued U.S. involvement is critical to supporting African progress. If confirmed, I look forward to working with my interagency partners to strengthen our relationship with South Sudan and assist the Sudanese people in meeting the various challenges impacting our newest democracy.

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