

# NOMINATIONS OF THE 110TH CONGRESS—SECOND SESSION

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## HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS  
UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

SECOND SESSION

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JANUARY 30 THROUGH SEPTEMBER 24, 2008

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Printed for the use of the Committee on Foreign Relations



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110TH CONGRESS—FIRST SESSION

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ANTONY J. BLINKEN, *Staff Director*

KENNETH A. MYERS, Jr., *Republican Staff Director*

\*Note: Reassigned to Committee on Finance January 24, 2008.

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COMMITTEE ON FOREIGN RELATIONS  
110TH CONGRESS—SECOND SESSION

JOSEPH R. BIDEN, Jr., Delaware, *Chairman*

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KENNETH A. MYERS, Jr., *Republican Staff Director*

\*Note: Appointed February 12, 2008.

## NOMINATIONS

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MONDAY, APRIL 28, 2008

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

Burns, William J., to be Under Secretary of State for Political Affairs  
Jacobs, Janice L., to be Assistant Secretary of State for Consular Affairs  
McMahan, Vance, to be the U.S. Representative on the Economic and Social Council of the United Nations

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The committee met, pursuant to notice, at 3:53 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Robert P. Casey presiding.

Present: Senators Casey and Lugar.

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

Senator CASEY. The hearing of the Committee on Foreign Relations will now come to order.

Today, the committee meets to consider three important nominations: Ambassador William J. Burns, Under Secretary of State for Political Affairs; Ambassador Janice L. Jacobs to be Assistant Secretary of State for Consular Affairs; and Mr. Vance McMahan to be the U.S. Representative on the Economic and Social Council of the United Nations, with the rank of Ambassador.

I want to congratulate all of you on your nominations and express the gratitude of the Senate for your willingness to engage in public service on behalf of our Nation.

Ambassador Burns, you've been nominated for what is, in effect, the third-ranking position in the State Department—the Under Secretary of State for Political Affairs. Like Secretary of State Rice and Deputy Secretary of State Negroponte, you're responsible for not just one region or one functional area, but the broad sweep of U.S. foreign policy. While this position is always important, if confirmed, you will be assuming it in an especially important time. Regardless of who is elected President this fall, you may be the senior official at the State Department during the transition period, and even perhaps during the first weeks of the new administration.

And I know you have some big shoes to fill. Your predecessor as Under Secretary of State for Political Affairs, Ambassador Nick Burns, played a key role on leading foreign policy challenges, in-

cluding the United States-led initiative to halt Iran's nuclear activities that violate a series of U.N. Security Council resolutions, and the efforts to hammer out a civil—or, I'm sorry—a civilian nuclear cooperation agreement with India. I'll be interested to hear your views on how you intend to approach the upcoming presidential transition as the senior career officer at the State Department and which foreign policy challenges you intend to focus upon when you assume your new position.

I'm also happy to learn, today, that you've got some roots in Scranton, PA. We always appreciate that.

Ambassador Jacobs, you have been nominated to assume the leadership of the State Department's Consular Affairs Bureau, which, unfortunately, has been in the news, of late, for the wrong reasons. Last summer, we witnessed thousands of Americans having to postpone or cancel their trips abroad due to lengthy delays in receiving their passports. Unfortunately, the State Department had badly miscalculated the level of demand for U.S. passports in the wake of new rules established under the Western Hemisphere Travel Initiative.

While passport processing times have now returned to normal, many of us in the Congress are concerned about a repeat of this scenario next year, when new regulations come into effect requiring all Americans transiting our borders by land or sea to have U.S. passports or passport cards. I look forward to your views on how the State Department plans to assess likely demand, and the steps it is taking to get ready.

More recently, we learned the disturbing news that State Department employees and contractors illegally accessed the passport files of the three remaining presidential candidates. Perhaps of greater concern, there was a significant lag before these unauthorized disclosures were reported to senior Department officials and the three candidates themselves. I understand that the State Department inspector general is conducting an investigation, and I look forward to hearing the status of that investigation and the steps the Department is taking to better protect the privacy and integrity of passport files for all Americans.

Finally, Ambassador Jacobs, I want to raise an issue raised by a number of our constituents in Pennsylvania. Many families, including those in Pennsylvania, have encountered lengthy delays and uncertainty in the processing of adopting children from foreign nations, especially Vietnam and Guatemala. While I understand the critical need to follow careful rules and regulations, especially to deter intolerable kidnapping and selling of infants for adoption, too many families have often been left in the dark regarding individual cases.

I strongly urge the Department of State and your Bureau to recommit to frequent communications with both congressional casework staff and the general public so that affected families receive regular updates on their adoption cases and suffer less unneeded stress.

Our final nominee before us today, Mr. McMahan, has been nominated for the position of United States Representative to the United Nations Economic and Social Council, or ECOSOC—"ecosock," for those of us who focus on acronyms. The ECOSOC is

a U.N. body that addresses international economic, social, and cultural issues and is currently undergoing significant reform efforts. However, I was disappointed when ECOSOC, last year, voted to deny—to deny—the Jewish National Fund of the United States general consultative status at the body, a status that roughly 2,800 other nongovernmental organizations already enjoy.

Such actions, which appear to stem from an anti-Israel bias, only serve to undermine the trust of the American people in the evenhandedness of the United Nations as a whole. I look forward to your views on how to make ECOSOC a more effective and non-discriminatory organization.

With Americans dying in combat in foreign lands and our international prestige at an all-time low, our Nation demands capable representatives to advocate for our interests overseas. I look forward to hearing your views on how you intend to serve as representatives of our great Nation.

And at this moment I think we'll go to our nominees. We may be joined by other members of this committee. We'll turn to our nominees for their opening statements. And I'd encourage you to keep your remarks brief, as we always say, no longer than 5 minutes each, if you can hold to that, so we can move to questions. And if you're summarizing your statement, the text of your full statement will be included in the hearing record.

And I also know this is a proud moment for each of you, and also for your families, and maybe friends, as well, so I'd encourage you to introduce family and friends who are present today when you deliver your opening statement.

And at this moment I think we'll start, first of all, with Ambassador Burns.

**STATEMENT OF WILLIAM J. BURNS, NOMINEE TO BE UNDER  
SECRETARY OF STATE FOR POLITICAL AFFAIRS**

Ambassador BURNS. Thank you very much, Mr. Chairman. It truly is an honor to appear before you today as President Bush's nominee to become Under Secretary of State for Political Affairs.

I am grateful to the President and to Secretary Rice for their confidence in me and in our diplomat service, in which I am proud to have served for the last 26 years. If confirmed, I will do my best to live up to their trust and to work closely with you and all of your colleagues on this committee, as I have throughout my career.

With your permission, Mr. Chairman, I'd like to begin by expressing deep appreciation to my family—to my wife, Lisa, and daughter, Sarah, who are still in Moscow, and my daughter, Lizzy, now in the midst of her final exams at Duke University. As in so many Foreign Service families around the world, their love and sacrifice are a very large part of why I am here today. I can never repay them adequately.

This is the fourth time, Mr. Chairman, that I've appeared before this committee for confirmation. I approach this new challenge with considerable humility, with great respect for Nick Burns, Mark Grossman, Tom Pickering, and all those who have come before me, with an abiding commitment to public service, with faith in the power of clear-eyed diplomacy in the pursuit of American in-

terests and human freedoms, and with few illusions about the complicated world around us.

It is a world with no shortage of troubles, but also plenty of opportunities for creative and determined American leadership. It is a world which faces the spreading dangers of weapons of mass destruction, new and more malignant forms of terrorism, unresolved regional and sectarian conflicts, failed and failing states, global economic dislocation, and transnational health, energy, illegal narcotics, and environmental concerns. It is a world in which American vision and leadership are essential in crafting relations with emergent and resurgent great powers, in deepening their stake in global institutions and a stable international system. It is a world in which other people and other societies will always have their own realities, not always hospitable to ours. That doesn't mean we have to accept those perspectives, or agree with them, or indulge them, but it does mean that understanding them is the starting point for sensible policy. It is a world in which a little modesty in the pursuit of American interests is often a good thing, and in which there's still no substitute for setting careful priorities and connecting means to ends.

But, it is also a world in which the power of our example and our generosity of spirit can open the door to profound advances, as President Bush has shown in his historic initiative against HIV/AIDS in Africa. It is a world in which our leadership should serve as a catalyst for making common cause with others. Nowhere is that more true today than in the broader Middle East, where it is hugely important to build on the Annapolis Conference and realize the promise of a two-state solution to the Israeli-Palestinian conflict, and where we must strengthen regional and international support for a better future for Afghanistan and Iraq.

It is a world, as Secretary Rice has said, in which America has no permanent enemies and in which tough-minded engagement of our adversaries, such as North Korea and Iran, is a mark of strength and confidence, not weakness. And it is a world, as Secretary Gates has argued, in which the many instruments of American soft power ought to be expanded alongside the tools of hard power.

Mr. Chairman, I look forward, if confirmed, to assisting Secretary Rice and Deputy Secretary Negroponte in coordinating our diplomacy across the major regions of the globe and toward the alliances and international organizations which are so important to U.S. national security. I will draw, as best I can, on my experience in Russia and the Middle East, two regions of the world which are rarely dull, but always central to American interests. I will work hard, with my friends and colleagues in other agencies, to promote an effective policy process. And I will also wholeheartedly support Secretary Rice's efforts, building on the world of Colin Powell, to transform and strengthen America's diplomatic capabilities for the new century before us.

Taking care of our people, of the members of the Foreign and Civil Services and the Foreign Service nationals who serve our country with such dedication and courage in so many hard places around the world, is not only the right thing to do, but also a powerful contribution to America's best interests.



Thank you, again, Mr. Chairman, for your consideration. I know the period ahead is an important one, with a political transition looming in our country in a world which doesn't stop for our political processes. I'll do all I can, if confirmed, to work with all of you to help meet the formidable challenges before us.

Thank you.

[The prepared statement of Ambassador Burns appears at the end of this hearing transcript.]

Senator CASEY. Thank you, sir.

I wanted to note the presence of our distinguished ranking member, Senator Lugar, who joins us, as well, and I appreciate his presence here at the hearing.

Ambassador Jacobs.

**STATEMENT OF JANICE L. JACOBS, NOMINEE TO BE  
ASSISTANT SECRETARY OF STATE FOR CONSULAR AFFAIRS**

Ambassador JACOBS. Mr. Chairman, Mr. Lugar, it's a distinct honor to appear before you today.

I would like to express my sincere appreciation to President Bush and Secretary Rice for nominating me to be Assistant Secretary of State for Consular Affairs.

I would also like to introduce and give special thanks to my husband, Ken Friedman, who is here with me today.

Consular work is fundamentally about service to our mission, to our citizens, and to the security of our Nation. As a career consular officer for 28 years, I have gained a broad perspective of the many and varied consular challenges our country faces. In leadership positions, as Deputy Assistant Secretary for Visa Services and Principal Deputy Assistant Secretary for Consular Affairs, I have worked on the full range of consular issues, implementing changes that have transformed the security and efficiency of consular work across the range of our activities.

As Deputy Chief of Mission in Santo Domingo, and as Ambassador to Senegal and Guinea-Bissau, I have seen, firsthand, the outstanding work that all consular personnel—officers, locally engaged employees, eligible family members—do at our posts overseas. If confirmed, I will consider it my great privilege to lead the Bureau of Consular Affairs in protecting our Nation's security and providing the highest-quality services to our citizens.

One of those services is providing American citizens with reliable, secure passports. The Bureau took immediate action when we learned, recently, that the passport records of Presidential candidates had been improperly accessed by Bureau employees. As Acting Assistant Secretary, and under the guidance of the Under Secretary for Management, we informed the candidates, reminded all Bureau employees of their legal obligation to safeguard the privacy of passport records, and requested the Office of the Inspector General to begin an investigation, which is ongoing. We are exploring further measures to protect the privacy of American citizens and strengthen the integrity of the passport process.

Mr. Chairman, if confirmed, I will be vigilant in ensuring that the American public's trust in the Bureau is well placed and that the personal information they provide to us is kept safe.

CA has greatly improved the efficiency of passport processing. Despite demand that now runs 7 percent above last year's record 18.4 million passport issuances, I'm pleased to report that there is no backlog of passport applications. We are meeting higher demand by hiring hundreds of new staff, establishing new passport agencies, expanding existing facilities, and producing a passport card to meet the needs of our citizens on the northern and southern borders. If confirmed, I will ensure that we continue to provide reliable passport services to our citizens.

In discharging our visa responsibilities, consular officers sit literally on the front lines on the global war on terror, contributing to national security. They strengthen our borders by detecting and deterring the entry of those who seek to break our laws. They strengthen our society by helping reunite American families through legal immigration. Since 9/11, the Department's challenge has been to enhance the security of our borders while keeping America's doors open to the world. Our commitment to the "Secure Borders, Open Doors," joint vision of Secretaries Rice and Chertoff has transformed visa processing and enabled us, for example, to issue an all-time record of 651,000 student and scholar visas last year. If confirmed, I will continue this commitment to improve the security and efficiency of visa processing and ensure that America continues to welcome legitimate international visitors.

Of course, our primary responsibility is to serve and protect American citizens overseas. We provide our citizens with services around the cycle of life. We register births, replace lost passports, help people vote, and comfort families when Americans are sick, in jail, or have died. Consular officers touch people's lives.

We devote special effort to protecting children. On April 1st, we implemented the Hague Convention on Intercountry Adoption to provide better protections and transparency for children and families in intercountry adoptions. If confirmed, I will work tirelessly to ensure CA continues our outstanding record of service to our citizens.

Mr. Chairman, if confirmed, I will look forward to working with the Secretary to ensure consular support for America's foreign policy objectives. If confirmed, I will continue to work with the committee to ensure that the world's finest consular corps continues to meet its obligations to our citizens and to our Nation.

Thank you for the privilege of appearing before you today, and I would be happy to answer any of your questions.

[The prepared statement of Ambassador Jacobs appears at the end of this hearing transcript.]

Senator CASEY. Thank you, Ambassador.

Mr. McMahan.

**STATEMENT OF T. VANCE McMAHAN, NOMINEE TO BE REPRESENTATIVE OF THE UNITED STATES ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR AND AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS**

Mr. McMAHAN. Thank you, Mr. Chairman, Senator Lugar, members of the committee. I'm honored to appear before you today as the President's nominee to serve as the U.S. Representative to the United Nations Economic and Social Council. I'm deeply grateful to President Bush and Secretary Rice for their confidence in me.

I hope that my legal background in the field of banking and finance, as well as my extensive experience in government and work on a number of public policy issues, from education to healthcare to global competitiveness, will contribute to my effectiveness in this position.

I strongly believe the United States role as a force for good in the world, that, working with global community, we can help free people from hunger and disease, poverty and illiteracy, tyranny and violence, allowing them to realize their full potential as human beings.

The United States has led an effort to bring new ideas and fresh approaches in a number of areas, including the economic policy debate at the United Nations. Our approach, in line with the Monterrey Consensus on Financing for Development, emphasizes the importance of sustainable economic growth in development policy, linking new aid from developed nations to real reform in developing ones.

Our guiding principle is based on building partnerships. It's a balanced approach which promotes a central role of national governments in their own development and the importance of international investment, trade, and credit markets, and expanding economic opportunities for the world's poor. If confirmed, I will continue to advance our view that foreign assistance, in the context of good governance and sound domestic policy, can play a catalytic role, but it cannot substitute for open international trade and the ability to attract private capital.

The Economic and Social Council, ECOSOC, is at the center of these activities, and, through its resolutions, functional commissions, and regional commissions, is an important venue to promote key U.S. interests. The United States, as an ECOSOC member, has worked closely with our member states to integrate our shared views into U.N. policies on the role of economic growth and national development strategies that can bring real change to the lives of many.

Through the work of ECOSOC and its subsidiary bodies, we are also pursuing the global goals, in the Millennium Declaration, of reducing poverty and hunger, improving health and education, and combating major diseases. Achieving these goals will require greater focus on, and innovative approaches to, sustainable development in the fragile and failing states where many of the so-called "bot-

tom billion" live, those who have been left behind as the rest of the developing world has moved ahead. The extreme poverty and instability in these states affects the entire global community. If confirmed, this will be one of the most important items on my agenda.

In addition to its important work on economic growth and development, ECOSOC also plays a critical part in the promotion of human rights and social justice. Unfortunately, the Geneva-based Human Rights Council, which, in 2006, replaced the former Commission on Human Rights, has been a grave disappointment in this regard. To date, that body and many of its members remain unwilling to meet the council's mandate of addressing gross and systematic violations of human rights. Until the council improves, we will not legitimize it with our formal participation. If confirmed, I will continue to press for the council to approach its work with the seriousness that the United States and the international community expect, and to eliminate the selective bias that we've observed in its work so far.

I would also continue to work with our partners to push for action by the General Assembly's Third Committee to hold accountable violators of human rights and fundamental freedoms. In addition, I would also work to build on existing initiatives of the United States in the General Assembly and other fora to fight human trafficking, to improve the status of women, and increase their political participation and economic influence around the world.

I would also like to emphasize our strong commitment to the promotion of democracy. The United Nations Democracy Fund, created by Secretary General Annan in 2005, plays an important role in strengthening democratic institutions at the level of civil society. The fund is already supporting 122 projects in 110 countries, and, if confirmed, I will look forward to continuing our work as members of the Advisory Board to further the goals of the fund.

Finally, I would like to underscore that I believe our work at the U.N. will only succeed insofar as the U.N. as an institution succeeds. The United States is spearheading the U.N. Transparency and Accountability Initiative to improve the organization's efficiency across the entire U.N. system. The U.N.'s daily impact on the well-being of so many around the world makes it vital that the entire U.N. system join this initiative to safeguard the U.N.'s resources and its credibility.

Mr. Chairman, members of the committee, thank you again for the opportunity to testify today and for considering my nomination. If confirmed, I intend to work closely with members of the committee and the committee staff to advance U.S. efforts at the U.N. to promote international peace and security, sustainable economic development, and respect for human dignity.

I'd be happy to respond to your questions.

[The prepared statement of Mr. McMahan appears at the end of this hearing transcript.]

Senator CASEY. Thank you, Mr. McMahan. I appreciate it.

And we appreciate the presence of the ranking member, Senator Lugar, and he'll start our questioning.

Senator LUGAR. Well, thank you very much, Mr. Chairman.

Ambassador Burns, it's a privilege to have you before the committee once again and to have an opportunity to thank you and

commend you for remarkable service in Russia and, before that, in the Middle East—many people are not as well aware of your achievements in that sector—in addition.

I was pleased just to note, over your right shoulder, former Ambassador Jim Collins, who is here today, and it is wonderful to have Jim Collins in the audience, likewise, an old comrade in spirit regarding Russia.

Let me just ask—turning, a moment, to a near neighbor of Russia—about recent Georgian actions. Without attempting to characterize the motivation for movement in those two parts of Georgia in which Russia continues to play an active role, what do you perceive is the motivation? Is this coercion of Georgia or, really, an attack upon NATO in the discussion of Georgian membership or—give us some feel for where that is headed.

Ambassador BURNS. Thank you very much, Senator Lugar.

As you know, the United States has made very clear our support for Georgia's territorial integrity and our strong concern about some actions, which the Russian Government has recently taken, which undermine Georgia's territorial integrity. Part of the calculation on the part of the Russian Government may have to do with its clear opposition to the further enlargement of NATO along its own borders. I think, in terms of our response, it's very important for us to do all we can to make common cause with our European partners and to stress, in a strong and steady fashion, that ours is a collective concern. As one small indication of that, in Moscow in the next couple of days we're going to be approaching the Russian Foreign Ministry again—not separately, but collectively, along with the Germans and some of our other key European partners in the so-called Friends of Georgia—again, to underscore our concern.

Senator LUGAR. Well, I appreciate that response. I am certain he reached out in directions to friends, wherever he can find them, but I received an urgent call from President Saakashvili last Thursday, in which he was most hopeful that our administration would speak out; likewise, individual Members of Congress. Senator Biden and I drafted an op-ed piece, which appeared in the Washington Times yesterday, trying to affirm the importance of Georgia, and, likewise, the importance of its territorial integrity and its aspirations to us. So, I appreciate your statement today, and we look forward to the administration's vigorous pursuit of that idea.

Let me just ask, for a moment, about the START treaty. We had an opportunity to discuss this privately earlier today, but, just for the record, is the administration now committed to trying to reach agreement with regard to a START treaty verification regime before that expires next year? What are the sticking points? What do you foresee, really, to be the course of activity of the United States and Russia with regard to the START situation?

Ambassador BURNS. Well, sir, President Bush reaffirmed, when he met with President Putin in Sochi earlier this month, the U.S. commitment to a legally binding post-START agreement, and I think the administration feels a sense of urgency about this, not only because of the importance of a post-START agreement for relations between the United States and Russia and for our bilateral interests in strategic stability, but also, I think, because Russia

and the United States have both unique capabilities and unique responsibilities in the nuclear field, and I think the successful conclusion of a legally binding post-START agreement would send a powerful signal to the rest of the world of our responsible exercise of that leadership in managing our own remaining nuclear arsenals. And at a moment when the danger of the spread of nuclear weapons is as serious as it's ever been in human history, I think that kind of United States-Russian leadership is very important.

Senator LUGAR. How vigorous do you perceive our leadership in the remainder of this current Presidential term?

Ambassador BURNS. Well, President Bush was very clear when he met with President Putin and President-elect Medvedev in Sochi, and also in the Strategic Framework Declaration that was released by the two presidents afterward, about our commitment to trying to conclude a legally binding post-START agreement.

As you know, Ambassador Boyden Gray has a new assignment; namely, to go out and visit with countries about energy issues—Kazakhstan, Turkmenistan, Azerbaijan, Turkey, a good number of other countries in which the need for the flow of oil and natural gas to the rest of the world—it's a portfolio that increases the flow from something that is more exclusively Russian to much more worldlike, on behalf of our European allies, as well as our own country. How can we work with the Russians or others for them to understand this, in addition to these countries that Ambassador Gray will be visiting? How coordinated is the administration's point of view in taking a look at potential hazards to our European allies, quite apart from the need for us to work in developing relations with other countries through personal visitation?

Ambassador BURNS. Well, Senator Lugar, I can think of two or three steps which are very important for us to take.

The first is to recall the set of principles which were agreed at the G-8 Summit in St. Petersburg that was hosted by Russia in the summer of 2006, principles which emphasized the importance of diversity, of diversification of sources, of transit routes, principles which emphasized the importance of sanctity of contracts, as well as transparency in the way in which the global energy market works. And so, I think it's very important, at the upcoming G-8 Summit, in our own diplomatic efforts with our partners in the European Union and directly with Russia, to strengthen adherence to those principles.

Second, I think it is also very important, just as you discussed with Ambassador Gray, for the United States to engage in the most active diplomatic efforts possible throughout Central Asia, because active personal diplomacy, it seems to me, is extremely important in the pursuit of those principles from the St. Petersburg G-8 Summit, especially diversification.

And finally, it is important to engage Russia. It is, today, the world's largest producer of hydrocarbons, of oil and gas. It is, by any definition, a major player in the global energy market. There are some overlapping interests with regard, for example, to energy efficiency, especially as Russia moves to the liberalization of its domestic gas prices; that's going to become a more important goal for Russia itself, and there are things we can learn from each other

on that. So, engaging the Russians is also an important element of any successful strategy.

Senator LUGAR. Mr. Chairman, this concludes the questions I have for Ambassador Burns, so I would either relinquish or carry on, as your instruction.

Senator CASEY. Go ahead and carry on.

Senator LUGAR. Let me, first of all, introduce a statement for the record by Senator Hagel, our colleague.

Senator CASEY. Without objection.

[The information previously referred to appears at the end of this hearing in the "Additional Material Submitted for the Record" section.]

Senator LUGAR. Now, let me now turn to questions for Secretary Jacobs.

Many of us have been contacted by constituents specifically regarding adoptions in Vietnam, Guatemala, and Romania. I know these issues have come to your attention. But, what can you tell us about the situation in these and other countries of concern? And how has our formal adoption of the Hague Convention on Inter-country Adoptions changed our situation in these or other countries?

Ambassador JACOBS. Thank you, Senator Lugar.

First of all, let me say—in my statement, I talked about how CA touches people's lives. And, I think, on the issue of intercountry adoptions, perhaps there's no issue that is more emotional for everyone involved—for the adoptive parents, certainly. We are looking out for the interests of the adopted child and the biological parents, as well. The State Department has long supported intercountry adoptions as a viable option for children in need of placement in a permanent home. And, as we have done that, we have also supported two principles: one of transparency, another is the practice of ethical standards and procedures in carrying out the adoptions in the adoption process itself.

Our recent accession to the Hague Convention, on April 1st, we think really reaffirms our commitment to those principles. We are strong supporters of the Hague's processes and abilities to introduce more transparency into the system and to really have the protections necessary for all parties involved in the adoption process.

With regard to the countries that you mentioned, Guatemala is a member of the Hague. They actually joined in 2003, but they did not pass the implementing legislation necessary to create the infrastructure necessary to do processing until December of last year. And so, they are still going through what we went through, quite frankly, for a number of years, in setting up the rules and the infrastructure in order to allow adoptions under Hague standards.

We, as a Hague country now, have to wait until they have their infrastructure in place before we can do new adoptions; however, there are cases that were in process before December 31, which we are working on, and we are working very closely with the Guatemalan Government and others to see how we can do those on a case-by-case basis.

In Vietnam, the situation is a little more troubling. Vietnam is not a member of the Hague. It is something that we strongly encourage the Vietnamese Government to do. We and the Govern-

ment of Vietnam actually stopped adoptions in 2002 because of serious irregularities. We signed a memorandum of agreement with them in 2005 that allowed adoptions to begin again, and we saw a resurgence. We processed about 800 adoptions out of Vietnam last year. However, over the course of time, our embassy in Hanoi has discovered a number of troubling practices, suggesting corruption, perhaps baby-buying, baby-selling, things that we really cannot condone. We have raised our concerns with the Vietnamese Government. We have told them that we are not going to be able to renew the current agreement in its current form because there has been little progress on some of the things that we were looking for in that agreement: transparency—transparency in the fees that are paid is especially important. And so, the Vietnamese Government announced, just today, that, in fact, we are not going to be able to renew the memorandum.

So, our plan is to continue to work with the government to try to address some of these concerns, the fraudulent patterns that we've noticed, and perhaps, once we have been able to work those out, to sign another agreement. In the meantime, cases that are already entrained—we will be working on those on a case-by-case basis, up until the time that the MOA expires in September.

We do certainly want to work with the families. We have a 60-day standard that we have in place, where we try to answer families with any questions or concerns. And I know that people in the Bureau are in frequent contact with the families. If I'm confirmed, I commit to you that we will continue that close interaction with the families.

Senator LUGAR. How about Romania?

Ambassador JACOBS. Romania is another situation where the government itself has decided to limit adoptions, and we are in the process of talking to them, as well.

Senator LUGAR. Let me just indicate that I'm certain all committee members are pleased with your report that the wait times for passport applications have not only dramatically dropped, and you're back to normal. As you've stated, there's not a perceptible backlog. Can you, just for the sake of the record, remind each of us of the cost of a U.S. passport, as well as the new passport card that can be used for Mexico and Canada? And, likewise, how much does it cost to apply for a U.S. visa to enter this country? Are there cost problems there that you perceive, with regard to foreign students and/or other entry persons to the United States, that deserve your attention or congressional attention?

Ambassador JACOBS. Thank you, Senator.

The current cost for a first-time passport applicant is \$100; and for a renewal, is \$75. The passport card—I have a sample of it, actually, here—we've talked a lot about this new card that we're getting ready to start printing in June—will be in full production by July. If you are renewing—if you have a passport book, and you are getting a card, it's only \$20. If you are simply buying the card itself, it's \$45 for adults, \$35 for children.

All of our costs, of course, are based on what it costs us to provide the service. The Bureau of Consular Affairs is fee-based; and so, we do carry out periodic cost-of-service studies in order to tell us what it is costing us to provide the services that we do.



We know, on the student visas, that there is a lot of concern about trying to keep the price as low as possible in order to encourage foreign students. We are very happy to see that the number of foreign students is increasing; in fact, the overall number of foreign-student enrollment in the United States went up by 3 percent last year. I mentioned the number of visas that we actually issued. We're very happy about that.

We are doing a cost-of-service study right now. The current fee for, not just students, but for nonimmigrant visas—applicants around the world—is \$131. We had to raise that in January, primarily because of a new fee that the FBI is charging us in order to check the fingerprints that we collect on applicants against the FBI database. We are doing this cost-of-service study now. It is possible that that fee may change once that study is completed, later in the fall. I don't know how that's going to come out. But, I certainly remember, sir, sitting before you in previous hearings, and you raised concerns about that fee, and I can commit to you that we will try to keep it to cover just our costs, and try to keep it at a reasonable level.

Senator LUGAR. I think you made an excellent explanation of how you arrive at it, and I hope the study can lead to a more favorable result. The fact that there are 3 percent more students, as opposed to the trend the last time we met—and the committee has been concerned with this, really, for 5 years, as we saw, really, a caving-in of the numbers, and now some resurgence, which is very promising. And, of course, the more volatile hearings of the committee on the subject were with regard to the long lists of constituents who were calling all of our offices in a state of emergency, or worse. The fact that that has been relieved is further a godsend for all of us, and we appreciate work that has accompanied that.

Let me just ask, How is the status of passport production components going along—specifically, the microchip security issue? And why is it that no American companies are capable of manufacturing the chip domestically, as I understand it? Why do we have the chips made overseas? And are there security implications involved in that production?

Ambassador JACOBS. Thank you, sir.

First of all, I want to assure you and the American public that the State Department is committed to providing the most secure document possible in compliance with ICAO standards that allows international travel. Back when we decided to do our electronic passport, in 2003, we did a request for information; and, at that time, it was apparent to us that there were not going to be any U.S. suppliers who could provide the type of chip that we were looking for. And so, we did turn to overseas companies, primarily European, to produce both the chip and the antenna that goes into the electronic passport. Those components, though, are all sent by secure delivery to the GPO here in the United States, and the passport itself is assembled in secure facilities here in the United States. The components themselves are commercially available. They are used in other documents, such as DHS's Trusted Travel Card and credit and debit cards. And when they are sent to the GPO, they are actually locked, so there's no way to enter information on them or fool around with them in any way.

And so, once, the chips and the antenna that are put together—just really actually glued on a piece of plastic overseas, and it's that piece of plastic that gets sent to the GPO. It is only when we receive the books that the personal data is put on the chip, and it's locked down so it cannot be tampered with or changed in any way.

The GPO, at some point, will be recompeting the contract, and if, at that time, there are American suppliers who can provide the chip in the quantity that we need, then I'm sure that that will be taken under consideration. But, let me just say that, at the time, there really were no U.S. suppliers.

Senator LUGAR. You've gone backward and forward on the security situation, convinced yourselves and others that this is okay? In other words, we're not going to come back to the committee with people indicating that some devious practice, something is known in the United States that we did not want to have known?

Ambassador JACOBS. No, sir. Our whole process has been looked at by NIST and others who have really looked at the process and also the security features of the document and the passport card themselves, which have been looked at by a number of scientists and the forensic document lab at DHS. And we are quite confident that it is secure.

Senator LUGAR. Finally, I'd just note that, really, through your data, that the visas are rising in requests from China and from India. Not surprising, given the economic activity, students, everybody. Are we prepared to meet this rising demand? This, hopefully, will not cause a crisis at the desks, but you've sensed the demand. And maybe there are other demand situations you also have sensed. Can you give us reassurances in that area?

Ambassador JACOBS. Yes, sir. Certainly, one of the biggest challenges that Consular Affairs faces right now is this growing demand; and it's not just on the visa side, but across the board, in all the services that we provide. But, you correctly point out that in China, India, Brazil, Mexico—really those are the big-four countries for us, where we're seeing double-digit growth every year right now—we are very focused on the problem, the challenge of trying to meet that demand. And I can assure you that, if I'm confirmed, that we will do the planning necessary so that we have the resources in place to address those challenges.

Senator LUGAR. May I continue?

Senator CASEY. Sure.

Senator LUGAR. All right.

Let me ask Mr. McMahan—you've already addressed the problems of the Human Rights Council in Geneva, as we perceive it. And why does this persist, at least in your judgment? Clearly, the United States has been offering suggestions. You even suggested our lack of participation, if things don't shape up. What are the fundamental causes of this malaise that spreads over this Geneva situation?

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

I know we've been very disappointed, as you said, in the failure of the Council to address gross violations of human rights, and we've been working closely with our allies to try to improve the Council. But, at this point, we feel like we have more leverage from the outside, and that actually joining the Council, as some people

have urged, would actually legitimize it, and the Council has not earned that, at this point. I think we'll continue to work with our allies to try to change the Council, to try to make it more effective and fair.

What I think we could also do is work with the Third Committee at the United Nations, where we've had more success in passing country-specific resolutions. Last year, we passed resolutions on Belarus, Iran, and North Korea, and Burma.

So, while we will continue to work to improve the Human Rights Council, we'll also continue to work through the Third Committee at the General Assembly to make sure our concerns in the human rights area are addressed.

Senator LUGAR. For the sake of information and the hearing record, try to differentiate the Third Committee, as opposed to the Human Rights Council, or the relationship between the two, and why one might work, apparently, more effectively, and the other, Third, is not.

Mr. McMAHAN. To the best of my knowledge, the Human Rights Council is a separate council, and the membership blocs there can prevent—well, so far, effective response on the more egregious human rights violations. Working through the Third Committee—it's part of the General Assembly, a broader group of member states—we feel like we can form more effective coalitions to address—

Senator LUGAR. So, it's a broader membership.

Mr. McMAHAN.—Right.

Senator LUGAR. You have a larger constituency in the Third Committee.

Mr. McMAHAN. Correct. Yes, sir.

Senator LUGAR. Please discuss, for just a moment, the current relationship between the Economic and Social Council and the Peacebuilding Commission, which seeks to ensure that recently recovering fragile states not lapse into chaos. What bearing does this have on our agenda? Of what assistance is it to us, or what assistance can we give to that effort?

Mr. McMAHAN. Thank you, Senator.

If confirmed, this would be an important issue for me, in the sense I believe that we need to focus on the fragile and failing states. There's a—quite a bit of discussion on the Millennium Development pact goals to reduce poverty and hunger, to improve health and education, to combat diseases. And we think that those challenges are particularly acute in those failing states. And to the extent that we can build infrastructure, institutions of good governance, sound economic policies, and aid civil society, provide civilian expertise, and increase capacity, then we will have better success in addressing those fundamental challenges.

So, I look forward, if confirmed, when I'm up there, to evaluating the effectiveness of that organization, and working with you and your staff to see if it can meet those goals.

Senator LUGAR. Well, I appreciate the responses of each of the witnesses.

And let me just pay tribute, again, to our distinguished chairman, Senator Casey, for stepping forward to chair the hearing. It's very important that the nominations have a very timely action in

the committee and the Senate, because each of the roles that you play, for the very reasons we've been discussing this afternoon, are tremendously important to our country and to international organizations. So, thank you very much for stepping forward. I appreciate very much my chairman's indulging these questions, ad seriatim.

Thank you.

Senator CASEY. Senator Lugar, I want to thank you. I've learned a great deal from you in my time—short time in the Senate, and I'm—we're honored to have you here.

I want to just start, Ambassador Burns, with you, with regard to Iran. We hear an awful lot about Iran in the news, as we have for many years. I guess, if you're an American who is not following the news closely every day, or not following every development in our relationship with a lot of countries, but especially Iran, you might miss some things. I guess from your vantage point, as someone who's had broad experience, not only most recently in Russia, but your experience in the Middle East and your experience in diplomacy, generally, what do you think is our central challenge when it comes to Iran? If you can please do two things. One is, identify the threat, as best you can articulate it, and then, the challenge that that threat presents to us.

Ambassador BURNS. Well, thank you very much, Mr. Chairman.

I think, first, it's important to understand that the challenge that Iran poses is a challenge to the international community, and that the problem that we face today with regard to Iran is not just about the United States and Iran. I think we, like other members of the international community, have serious concerns about Iranian behavior, the behavior of this Iranian regime across a wide range of issues, whether it's the support for extremist militias in Iraq or whether it's Iran's continuing efforts to develop a nuclear weapons program. I would say those are the—are among the principal challenges we face today.

I think it's very important, as we've been trying to do, to make common cause with others, with other countries who share those concerns and trying to deal with Iranian behavior. We have dealt directly with the Iranians in the past over Afghanistan, we deal directly with Iran today with regard to our concerns over Iraq, and we may have another meeting in the coming weeks which will be an opportunity for us to emphasize the seriousness of our concerns about support for extremist militias. Because it seems to me, in Iraq, that the issue is not whether or not Iran has interests; Iraq is a big neighbor which has a complicated history with Iran. The issue is how it pursues those interests and whether or not it's pursuing those interests in a way which destabilizes Iraq or contributes to stability in Iraq.

With regard to the nuclear issue, we've worked hard in recent years with the other Permanent Members of the U.N. Security Council, as well as Germany, to try and sharpen, for Iran, international concern about its nuclear weapons program, about the—of its nuclear program, the importance of Iran meeting its obligations to the International Atomic Energy Agency, as well as to the U.N. Security Council, where Iran is still in defiance of three U.N. Security Council resolutions, as well as the IAEA. And I think we need to continue to pursue that kind of strong, steady, diplomatic

approach with regard to Iran, because the nuclear issue, I think, remains one of the most serious challenges that we face anyplace in the world today.

Senator CASEY. And when you look at the—upon your confirmation, when you look at the next 9 months, the remainder of this administration, what do you see as the game plan? What do you see as the strategy for the administration over the next 9 months? Because I think there are those who would say—in fact, I think your predecessor said that the Iranian problem will remain for the next administration, at least with regard to—if not beyond—the nuclear threat. But, what do you—how do you see the next 9 months playing out, in terms of—if you were able to choreograph, as none of us can—but, if you were able to choreograph the positive set of developments for the next 9 months, how would you see that?

Ambassador BURNS. Well, Mr. Chairman, I think, as I said, our aim is to try and find a diplomatic resolution to the Iranian nuclear challenge. And what we've tried to do with our partners in that effort is to sharpen the choice for the Iranian regime, to make clear what's possible if Iran meets its obligations to the U.N. Security Council, to the IAEA, if it agrees to suspend enrichment and reprocessing activity. What's possible is a suspension of the existing U.N. Security Council sanctions, as well as a direct engagement at—even at the ministerial level, with the United States and our other partners to talk about a range of issues. But, at the same time, it's important, as we did in the most recent Security Council resolution, to reinforce the point that there are consequences for noncompliance, as well, with the requirements of the international community.

I think the sanctions which have been implemented so far have begun to have some impact on the Iranians; there are 35 or 40 major banks which don't do business with the Iranian Government anymore, it has become a little bit more difficult for the Iranians to finance projects, there's greater scrutiny of materials and cargo that passes toward Iran, and of individuals who have been connected with a nuclear program before. And so, we need to reinforce that track of our efforts, as well.

But, as I said before, Mr. Chairman, I have no illusions. I mean, this is a very complicated problem, but it's one which is going to require a really determined diplomatic effort.

Senator CASEY. And I would argue that there needs to be a strategy to this. We know we have to deter their ambitions, we know that the effects—the positive effects, from our vantage point, that financial sanctions can have. I think what a lot of Americans are confused by, or sometimes misled by, often because of what some public officials say, but also because of the way these issues are covered—they see Mr. Ahmadinejad make incendiary statements, but they also, at times, have seen our government say some things that sometimes aren't consistent with what the diplomatic strategy should be—and often, it is. I don't think it helped when the President used the phrase "World War III," although I would agree with a lot of the strategies that have been employed with regard to sanctions, with regard to developing an international—or a response by the international community to the threat. So, I think language is important.

But, how do you see—when our Government talks about leaving options on the table, how do you see that playing out in the next 9 months? I think there's a sense that this administration might skip over or not fully discharge every option on the table before it gets to a military option. How do you view that? And how do you view that threat from our Government? Do you view it as credible, or do you view it as something that's been dissipated by recent events?

Ambassador BURNS. Mr. Chairman, I think the President and Secretary Rice have been very clear about our determination to pursue a diplomatic approach, as complicated as that is. And that remains our policy. It's prudent not to take options off the table, but our focus right now is very much on the diplomatic effort on which we've been engaged for some years now. It's often frustrating, but I think it's very important to pursue that with all the vigor that we can.

Senator CASEY. How do you see—in your recent experience in Russia—the significant role that Russia is playing in a lot of our foreign policy challenges, not the least of which is the challenge posed by Iran, and we know that Russia recently initiated fuel shipments to the Bushehr nuclear power plant in Iran. How do you see the impact of that kind of relationship, generally; but, in particular, that particular economic relationship with the shipment of fuel?

Ambassador BURNS. Mr. Chairman, the Bushehr Project and the recent shipment, I think, actually can provide an opportunity to drive home to the Iranians that the nuclear issue is not about their right to pursue civilian nuclear power, and that if the Iranians are simply interested in having a civilian nuclear plant, they have no need to enrich fuel on their own or to master the fuel cycle on their own, because the Russians, through the Bushehr Project, are providing fuel for the plant, and then have very carefully arranged for the spent fuel to be returned to Russia, which strikes us as being a sensible approach, not just in Iran, but, more widely, with regard to the challenge of making civilian nuclear power available to developing countries and to countries around the world, but to do it in a way which guards against the dangers of weapons proliferation. So, I think Bushehr, about which, in years past, we have had quite legitimate concerns, has evolved into a project which can be an opportunity to sharpen the reality that, if the Iranians are only interested in developing civilian nuclear power, they don't have a need to enrich fuel at this stage, because Bushehr doesn't require them to do that.

Senator CASEY. So, you see it as more helpful than harmful.

Ambassador BURNS. I think it can be. Yes, sir.

Senator CASEY. I wanted to ask you—and I know we want to move to our other witnesses, as well, but I wanted to ask you also about Russia, your most recent assignment.

We've seen a lot of changes. Most recently, President Putin has presided over a lot of developments. Just by way of a quick summary: cracking down on civil society groups and democratic reformers—in a sense, creating almost a de facto one-party state, employing energy resources to intimidate and coerce neighbors into engaging in bellicose rhetoric against proposed U.S. missile defense de-

ployments; and finally, suspending compliance with the Conventional Forces in Europe Treaty, something that I raised months ago. What's your sense of the—of our relationship, in the context of those developments? And also—just broadly, in terms of the past or history—recent past—and also in the context of a new President, Mr. Medvedev, who we're learning a little bit about, but we don't yet know, (a) what kind of leadership style he'll bring, and (b) whether or not he'll be unduly influenced by Mr. Putin.

Ambassador BURNS. Mr. Chairman, we have a big, complicated relationship with Russia which combines elements of cooperation in some very important areas with elements of competition and conflict. And I think those are going to be the contours of our relationship for some time to come. You rightly listed a number of areas where we've had real differences with the Russian Government, whether it's as a result of the overcentralization of power at home in Russia, differences over missile defense, differences of NATO's enlargement, but, at the same time, I think, when you look at nuclear cooperation, what we can do together to set a good example for the rest of the world to work against the proliferation of nuclear weapons, when you look at our increasing economic ties, when you look at ways in which we can work well together in resolving some regional conflicts around the world, I think you also see those parts of the relationship in which we really do need to invest. It's not a relationship that we have the luxury of ignoring, because Russia is not only, as I said before, the world's largest producer of hydrocarbons today, it's the only nuclear power in the world comparable to the United States, it's a Permanent Member of the U.N. Security Council, it's a huge country which connects Europe to Asia and sits astride the broader Middle East. So, by any of those calculations, it's a relationship that requires our careful attention, to be plainspoken where we have differences, but, at the same time, to try to expand areas of common ground.

In Mr. Medvedev's presidency, I think a lot of the focus for Russia itself is going to be on addressing the opportunities it has before it. You know, you've had very rapid economic growth—7-percent annual growth over the course of the last 8 or 9 years—enormous economic potential. But, the question now, I think, for Russia is, So, what are you going to do with that moment of opportunity? And I think there are areas in our relationship where we can help reinforce the potential for Russia to take advantage of those opportunities in a way which integrates it into the global economy and into the global system and makes it a more responsible international player. That's going to take time, but I think it's worth working on, on our part.

Senator CASEY. How do you see—if you can comment on this—that relationship between those two individuals? Are we likely to see, in the near future, a declaration of independence by the new President, or do you think it's going to be a more intertwined or dependent relationship?

Ambassador BURNS. Mr. Chairman, it's—if there's one thing I've learned over the years about Russia, it's to be humble in making predictions. So, it's—Russia doesn't have a great deal of experience with dual-leadership kind of arrangements. Assuming that President Putin becomes the next Russian Prime Minister—from every-

thing I can see, the personal relationship between President Putin and President-elect Medvedev is a strong one. But, this is going to be a challenging period for Russia, and a lot rides on it, in terms of how Russia addresses some of those challenges that I described before, in its own self-interest. So, it's going to be fascinating to watch.

Senator CASEY. I'll jump ahead, and then I want to have Senator Lugar continue.

Ambassador Jacobs, I wanted to ask you about two passport matters, both of which you've heard a good bit about. One, in the instance where we had a breakdown, where people weren't getting their passports in a timely fashion, and the other involving a much smaller group—in this case, three Americans who just happened to be running for President. I wanted you to comment on both—(a) why you think there was such a breakdown in both instances, and (b) what's being done about it now—if you can update us on both.

Ambassador JACOBS. Thank you, Mr. Chairman.

With regard to your first question about the passport surge of last year, we had predicted a certain number of passports—we had commissioned a study that told us that there would be around 16 million people applying for passports—when, in fact, in the end, we wound up issuing about 18½ million. What we did not expect was the very rapid response to the new information about Western Hemisphere Travel Initiative deadlines. As a result of that, starting last December and then for about a 3-month period, we had around 5 million applications that came in. And as you can expect with that kind of demand, we found ourselves with long backlogs. Our normal processing time is around 4 weeks. We went all the way up to 12 weeks.

The Department, through a number of resources, went into action to address the situation. We used people in the Bureau of Consular Affairs. We also used other people in the Department who, thankfully, helped us out. We used our officers overseas to help us adjudicate renewal applications at our overseas posts, and set up task forces and use volunteers. We managed to get back to our normal processing times by Labor Day last fall, which we're very happy about.

I'm very happy to tell you that the situation today is very different. We, in fact, are implementing a long-term strategy to provide the staffing levels and infrastructure that we need to handle what we consider to be a permanent rise in passport demand. In fact, we will probably do anywhere between 19 and 21 million passports this year. We could do as many as 30 million next year, and as high as 36 million in 2010.

We have hired hundreds of new passport specialists to help us adjudicate applications. We are expanding some of our current facilities. We are building new printing facilities that will be able to handle up to 10 million passport books and cards a year. And I am clearly confident that we are going to be able to handle the demand that I just described to you.

If I'm confirmed, I commit to you that I will stay on top of this. We, in fact, have put together a so-called "battle plan" with trip wires; whereby, as soon as certain numbers are reached, we have a ready reserve force trained and ready to come in and help us out.



Again, we can use our overseas posts to help us with renewals of passport applications. And so, I believe we are going to avoid a repeat of what happened before, and I think that we will be able to provide the American public the service that they deserve.

On the issue of the passport breaches, the unauthorized access of the three remaining Presidential candidates, I can tell you that as soon as senior management was informed about these breaches, we launched into action. I went to the Under Secretary for Management, Pat Kennedy; we talked about it; we informed the candidates about the situation; we asked the inspector general to conduct a full investigation of what happened, and that investigation is ongoing. And we formed a working group, made up of senior people and other people from around the Department, to look at our current procedures and processes, to make sure that we have adequate safeguards in place.

We know that we have the American public's trust to guard the information that is given us in connection with passports, and we certainly want to adhere to that and to meet that expectation.

We will be putting new procedures in place. We will wait for the inspection or the investigation results to come out to know exactly, perhaps, the extent of the problem, but we are ready to move against people who have made these unauthorized accesses into files, and we will be taking necessary steps. Our ultimate goal is to provide every passport file with equal protections.

Senator CASEY. And when you say that—I'm paraphrasing—that "actions will be taken," or—can you identify any changes, any systemic changes that have already been implemented?

Ambassador JACOBS. Yes, sir. We have started doing random checks, audits of people who are working on passport files. We have a warning that goes on the screen as soon as you log into the system. We have reinforced that warning, made it very clear about the penalties involved with looking at files without a reason to do so, and we are looking now at our systems itself to see how we might be able to provide more tiered access to passport files.

Senator CASEY. Do you think there were—in terms of the number of files that were accessed—do you know the numbers?

Ambassador JACOBS. What we have in place, sir, is a flag system; and for people who are on the flag list, as soon as anyone accesses that file, there's an e-mail notification that goes to an office where this is monitored. And so, we know about all of those, and we have followed up on those. The inspector general is actually looking at a random list of passport files, and we'll have a better idea about the number of people who have looked at files after that study is completed.

Senator CASEY. Well, we'll see what—once that is completed. Do you have any sense of the timing or duration of that investigation?

Ambassador JACOBS. I expect the results will be coming out in the next few weeks.

Senator CASEY. I want to let Senator Lugar continue, and I'll jump back in.

Senator LUGAR. Mr. Chairman, I have no further questions.

Senator CASEY. Mr. McMahan, I wanted to ask you a few questions and focus principally upon something that I had a strong interest in that I was greatly disappointed about. It was the applica-

tion of the Jewish National Fund of the United States for general consultative status with the—or, I should say, at the U.N. Economic and Social Council. And I know the vote was 8 to 7; and, for the life of me, I can't understand why that wouldn't have passed. And if you can shed some light on why it—why that wasn't able—why they weren't able to be given that consultative status, and (b) whether or not you think that could change in the near future if we had another vote.

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

I wasn't there, so I can't speak to the intricacies of that particular vote, but I did see the concern expressed by your office on that issue. As you know, it's important to grant consultive status, and we certainly seek to find those organizations that are sympathetic to our democratic values to be granted consultive status. There are over 3,000 organizations that currently have that status, and it's important to nongovernmental organizations, because, not only can they attend meetings of the United Nations, its various bodies, but they can testify as a witness.

So, I think that—if confirmed, and once I'm working in New York, I will seek to grant NGO status to those organizations that are sympathetic to our democratic values, and I think we have to work hard to make sure that those organizations that are providing needed services, like humanitarian services, are not denied consultive status for political or, in this case, anti—possible anti-Israeli reasons.

Senator CASEY. And what's your game plan with regard to that? How do you use your influence? And, by extension, how do you see the influence of the United States Government to make sure that this kind of discrimination doesn't persist?

Mr. McMAHAN. I think it's important to work with your allies where you find them, to make sure that organizations that are applying for this important consultive status are not denied for reasons that really have nothing to do with the core function of the organization. And that's something that I'd like to work with your office on and make a priority when and if I get to New York. Senator CASEY. Thank you.

And I wanted to go back to Ambassador Burns, on Iran, for a second. We've had a good deal of discussion in the last 6 months or more about the recent NIE that some people here in Washington, in both parties, interpreted as, "Everything's okay, don't worry." I didn't interpret it that way, against—I think, sometimes in conflict with my own party. But, what's your sense, if you can tell us—and I know you're transferring to a different area of responsibility—but, what's your sense right of the current situation as it pertains to the NIE saying that Iran may not have had in place the mechanics to develop a nuclear weapon, but there were, in fact, some elements of it? The uranium enrichment, for example. Where do you see that right now? What's your sense of where Iran is?

We've had recent information, where President Ahmadinejad announced his intention, at least, to add 6,000 new centrifuges to the already existing 3,000 at the one facility, in Natanz. But, what's your sense of that, in the context of this debate about what—what was the meaning and what was the value or the content of the NIE conclusions?

Ambassador BURNS. Well, thank you, Mr. Chairman.

I think, as you pointed out, the NIE really addressed only one of the, sort of, three essential ingredients in the pursuit of a weapons program, and that is the issue of weaponization itself. But, what it did not address are two areas which are at least as important, and that has to do with the production of the fuel that you need for a weapons program and the development of advanced missile systems or means of delivery. In both of those areas, it's clear that the Iranians are working as hard as they can to move as fast as they can.

Now, it is also true, historically, that oftentimes the Iranian leadership will exaggerate—seems to exaggerate the pace at which it's moving in some of those areas. But, I think the trend line is clearly a very troubling one, not only, as I said before, Mr. Chairman, for the United States, but for the international community, because the reality remains that Iran has not met its obligations to the International Atomic Energy Agency, to the U.N. Security Council. And so, it seems to me that the totality of Iran's nuclear efforts remains a source of very serious concern for us, notwithstanding the NIE, or at least some people's interpretation of it.

Senator CASEY. Senator Lugar. Nothing more?

Senator LUGAR. No, thank you, Mr. Chairman.

Senator CASEY. Let me just—

Well, with that, I wanted to, first of all, commend and thank our nominees for, not only your presence here today and your—the questions that you answered, but, in a broader sense, your willingness to serve the United States Government and the American people.

And I know that, for committee members who weren't here, the record will be open for 2 days to submit additional questions for the record, and I'd ask each nominee to respond in a prompt manner to those questions.

But, if there's no further business to come before the committee, we stand adjourned.

[Whereupon, at 5:10 p.m., the hearing was adjourned.]

#### ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

PREPARED STATEMENT OF CHUCK HAGEL,  
U.S. SENATOR FROM NEBRASKA

Mr. Chairman, thank you for convening today's nomination hearing of the Senate Foreign Relations committee. One of the nominees, Ambassador William J. Burns, is the President's choice to be the Under Secretary of State for Political Affairs at the Department of State—one of the most important positions in our country's diplomatic service. The Under Secretary for Political Affairs is the most senior Foreign Service post in the U.S. Government and carries with it immense responsibility, requiring an experienced and steady hand.

Ambassador Burns is one of America's most able diplomats and I am proud to strongly support his nomination to this position.

Today, the world faces one of the most dangerous and transformational times in our history. The world faces defining challenges . . . great instability in the Middle East, genocide in Africa, tensions with Russia and China, a resurgence of turmoil in the Balkans, growing unrest and transnational threats in Latin America, a global food crisis, and mounting anti-Americanism throughout the world.

Bill Burns has dedicated his career to public service, and he has done so with excellence and honor, earning widespread respect both here and around the world. I have had the opportunity of working with Bill for many years. He brings a strong

record of diplomatic experience to this important position, having served as the U.S. Ambassador to Russia, Assistant Secretary of State for Near Eastern Affairs, Ambassador to Jordan, and . . . as acting Under Secretary of State for Political Affairs . . . the position for which he is being considered today.

In the challenging times that we face, there are also historic opportunities for the United States across the world . . . opportunities that will extend well beyond 2008. A principle task for the administration must be to make every effort to set the stage for the next administration to address the pressing challenges of the 21st century. I believe that Ambassador Burns will meet this responsibility. I am proud to support the nomination of Ambassador William Burns to be Under Secretary of State for Political Affairs.

I want to thank Bill's family—his wife, Lisa, and his two daughters, Elizabeth and Sarah—whose support, as we all know, is essential to succeeding in a demanding job such as this.

The outgoing Under Secretary of State for Political Affairs, Nick Burns, deserves the committee's recognition and appreciation for his lifetime of diplomatic service. Nick served this country well as Under Secretary over the last 3 years. I wish him much continued success in his future endeavors.

The committee looks forward to hearing the testimony of Ambassador Burns, as well as that of the other nominees, Janice Jacobs to be Assistant Secretary of State for Consular Affairs and Vance McMahan to be the U.S. Representative on the Economic and Social Council of the United Nations. I believe that both these nominees are qualified and deserve speedy consideration by the committee. I wish all three of these professionals continued success and look forward to working with them at this critical time in our history.

Thank you.

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PREPARED STATEMENT OF WILLIAM J. BURNS, NOMINEE TO BE  
UNDER SECRETARY OF STATE FOR POLITICAL AFFAIRS

Mr. Chairman, members of the committee, it is an honor to appear before you today as President Bush's nominee to become Under Secretary of State for Political Affairs. I am grateful to the President and to Secretary Rice for their confidence in me, and in our diplomatic service, in which I am proud to have served for the last 26 years. If confirmed, I will do my best to live up to their trust, and to work closely with all of you on this committee, as I have throughout my career.

With your permission, Mr. Chairman, I would like to begin by expressing deep appreciation to my family—my wife, Lisa, and daughter, Sarah, who are still in Moscow, and my daughter, Lizzy, now in the midst of her exams at Duke University. As in so many Foreign Service families around the world, their love and sacrifice are a very large part of why I am here today. I can never repay them adequately.

This is the fourth time, Mr. Chairman, that I have appeared before this committee for confirmation. I approach this new challenge with considerable humility; with great respect for Nick Burns, Marc Grossman, Tom Pickering, and all those who have come before me; with an abiding commitment to public service; with faith in the power of clear-eyed diplomacy in the pursuit of American interests and human freedoms; and with few illusions about the complicated world around us.

It is a world with no shortage of troubles, but also plenty of opportunities for creative and determined American leadership. It is a world which faces the spreading dangers of weapons of mass destruction; new and more malignant forms of terrorism; unresolved regional and sectarian conflicts; failed and failing states; global economic dislocation; and transnational health, energy, illegal narcotics, and environmental concerns. It is a world in which American vision and leadership are essential in crafting relations with emergent and resurgent Great Powers, and deepening their stake in global institutions and a stable international system.

It is a world in which other people and other societies will always have their own realities, not always hospitable to ours. That doesn't mean we have to accept those perspectives or agree with them or indulge them, but it does mean that understanding them is the starting point for sensible policy. It is a world in which a little modesty in the pursuit of American interests is often a good thing, and in which there's still no substitute for setting careful priorities, and connecting means to ends.

But it is also a world in which the power of our example and our generosity of spirit can open the door to profound advances, as President Bush has shown in his historic initiative against HIV-AIDS in Africa. It is a world in which our leadership should serve as a catalyst for making common cause with others. Nowhere is that

more true today than in the broader Middle East, where it is hugely important to build on the Annapolis Conference and realize the promise of a two-state solution to the Israeli-Palestinian conflict, and where we must strengthen regional and international support for a better future for Afghanistan and Iraq.

It is a world, as Secretary Rice has said, in which America has no permanent enemies, and in which tough-minded engagement of our adversaries, such as North Korea and Iran, is a mark of strength and confidence, not weakness. And it is a world, as Secretary Gates has argued, in which the many instruments of American "soft power" ought to be expanded alongside the tools of hard power.

Mr. Chairman, I look forward, if confirmed, to assisting Secretary Rice and Deputy Secretary Negroponte in coordinating our diplomacy across the major regions of the globe, and towards the alliances and international organizations which are so important to U.S. national security. I will draw, as best I can, on my experience in Russia and the Middle East, two regions of the world which are rarely dull but always central to American interests. I will work hard with my friends and colleagues in other agencies to promote an effective policy process. And I will also wholeheartedly support Secretary Rice's efforts, building on the work of Colin Powell, to transform and strengthen America's diplomatic capabilities for the new century before us. Taking care of our people—of the members of the Foreign and Civil Services and the Foreign Service Nationals who serve our country with such dedication and courage in so many hard places around the world—is not only the right thing to do, but also a powerful contribution to America's best interests.

Thank you again, Mr. Chairman, for your consideration. I know the period ahead is an important one, with a political transition looming in our country, in a world which doesn't stop for our political processes. I'll do all I can, if confirmed, to work with all of you to help meet the formidable challenges before us.

PREPARED STATEMENT OF JANICE L. JACOBS, NOMINEE TO BE  
ASSISTANT SECRETARY OF STATE FOR CONSULAR AFFAIRS

Mr. Chairman and members of the Foreign Relations Committee, it is a distinct honor to appear before you today. I would like to express my sincere appreciation to President Bush for nominating me to be Assistant Secretary of State for Consular Affairs. I am grateful to the President and Secretary Rice for the confidence and trust they have placed in me in selecting me for this position. I would also like to introduce and give special thanks to my husband, Ken Friedman, who is here with me today.

As a career consular officer for 28 years, I have had the privilege of serving the United States in places as varied as Mexico, France, and Nigeria, with people I have come to know as the world's finest consular corps.

Consular work is fundamentally about service—to our mission, to our citizens, and to the security of our Nation. If confirmed, I will consider it my great privilege to lead the Bureau of Consular Affairs in meeting our current and future challenges and provide the highest quality services to our citizens.

In the course of my career, I have gained a perspective on the challenges our country faces. As Deputy Assistant Secretary for Visa Services and Principal Deputy Assistant Secretary for Consular Affairs, I worked on the full range of consular issues and have seen how the Bureau of Consular Affairs has prepared for and responded to those issues.

As Deputy Chief of Mission in Santo Domingo and as Ambassador to Senegal and Guinea-Bissau, I know the outstanding work that all consular personnel overseas—officers, locally engaged employees, eligible family members—do to protect American citizens and America's borders.

I was there in the immediate aftermath of September 11, 2001, when we instituted new practices and implemented new legislation to improve visa security. I was there when we implemented procedures to address the post-9/11 decline in visa applications—measures that led to record-high student and exchange visitor visa issuances last year. I was there when the Departments of State and Homeland Security launched the Western Hemisphere Travel Initiative to implement Congressional legislation requiring Americans to present passports when crossing our borders. I was there as we drafted regulations to increase protections for children and implement the Hague Convention on Intercountry Adoptions.

KEY CONSULAR CHALLENGES

The mission of the Bureau of Consular Affairs (CA) is to protect the lives and interests of American citizens abroad and to strengthen the security of U.S. borders through the vigilant adjudication of visas and passports. CA is keenly aware of its

direct and tangible role in the overarching mission of the Department of State to "create a more secure, democratic, and prosperous world for the benefit of the American people and the international community."

CA faces compelling challenges across the range of our activities and continues to rely on a tradition of innovation and a dedication to excellence to meet these challenges.

*Providing American Citizens With Secure, Reliable Passports*

CA is charged with adjudicating applications for one of the most valuable travel documents in the world: the U.S. passport. We are responsible for issuing passports in a manner that ensures that the application process is accessible to all Americans, and that only those entitled to the privileges and benefits of U.S. citizenship receive one.

Integrity of the process and the product is an essential ingredient of this responsibility. Americans who apply for passports need to know that the information they provide in a passport application will be appropriately safeguarded. They need to know that the document is secure, and that they will receive their passports in a timely manner. The American public entrusts the Bureau of Consular Affairs with millions of personal records. As a service organization, CA is determined to ensure that trust is well-placed.

Over the past several months we have learned of cases in which passport records of current presidential candidates were accessed for other than official business. While the Department has no indication that the incidents were motivated by other than imprudent curiosity, no one is more aware than I of the impact that such actions have on the public trust placed in us.

We took immediate action from the moment these incidents were reported. As soon as I was notified, in my role as Acting Assistant Secretary, of the incidents of improper access on March 20, 2008, I conferred with the Under Secretary for Management. We then informed the Presidential candidates and their staffs of the incidents and our response. We asked the Office of the Inspector General to begin an investigation of the incidents; that investigation is ongoing. I also sent a notice to all consular employees and other agency partners to remind them of their legal obligation to safeguard the privacy of passport applications and passport holders.

The Department of State's passport database tracking system includes an invisible flag on individual passport records of high-profile individuals. When such records are accessed, an alert is automatically sent to two headquarters managers. Based on the alert, a manager contacts the individual who accessed the record for an explanation, and informs the supervisor and other senior managers for appropriate action.

Three individuals have been terminated, to date, for improperly accessing passport application records. While our safeguards for detecting improper access to passport records worked as intended, the experience demonstrated that there were areas where we could improve.

On March 24, we formed a working group with representatives of all key bureaus to conduct a comprehensive review of internal management and controls procedures for passport processing and develop initiatives to strengthen the security of the passport process. Our goal is a more secure system that will provide equal and effective safeguards to all passport applicants' records, and in which all Americans can have confidence that their data will be appropriately safeguarded.

If confirmed, I am determined that we will reach that goal, and continue to be responsible stewards of the information with which we are entrusted.

*Meeting Passport Demand*

Preserving the integrity of the passport process is essential given that we are adjudicating more passport applications than ever before. In fiscal year 2007, the Department issued 18.4 million passports—a 52 percent increase over fiscal year 2006 and an 80 percent increase over fiscal year 2005. Thus far in fiscal year 2008, there is a 7 percent increase in passport demand over the same time period in fiscal year 2007.

Last year's record-setting growth in demand for passports resulted in unusually long delays in passport application processing. In response, and with the committee's support, CA expanded hours at all agencies; stood up domestic task forces; deployed consular officers, Presidential Management Fellows, retirees, and other personnel from throughout the Department to domestic passport agencies; piloted electronic adjudication of renewal cases at overseas posts; and hired over 400 additional personnel. This concerted effort succeeded, and the Department returned to an average of 4 to 6 weeks' turnaround for passport applications by September 30.

CA has made tremendous progress since last spring and summer. Our efforts to staff, expand, and equip the domestic passport agencies and centers are paying off in much improved service to our customers this year. Today, I am pleased to report that there is no backlog of passport applications. Current processing times are well within our established customer service standards of 4 weeks for routine applications and 2 weeks for expedited applications.

Implementation of WHTI has created a permanent increase in passport demand, and the Department believes it will continue to grow. Approximately 88 million Americans—about 28 percent of all citizens—currently have passports. CA's initial workload projections for fiscal year 2008 indicated demand for U.S. passports could reach as high as 26–29 million in 2008, 30 million in fiscal year 2009, 36 million in fiscal year 2010. Although the Department continues to prepare for that possibility, current workload indicates that fiscal year 2008 demand may be more in the range of 20–21 million passports. The Department attributes this decline to Congressional action mandating implementation of the final phase of the land and sea rule of WHTI no earlier than June 1, 2009. This legislation passed subsequent to the most recent demand study. The Department fully expects demand to increase as the June 1, 2009 implementation date approaches.

The Department is implementing a long-term strategy to provide the staffing levels and infrastructure necessary to meet the increased passport demand. CA has hired hundreds of additional passport adjudicators and support staff and continues to recruit aggressively. CA has established a reserve corps of passport adjudicators to supplement its full-time Passport Services staff, providing the ability to react quickly to demand surges. We have also developed the capability to adjudicate passport applications remotely at select consulates overseas, leveraging the expertise of our consular officers abroad.

To increase production capacity, in March 2007 the Department opened a mega-processing center in Hot Springs, AR (APC). The APC differs from our other passport centers in that it focuses solely on printing and mailing passports and has the capacity to produce 10 million travel documents per year. The centralization of passport printing and mailing frees up space and personnel at our existing passport agencies to focus on the critical areas of customer service, fraud detection and prevention, and adjudication, thus processing more passport applications. Using APC as a model, the Department will open a second printing and mailing facility in Tucson in May. This facility, like the one in Arkansas, will have the capacity to produce over 10 million travel documents per year.

In addition to its 18 passport facilities, the Department will open three new passport agencies in Detroit, Dallas, and Minneapolis to serve border communities by providing personal, direct passport services to customers with immediate travel needs. These agencies will have the capability to issue passport books and cards on site to qualifying applicants. The Department is also expanding existing agencies in Seattle, Chicago, Houston, Miami, and New Orleans, and doubling the size and processing capacity of the National Passport Center in Portsmouth, New Hampshire.

Production of U.S. passports is secure. The U.S. e-Passport is assembled by the Government Printing Office (GPO) at its secure facilities in the United States with components and an inlay manufactured in Asia, as well as European manufactured electronic components. GPO receives blank, locked chips connected to a commercially available antenna via secure delivery from an overseas supplier. The use of foreign-source chips does not pose significant security issues since the chips themselves are commercially available, and are used for other government and commercial purposes such as trusted traveler and first responder cards issued by the Department of Homeland Security (DHS), as well as credit and debit cards.

In response to the expressed desire for a more portable and less expensive document than the traditional passport book on the part of American citizens who live in border communities, the Department will begin issuing a wallet-sized passport card in June, with full production beginning in July. The passport card will facilitate entry and expedite document processing at United States land and sea ports-of-entry when arriving from Canada, Mexico, the Caribbean region, and Bermuda. The card may not be used to travel by air. It will otherwise carry the rights and privileges of the U.S. passport book and will be adjudicated to the exact same standards. The passport card is designed for the specific needs of border resident communities and is not a globally interoperable travel document as is the traditional passport book.

Taken together, the enhancements the Department proposes in the production and distribution of U.S. passports will represent the most significant advancement in passport delivery in U.S. history. These combined efforts will ensure the delivery

to the American public of one of the most secure and valuable documents on the planet.

#### *Visa Issues*

In discharging our visa responsibilities, consular officers sit literally on the front lines of the global war on terror, contributing to national security. They strengthen our borders by detecting and deterring the entry of those who seek to break our laws. They strengthen our society by helping reunite American families through legal immigration.

The events of September 11, 2001 redefined our approach to visa work. In the aftermath of that terrible day, our challenge was to move swiftly and decisively to implement several significant changes to visa processing practices—some mandated by law, others by regulation or other agency direction—more or less simultaneously. We have worked hard to increase visa security measures, completely changing the business model for processing visas and vastly improving our communication with other agencies.

Our latest list of security enhancements to the visa process runs to more than 10 pages. Many of these changes reflect innovative uses of technology to detect and prevent fraud in visa applications. We are also working closely with our colleagues in the Department's Diplomatic Security Service to ensure vigorous criminal prosecution of visa and passport fraud. Our close coordination and exchange of information with the Department of Homeland Security is also a vital part of our shared border-security mission.

Security is and always will be our top priority in visa operations. At the same time, however, we have never forgotten that welcoming legitimate international visitors is an equally important element of national security. We firmly believe that the goals of security and openness are not contradictory, and we are determined to meet both. Our approach is guided by the January 2006 Joint Vision of Secretaries Rice and Chertoff for Secure Borders and Open Doors in the Information Age.

The drop in visa demand experienced immediately after 9/11 has been reversed, and our metrics are up across the board. For example, in fiscal year 2007 overall nonimmigrant visa demand climbed 10 percent to 8.5 million. We issued 650,000 student and scholar visas, surpassing pre-9/11 figures for the first time. This is due to the changes we have implemented, changed global economic conditions, but also to the relentless outreach we have conducted with industry, academic groups, and foreign audiences around the world to deliver the message that America's welcome mat is out for legitimate foreign travelers.

Our challenge now is to continue to improve service and security while meeting demand that is rising worldwide, and particularly in key countries such as India, Brazil, and China. We have developed a 2-year plan that integrates technology with innovative process changes.

We have implemented a number of enhancements as part of this plan. All nonimmigrant visa applicants use an electronic visa application form. We have implemented electronic interagency clearance of security advisory opinions. All visa-issuing posts collect 10 fingerprints, the biometric standard selected by the U.S. Government to ensure consistent screening of foreign nationals entering the United States. We established a worldwide goal of 30 days for an NIV appointment (exclusive of respective programs already in place to expedite student and business applications), and are meeting this goal at over 80 percent of our posts.

The next phase will be the rollout of a completely online visa application process—which will consolidate existing forms and permit applicants to submit data directly before visiting a consular section. We are currently piloting this process at our posts in Nuevo Laredo and Monterrey, Mexico, and hope to pilot it in a non-Mexico post this summer. We hope that this process will be available for posts worldwide to use later this year.

The online application system can be used in tandem with an offsite data collection (ODC) process, where data entry, photo capture, and fingerprint collection can be done at an offsite facility, thereby removing much of the administrative tasks burdening most consular sections. Nuevo Laredo and Monterrey are using the ODC process, which we plan to expand to other Mexican posts in preparation for the increase in renewal applications for border crossing cards.

This year we will also begin to develop an online form for immigrant visa applications, as well as a secure electronic way to manage immigrant visa medical forms.

By fiscal year 2009, we expect to have in place a system that results in significantly more data reaching consular officers prior to an applicant's personal appearance for interview, allowing consular officers to identify high-risk applicants early, and permit more rapid processing of readily approvable cases.



*Protecting American Citizens Overseas*

Of course, our primary responsibility is to serve and protect the approximately 4 million Americans who reside overseas and 30 million who travel abroad each year. We continue to improve the quality and the access to reliable information for travelers through our Consular Information Program and our Web site, [travel.state.gov](http://travel.state.gov)—which received 343 million page views last year. Toll-free call centers are available to answer questions about the full range of consular services. Our Internet-based registration system has over one million registrations, and has proven invaluable as a means to communicate directly with Americans abroad during crises.

Yet despite new technologies, consular work continues to be about touching individual lives as we provide services around the cycle of life. Last year, for example, we registered 55,000 babies as American citizens, visited 7,377 jailed American citizens, assisted families of 7,092 Americans who died overseas, and helped thousands of others with information, notariats, welfare and whereabouts, and other services.

When called upon to assist Americans abroad during crises—such as the South Asian tsunami in 2004, Hurricane Wilma in 2005, or Lebanon in 2006—our crisis management team launches into action, managing task forces staffed by consular personnel and volunteers from other bureaus, and providing affected posts with human and technological support. We developed Web-based crisis software that allows us to track emergency cases involving American citizens and to communicate with concerned family members—we used it to track 120 Americans evacuated from Chad and 200 Americans who requested embassy assistance in Cameroon this year, for example. We conduct regular crisis management exercises, and plan for anticipated increases in demand for services—we will deploy additional personnel to assist our posts in China to be able to swiftly and effectively assist American citizens during the upcoming Beijing Olympics.

Consular sections help American citizens overseas to exercise their fundamental right to vote. We work closely with the Department of Defense's Federal Voting Assistance Program to provide absentee voting information to diplomatic, official, and private American citizens abroad. We have reached out to a large number of groups, scheduled a record number of voting workshops at posts abroad, arranged with courier companies to transport absentee ballots, coordinated with the Department's diplomatic pouch management to speed transmission of ballot requests and voted ballots, and publicized information widely to ensure that American citizens will be able to participate in this year's elections.

*Children's Issues*

As it is in every area, our workload in children's issues—intercountry adoptions and international parental child abduction is growing as well. Our Office of Children's Issues was founded in 1994 with four people. We now have over 40 officers handling adoption, abduction, and abduction prevention cases.

In our work on intercountry adoptions, we are guided by a simple yet vital principle: that the best interests of children be respected in every intercountry adoption.

Americans adopted over 19,000 children from overseas in 2007. The Department of State will continue to assist American parents and strongly support intercountry adoption as an option for children in need of permanent family placement, and continue to encourage transparency and ethical practice as safeguards against fraud and abuse in intercountry adoptions.

This is why the Department has strongly supported U.S. membership in the Hague Convention on Intercountry Adoption. I am proud to say that on April 1, the Convention entered into force for the United States. This was a major milestone. The Department must continue its outreach to key stakeholders on the impact of the Convention, and to continue to develop the procedures and capacity to fulfill our responsibilities as Central Authority for the Convention. If confirmed, I look forward to solidifying U.S. implementation of this important treaty.

The Hague Convention, and the safeguards it promotes, is the best protection against fraud and abuse in intercountry adoptions. If confirmed, I will continue to use our best efforts to encourage the establishment of meaningful safeguards in countries where we see problems, offering assistance and support as they work to establish transparent and ethical adoption programs. I will continue robust efforts to encourage non-Hague countries to accede to the Convention, and to adopt Hague-compliant procedures to the greatest extent possible, in the case of those that have not yet decided to join the Convention.

International parental child abduction is one of the most agonizing situations a parent or child can face. We will never stop pushing on these issues, because the pushing—even if it takes years—yields results. We have helped 161 children return to their parents in the first 6 months of fiscal year 2008. After years of dedicated

efforts to resolve a series of sad and difficult cases, we are heartened that Saudi Arabia has adopted a policy that when a Saudi marries a foreigner he must sign a statement guaranteeing that the foreign spouse and any children will be free to depart the Kingdom without condition. If confirmed, I will continue this vital work.

We are focused on assimilating the incoming case work that used to be done by the National Center for Missing and Exploited Children (NCMEC). As of April 1, OCSCI is now handling all international parental child abduction cases involving the United States—some 1,260 cases, involving 1,600 children.

In countries that are party to the Hague Abduction Convention, we will continue to work with Central Authorities to encourage returns. In countries not party to the Hague Abduction Convention, we will continue to look for creative, lawful ways to resolve these cases.

I know that adoption and abduction cases are emotional issues that touch children and parents at the most personal level. If confirmed, I will work with this committee to do all we can to assist children and families.

#### *Training and Leadership*

The Bureau's procedures and processes have changed dramatically. We have similarly improved how we prepare consular staff. CA provides robust training in fraud detection and prevention skills. Our Consular Training Division at the Foreign Service Institute has added training in how to assist victims of crime, countering international parental child abduction, interviewing techniques, and procedures for inter-country adoptions under the Hague Convention.

CA is dedicated not only to preparing outstanding consular officers, but outstanding leaders in the Department and U.S. Government service. With input from consular staff at 87 posts, we developed 10 Consular Leadership Tenets, a set of shared principles of what we in CA believe leadership looks, acts, and feels like. We have integrated leadership training into every course offered in the Consular Training Division at the Foreign Service Institute. A Consular Leadership Development Committee continues to explore ways and develop tools to help consular staff at all levels to model leadership in their work environment.

If confirmed, I look forward to continuing to promote training and leadership development in CA, to ensure that America benefits from the best-prepared consular professionals.

#### CONCLUSION

Mr. Chairman, the Bureau of Consular Affairs continues to face compelling challenges across the range of our activities. We are fortunate to have talented staff and creative ideas for meeting them. We have developed detailed strategies and have moved aggressively to implement them.

If confirmed, I will look forward to working with the Secretary to ensure consular support for America's foreign policy objectives. If confirmed, I will continue to keep you informed of our resource needs, and work with you to ensure that the world's finest consular corps will continue to meet its obligations to our citizens and to our Nation.

Thank you.

PREPARED STATEMENT OF T. VANCE McMAHAN, NOMINEE TO BE REPRESENTATIVE OF THE UNITED STATES ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS, WITH THE RANK OF AMBASSADOR AND AN ALTERNATE REPRESENTATIVE OF THE UNITED STATES TO THE SESSIONS OF THE GENERAL ASSEMBLY OF THE UNITED NATIONS, DURING HIS TENURE OF SERVICE AS REPRESENTATIVE OF THE UNITED STATES ON THE ECONOMIC AND SOCIAL COUNCIL OF THE UNITED NATIONS

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. Representative to the United Nations Economic and Social Council. I am deeply grateful to President Bush and Secretary Rice for their confidence in me.

I hope that my legal background in the field of banking and finance, as well as my extensive experience in government and work on a number of public policy issues, from education to health care to global competitiveness, will contribute to my effectiveness in this position. I strongly believe in the United States role as a force for good in the world and that, working with the global community, we can help free people from hunger and disease, poverty and illiteracy, tyranny and violence—allowing them to realize their full potential as human beings.

If confirmed, I will do my best to represent the values of this great country at the U.N. and build upon efforts to promote reform and increased effectiveness and

accountability across the U.N. system. Our success is critical to people around the world whose day-to-day livelihoods depend on an effective United Nations.

The United States has led an effort to bring new ideas and fresh approaches in a number of areas including the economic policy debate at the U.N. Our approach, in line with the Monterrey Consensus on financing for development, emphasizes the importance of sustainable economic growth in development policy, linking new aid from developed nations to real reform in developing ones. Our guiding principle is based on building partnerships. It is a balanced approach, which promotes the central role of national governments in their own development, and the importance of international investment, trade, and credit markets in expanding economic opportunities for the world's poor. If confirmed, I will continue to advance our view that foreign assistance, in the context of good governance and sound domestic policy, can play a catalytic role, but it cannot substitute for open international trade and ability to attract private capital. Achieving sustainable economic growth will also help achieve the fundamental principles of the U.N.—peace, human rights, social progress, and a better quality of life.

The Economic and Social Council (ECOSOC) is at the center of these activities, and through its resolutions, functional commissions, and regional commissions, is an important venue to promote key U.S. interests. The United States, as an ECOSOC member, has worked closely with other member states to integrate our shared views into U.N. policies on the role of economic growth and national development strategies that can bring real change to the lives of many. Through the work of ECOSOC and its subsidiary bodies, we are also pursuing the global goals in the Millennium Declaration of reducing poverty and hunger, improving health and education, and combating major diseases. Achieving these goals will require greater focus on and innovative approaches to sustainable development in fragile and failing states, where many of the so-called "bottom billion" live, those who have been left behind as the rest of the developing world has moved ahead. The extreme poverty and instability in these states affects the entire global community. If confirmed, this will be one of the most important items on my agenda. Greater prosperity for all builds stronger institutions, better governments, peaceful societies, and a safer world in which the United States can thrive.

In addition to its important work on economic growth and development, ECOSOC also plays a critical part in the promotion of human rights and social justice. Unfortunately, the Geneva-based Human Rights Council, which in 2006 replaced the former Commission on Human Rights, has been a grave disappointment in that regard. To date, that body and many of its members remain unwilling to meet the council's mandate of addressing gross and systematic violations of human rights. Until the council improves, we will not legitimize it with our formal participation. If confirmed, I would continue to press for the council to approach its work with the seriousness that the United States and the international community expect; and to eliminate the selective bias that we have observed in its work so far. I would also continue to work with our partners to push for action by the General Assembly's Third Committee to hold accountable violators of human rights and fundamental freedoms. In addition, I would also work to build on existing initiatives of the United States in the General Assembly and other fora to fight human trafficking and improve the status of women and increase their political participation and economic influence around the world.

I would also like to emphasize our strong commitment to the promotion of democracy. The United Nations Democracy Fund (UNDEF), created by Secretary-General Annan in 2005, plays an important role in strengthening democratic institutions at the level of civil society. The fund is already supporting 122 projects in 110 countries and, if confirmed, I would look forward to continuing our work as members of the advisory board to further the goals of the fund.

Finally, I would like to underscore that I believe our work at the U.N. will only succeed in so far as the U.N. as an institution succeeds. The United States is spearheading the U.N. Transparency and Accountability Initiative (UNTAI) to improve the organization's efficiency across the entire U.N. system. The U.N.'s daily impact on the well-being of so many around the world makes it vital that the entire ITN system join the UNTAI effort to safeguard the U.N.'s resources and its credibility.

Mr. Chairman, members of the committee, thank you again for the opportunity to testify today and for considering my nomination. If confirmed, I intend to work closely with members and committee staff to advance U.S. efforts at the U.N. to promote international peace and security, sustainable economic development and respect for human dignity. I would be happy to respond to your questions.

RESPONSES OF WILLIAM J. BURNS TO QUESTIONS SUBMITTED  
BY SENATOR RUSSELL D. FEINGOLD

*Question.* Based on your long experience in government, how important is it that our collection of intelligence and unclassified information is truly global and that we don't continue to allocate what the Intelligence Community has called disproportionate resources to current crises, rather than to strategic challenges and emerging threats around the world?

*Answer.* The Intelligence Community always has to strike the right balance between current and longer term intelligence requirements. It needs to anticipate developments 10 or more years into the future and still have crucial intelligence that informs our approach to today's crises and negotiations. Secretaries of State have long looked to the Bureau of Intelligence and Research (INR) to help meet both those needs. In response, INR has continuously refined its analytic focus. In late 2001, for example, INR determined its daily intelligence summary duplicated other IC products and discontinued it in favor of devoting more time and resources to providing the Secretary with longer range analysis. INR has and will continue to refine and rebalance its analytic efforts in line with our Secretaries' requirements and intelligence reform.

*Question.* I am gravely concerned that we do not have strategic collection plans that address all the ways that the United States Government gets information about the world, not just from the intelligence community but from diplomatic reporting and open sources, and that, in turn, we have failed to allocate budgetary resources in a strategic fashion. This kind of strategic planning and resourcing should presumably be the job of the interagency process, but in many cases it appears broken, ineffective, or simply nonexistent. Do you agree, first, that the U.S. Government's need for information about the world is met through a combination of intelligence and nonclassified information gathering, and, second, that interagency strategies are vital for collecting this information?

*Answer.* Yes, I agree on both points. At State, both on the policy and intelligence side, we have always argued that good information is good information, regardless of its source. For example, few in the intelligence community would deny the high value diplomatic reporting provides, despite its relatively low level of classification. In recent years, the Internet has magnified the value of open source reporting. For example, State's Bureau of Intelligence and Research has a Humanitarian Information Unit that relies entirely on unclassified open sources, including overhead photography, to support humanitarian and disaster relief. We are likely to turn increasingly toward open sources as more and more information becomes available online, and traditional intelligence collection systems are retargeted to meet our highest priority challenges like international terrorism and proliferation. Fully exploiting open source material clearly demands interagency cooperation and approaches. At State, we welcome the DNI's creation of the Open Source Center and increased funding for open source collection and exploitation. On an equally important level, INR has increased its investment in language training, sometimes with ODNI support, to improve its ability to exploit the very rich environment of the Internet. We also continue to cooperate with the DNI to develop strategies and priorities to collect information.

*Question.* How would you see your role—and the role of the State Department more generally—in implementing and coordinating initiatives such as public diplomacy, democracy promotion, and foreign assistance when both State and the Defense Department, as well as other agencies, are involved? This is something we see frequently on the African continent so I am particularly interested to hear your thoughts regarding that region of the world.

*Answer.* The Secretary of State has specific and distinct authorities on foreign assistance and in the conduct of foreign policy. Under the Foreign Assistance Act and the Arms Export Control Act, the Secretary, under the direction of the President, is responsible for the continuous supervision and general direction of economic assistance, military assistance, and military education and training programs. Under current authorities the Secretary of State has approval authority over 87 percent of the entire Foreign Operations request (fiscal year 2009). If confirmed, as Under Secretary for Political Affairs I would coordinate closely with the Director of U.S. Foreign Assistance and partner with counterparts at DOD and other U.S. Government agencies to balance the U.S. presence and efforts internationally and to ensure a comprehensive, integrated, and deconflicted implementation of foreign policy and foreign assistance, including in Africa.

The establishment of a dual-hatted Director of U.S. Foreign Assistance and USAID Administrator has led to continued improvement in the interagency coordination of activities such as public diplomacy, democracy promotion, foreign assistance, and budget planning. For fiscal year 2008, for example, with the establishment of common objectives, a common program lexicon, and common budget and program planning processes, State (including PEPFAR) and USAID were able to improve coordination, with steps taken toward greater MCC and DOD coordination. For fiscal year 2009, MCC and DOD were formally added as participants in State and USAID's budget and program planning process, in addition to their coordination in the field.

The evidence of such coordination is illustrated by a number of examples: In Ghana, for instance, USAID is focusing its programming on enhancing the capacity of local government, which is responsible for implementing MCC compact activities in economic growth. In Honduras, USAID programming focuses on trade and investment capacity building and private sector competitiveness, in order to complement MCC compact investments in infrastructure and agricultural diversification.

In addition, a number of joint Department of State and Department of Defense initiatives are being successfully implemented. DOD's section 1206 authority has been used, with the concurrence of the Secretary of State, to provide vital train and equip assistance to foreign countries to strengthen their capabilities in counterterrorism and in engaging in stability operations with U.S. Armed Forces. Section 1207 authority has been relied upon to provide DOD resources in support of State Department reconstruction, security, and stabilization programs.

A number of additional activities are ongoing for this year that we hope will further improve coordination. A strong interagency country strategy development process is being planned for specific pilot countries. The 3-to-5-year strategic plan will be developed by the field, under the leadership of ambassadors, and is explicitly targeted to include full interagency, other donor, and where appropriate, host government participation. As with last year, the annual operational plan process will provide additional opportunities for the interagency in the field to develop comprehensive program plans, working together to ensure coordination.

*Question.* As you know, there has been a lot of discussion recently regarding the concerns about how underfunded and underresourced the State Department is. How much of an increase in both human and financial resources would you recommend, and what are the budgetary implications? What do you think is needed to partner with the Defense Department in order to anticipate crises and properly address complex emergencies?

*Answer.* We are doing all that we can to meet the challenges of staffing more than 265 missions worldwide and effectively carry out the Department's critical foreign policy mission. Despite our best efforts, however, the Department's staffing needs exceed our current resources. Not only has our mission grown, but the number of language-designated positions in "critical needs" languages such as Arabic and Chinese, some of which require 2 years of training to reach a basic professional level of proficiency, has increased 170 percent since 2001. In addition, the number of State Department positions overseas that are designated "unaccompanied" or "limited accompanied" for reasons of hardship or danger has quadrupled since 2001, from less than 200 in 2001 to more than 850 today.

Workforce planning studies done by the Department, as well as recent reports from GAO, the Foreign Affairs Council, CSIS, and other groups, have acknowledged that the Department's funded personnel intake has not kept pace with our expanding responsibilities. We have requested additional positions for each of the past 3 years, but Congress has not approved any new positions outside of consular and security positions since 2004. As a result, the Department has been unable to overcome midlevel deficits due to hiring shortages in the 1990s and has been forced to leave some positions vacant to ensure our highest priority positions are filled with qualified personnel.

The Department's fiscal year 2009 budget request includes 1,543 new positions (1,095 from State Operations Appropriations and 448 MRV-fee funded positions) at a cost of \$325,398,000. The Department's request for 520 new hire positions funded by Diplomatic and Consular Programs (D&CP) appropriations includes 300 positions to expand language training for Foreign Service generalists and specialists and 20 positions to improve public diplomacy efforts within the framework of the National Strategy for Public Diplomacy and Strategic Communication.

The other 200 new positions funded by D&CP appropriations are required to allow the Department to increase collaboration with DOD and other national security agencies to more effectively plan for and respond to national security challenges. We have requested 75 new positions to allow for increased participation of Foreign Serv-

ice personnel in military training and joint exercises, 50 new Foreign Policy Advisor (POLAD) positions to provide invaluable support to commanders who operate in an increasingly complex world where U.S. military and diplomatic objectives intersect, and 75 new positions to facilitate the interagency cooperation and exchanges called for under the National Security Professionals Initiative (E.O. 13434).

In addition to the 520 new D&CP positions, the fiscal year 2009 budget includes 200 positions for worldwide security protection; 10 positions for embassy construction, security, and maintenance; 19 positions for educational and cultural exchanges; and 448 fee-funded positions under the Border Security Program. We have also requested 351 positions to support the Civilian Stabilization Initiative, which will permit the Department to partner effectively with the military to stabilize countries in crisis. The fiscal year 2009 budget also includes \$92.1 million to hire 300 Foreign Service officers for the United States Agency for International Development—above attrition—in fiscal year 2009, a 30 percent increase in AID's Foreign Service workforce.

In addition to funding these new positions, the State Department operations request for fiscal year 2009 includes \$395 million for public diplomacy to allow us to utilize new and emerging technologies to communicate America's views, values, and policies. New initiatives to be undertaken with this funding include the new Web site for foreign audiences America.gov and the inception of the digital outreach team that will engage audiences on the Internet in Arabic, Farsi, and Urdu. Our request for an investment of \$414 million in information technology in fiscal year 2009 will support anytime, anywhere connectivity for our diplomats around the globe and facilitate greater collaboration among the more than 40 civilian agencies with overseas operations as well as DOD.

*Question.* I'd like to ask you about Iran and what you think the critical next steps are regarding this extremely difficult relationship. How should the United States go about addressing Iran's role in Iraq, its support for Hezbollah, and nuclear issues? If confirmed, what course do you intend to chart during the remainder of this administration?

*Answer.* We are deeply concerned by Iran's actions, including its destabilizing influence in the region, its sponsorship of terrorism, and its pursuit of technology that would give Iran a nuclear weapons capability.

#### IRAN-IRAQ

As pledged by the President, our forces, in cooperation with our Iraqi and Coalition partners, are destroying Iranian-supported lethal networks, recovering large weapons caches, and disrupting cross-border arms trade. In the past few years, we have learned a great deal about these networks and their Islamic Revolutionary Guard Corps-Qods Force (Qods Force) sponsors, particularly from individuals captured and detained by our forces. This knowledge has allowed us to improve our methods for tracking and disrupting their operations.

President Bush noted on April 10, that the Iranian regime has a choice to make: It can choose to live in peace with its neighbors, enjoying strong economic, religious, and cultural ties, or it can continue to arm, fund, and train illegal militant groups, which are terrorizing the Iraqi people and turning them against Iran. If Iran continues down the current path, Iran's leaders should know that we will take active measures to protect our interests, and our troops, and our Iraqi partners.

#### HIZBALLAH

Iranian influence is of great concern in Lebanon where Iran, Syria, and Hizballah are undermining the legitimate institutions of the government and seeking to create a state within a state in Lebanon. We continue to see evidence that Hizballah, with support from Syria and Iran's Qods Force, is rearming in Lebanon in violation of UNSCR 1701. Hizballah's own statements claiming it has rearmed since the 2006 summer war also imply serious breaches of the arms embargo. Hizballah also continues to support other terrorist groups, including and Hamas in the Palestinian territories and provides aid to militant groups in Iraq.

We will continue to take all necessary measures to prevent Hizballah from taking hostile action in Lebanon and abroad, as well as prevent the organization from assisting groups seeking to destabilize or derail the Middle East peace process. We are working closely with partners in the region to halt weapons flows and other Iranian support to prevent Hizballah from building its capabilities.

## NUCLEAR ISSUE

The Iranian regime's continued defiance of its UNSC and IAEA obligations warrants a strong international response. We are utilizing multilateral diplomacy to those ends. We remain committed to a diplomatic solution to the Iranian nuclear problem while taking no option off the table. The P5+1 has endorsed a dual-track policy toward Iran since June 2006 in which we have both pursued sanctions at the United Nations Security Council and offered Iran a generous package of incentives were Iran to take the steps necessary to restore international confidence in the exclusively peaceful nature of its nuclear program.

The demands upon Iran include the suspension of uranium enrichment-related and other proliferation-sensitive nuclear activities, full cooperation with the International Atomic Energy Agency (IAEA), and Iran's implementation of the Additional Protocol to its IAEA Safeguards Agreement, which would provide greater transparency into Iran's nuclear program. We are very pleased that in March 2008, the U.N. Security Council (UNSC) acted for a third time to impose legally binding chapter VII sanctions on Iran for its failure to comply with the council's demands (UNSCR 1803). The council's actions, and the high level of support for this third sanctions resolution, reflect the international community's continuing and profound concerns regarding Iran's nuclear program.

At the time UNSCR 1803 passed, Foreign Ministers agreed to revisit our inducements for cooperation to Iran. P5+1 Political Directors met in Shanghai April 16 and Foreign Ministers on May 2 in London where they worked to update the incentives package, originally offered in June 2006, that will be conveyed to the Government of Iran. This updated package of incentives, which we expect to be finalized soon, is an important step in the P5+1 approach to addressing Iran's nuclear program.

Moving forward, we will focus our efforts and attention on the robust implementation of the provisions of UNSCRs 1737, 1747, and 1803 to clarify to Iran's leaders the consequences of its continued noncompliance, while also keeping open the door to direct negotiations. On next steps, the resolution includes a request for a report from the IAEA Director General within 90 days (on or about June 3) on whether Iran has complied with its obligations. If the report shows that Iran has not complied, the council has expressed its intention to adopt further measures to persuade Iran to comply.

Already there are several important areas where we see our multilateral, diplomatic pressure strategy is having an impact. In implementing the U.N. Security Council resolutions, many countries have expanded scrutiny of cargo shipments, hampering Tehran's ability to acquire materials to advance their development of nuclear and missile programs. On the financial front, the cost of doing business for the Iranian regime has increased. Iran's credit risk rating has gone up, and many banks have stopped issuing letters of credit to companies seeking to do business with Iran. Major international banks—including Deutsche Bank, Dresdner Bank, and Commerzbank—have scaled back or completely severed their Iran-related business. This has resulted in the Iranian regime having increasing difficulty utilizing the international financial system for their proliferation or terrorist financing activities.

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RESPONSES OF WILLIAM J. BURNS TO QUESTIONS SUBMITTED  
BY SENATOR JOSEPH R. BIDEN, JR.

*Question.* On April 16, the P5+1 (the United States, the United Kingdom, France, China, Russia, and Germany) met in Shanghai to discuss the next diplomatic steps on Iran's nuclear program.

(a) What were the concrete achievements of the Shanghai meeting? Some reports say that there is consideration of offering a fresh set of incentives to Iran—what is being contemplated?

(b) What are the prospects for a meaningful international consensus to increase diplomatic and economic pressure on Iran?

(c) Given your experiences in Moscow, how far do you assess the Russians are willing to go in pressuring Iran and under what circumstances?

*Answer.* The international consensus that Iran should not be permitted to acquire nuclear weapons is, in our view, strong and sustained. The P5+1 has endorsed a dual-track policy toward Iran since June 2006 in which we have pursued both sanctions at the United Nations Security Council and offered a generous package of incentives to Iran in exchange for taking steps necessary to restore international confidence in the exclusively peaceful nature of its nuclear program.

Foremost of these steps is the suspension of uranium enrichment-related, reprocessing, and other proliferation-sensitive nuclear activities, full cooperation with the International Atomic Energy Agency (IAEA), and Iran's implementation of the Additional Protocol to its IAEA Safeguards Agreement, which would provide greater transparency into Iran's nuclear program.

The United Nations Security Council has adopted three resolutions imposing chapter VII sanctions on Iran. There was not a single negative vote cast for these resolutions and two were adopted unanimously (Indonesia abstained on UNSCR 1803); this demonstrates the will and resolve of the international community to take steps necessary, including imposing sanctions, to prompt Iran to choose the path of negotiations rather than continued confrontation.

To buttress our dual track strategy, P5+1 Foreign Ministers issued a statement on March 3, 2008, alongside the adoption of U.N. Security Council resolution 1803 committing to update the original incentive package offered to the Government of Iran in June 2006. The P5+1 Political Directors met on April 16 in Shanghai and Foreign Ministers in London on May 2 to finalize the updated incentives package, an important step in our way forward on the basis of the P5+1's dual track approach.

Each of our P5+1 partners, including Russia, has committed to the dual track strategy. Through their work within the P5+1 and votes at the UNSC, the Russians have shown that they are serious in pursuing our shared strategic objective of preventing Iran from acquiring a nuclear weapons capability. We will continue to work with our Russian partners to increase the pressure on Iran bilaterally and within all appropriate multilateral fora.

*Question.* The third Iraq ministerial neighbors' conference was held in Kuwait on April 21 and 22.

- (a) What were the concrete achievements of the Kuwait conference?
- (b) Please provide the committee with a copy of the statement that emerged from the conference.
- (c) Working groups have been set up in three areas—border security, energy, and refugees. What has been accomplished by these working groups to date?
- (d) Is there any consideration to including Iraqi political issues (for example, political reconciliation, ethnic and sectarian tensions, the disposition of Iraqi federalism) within the ambit of future neighbors' conferences?
- (e) Are there plans to establish a secretariat for the neighbors' conference? When will the next meeting be held?

*Answer.* (a) The support of Iraq's neighbors remains key to achieving the goal of a sovereign, democratic, and prosperous Iraq that is at peace with itself and with its neighbors. The third Expanded Neighbors Ministerial held in Kuwait on April 22 provided participants the opportunity to express that support and for Prime Minister Maliki to speak directly to Iraq's neighbors about the progress that the Government of Iraq has made and about what more Iraq needs its neighbors to do. The group also approved the Terms of Reference of the Ad Hoc Support Mechanism, a joint Iraqi-U.N. body intended to help keep the Neighbors Process on track by handling administrative and organizational tasks. The Organization of the Islamic Conference announced the opening of its office in Baghdad, and all participants, including Iran and Syria, signed on to the final communique, which included a pledge to adhere to the principle of noninterference in Iraq's internal affairs.

(b) A copy of the final communique issued at the conclusion of the April 22 Ministerial is attached.

(c) The Neighbors working groups on border security, energy, and refugees have served as useful fora for Iraq and its neighbors to discuss issues of mutual concern. The Border Security Working Group, cochaired by Iraq and Syria, met August 8–9, 2007 and April 13, 2008 in Damascus. The Energy Working Group, cochaired by Iraq and Turkey, met June 28–29, 2007 and March 2, 2008 in Istanbul, Turkey. The Refugee Working Group, cochaired by Iraq and Jordan, met on July 26, 2007 and March 18, 2008, in Amman, Jordan. Each working group prepared a list of recommendations to be followed up on at later meetings. The Neighbors Support Mechanism is intended to improve follow-up on the efforts of the working groups by assisting with substantive, technical, and organizational issues.

(d) The Expanded Neighbors process has focused on (1) supporting the Iraqi Government and (2) issues that are of common concern to all participants and most appropriately addressed in a multilateral setting—refugees, border security, energy, and other similar issues. Internal Iraqi political issues are inevitably raised, but participants generally are careful to adhere to the principle of noninterference in Iraq's internal affairs. In the final communique at Kuwait, the participants committed both to supporting the efforts of the Iraqi Government in broadening the po-



litical process and reinforcing political dialog and national reconciliation, and to adhere to the principle of noninterference.

In lieu of a Secretariat, the participants in the Expanded Neighbors process have created an ad hoc Support Mechanism. The Support Mechanism is located in the Iraqi MFA in Baghdad and actively assisted by the United Nations on substantive, technical, and organizational issues. The Support Mechanism is intended to liaise with member states on preparations for upcoming meetings, prepare draft agendas, maintain records of decisions reached, and carry out other administrative tasks necessary to ensure that the process continues to be successful. Participants expressed their desire to hold the fourth Expanded Neighbors Ministerial in Baghdad. A date has not yet been set.

FINAL COMMUNIQUE OF THE EXPANDED MINISTERIAL CONFERENCE OF THE NEIGHBORING COUNTRIES OF IRAQ, EGYPT, AND BAHRAIN AND THE PERMANENT MEMBERS OF THE U.N. SECURITY COUNCIL AND THE G-8

KUWAIT, 22ND OF APRIL 2008

Upon the invitation of the State of Kuwait and the Republic of Iraq, the Foreign Ministers of the Neighbouring Countries of Iraq, Egypt, Bahrain, UAE, Oman, and the Permanent Members of the U.N. Security Council and the G-8 held a meeting in Kuwait on the 22nd of April, 2008. The United Nations, the Organization of the Islamic Conference, the League of Arab States, the Gulf Cooperation Council and the European Union also took part in the meeting. The meeting was designed to contribute concretely to the Iraqi Government's efforts to restore permanent peace, stability, and prosperity through invigoration of the existing national reconciliation dialog, in combating terrorism, strengthening the rule of law, and widening participation in the political process. The meeting aimed to provide ongoing strong and effective support to both the Government and people of Iraq. The meeting also served the purpose of the participant countries to reiterate their commitment to Iraq's territorial integrity, unity, full sovereignty and independence, and noninterference in its internal affairs. The meeting affirmed its continuous implementation of the obligation that it has committed to undertake in this regard.

The participants agreed to:

1. Reaffirm the respect of national unity, independence, full sovereignty, territorial integrity, Arab and Islamic Identity of Iraq; commit to the preservation of Iraq's internationally recognized borders, and pledge to adhere to a comprehensive and consistent commitment to the principle of noninterference in Iraq's internal affairs; stressing the right of the Iraqi people to freely determine their political system and political future and control their natural and financial resources;
2. Affirm the full support for Iraq and its people and the efforts of the constitutionally elected Iraqi Government and Council of Representatives; to achieve the goals of the Iraqi people in a speedy and effective manner for a free, prosperous, stable, united, democratic and federal Iraq that ensures the fundamental and equal rights of the Iraqi people to peacefully participate in the ongoing political process;
3. Reconfirm the commitment of the International Community and Iraq's neighbors to promote peace, stability, and security in Iraq which shall reflect positively on the security and stability of the region and the interests of its people and the international community as a whole;
4. Welcome the establishment of the Ad-Hoc Support Mechanism formed by the Iraqi Government within the Iraqi Ministry of Foreign Affairs as adopted in the Expanded Iraq Neighbours Ministerial Conference held in Istanbul on November 3, 2007; also approve the Terms of Reference of the Ad Hoc Support Mechanism, and call upon all concerned countries and organizations to cooperate with its work;
5. The conference reviewed and adopted the recommendations of the three working groups (the Energy Working Group, the Refugee Working Group, and the Security Cooperation and Coordination Working Group) as attached to this final communique; affirmed the importance of their implementation by all concerned states; and looked forward to the three committees convening their next sessions—on security in Damascus, energy in Istanbul, and displaced persons in Amman—as soon as possible;
6. Support the efforts of the Iraqi Government in broadening the political process, strengthening the elected institutions, reinforcing political dialog and national reconciliation, assisting vulnerable groups including the internally and externally displaced persons, and promoting the protection of human right and judicial and legal reform;

7. Encourage all Iraqis to engage in comprehensive political dialog and national reconciliation for the sake of Iraq's stability, unity, and its sustainable development;

8. Stress the importance to achieve Iraqi national reconciliation and accord, praising the role of the Iraqi Government in this regard, and calling on the League of Arab States to continue its efforts in coordination and cooperation with the Iraqi Government and concerned parties;

9. Applaud the continuous effort by the Iraqi Government to confront those who foment violence throughout Iraq; commend the role of the Iraqi armed and security forces in confronting and deterring the recent threats posed by armed groups; and welcome the Government's commitment to disarm and dismantle all militias and extragovernmental armed groups, enforcing the rule of law, and ensuring the state's monopoly on armed forces;

10. Stress the principle of the Iraqi national identity and invite all components of the Iraqi people to work for the enhancement of the National Unity, regardless of their political trends and ethnic and sectarian affiliations; and seek to employ the historical multicultural heritage as a means of unification not division;

11. Call upon international and regional concerned organizations (UNESCO, ALECSO, ISESCO, and IRCICA) to contribute to the preservation and revitalization of the historical heritage of Iraq, that has been destroyed or damaged due to the war; and welcome active support from the neighbours and international community for their effort, and to help the Iraqi people to retrieve their stolen heritage;

12. Acknowledge the determined endeavors of the Syrian, Jordanian, and Egyptian Governments in generously hosting Iraqis; recognize the obligations of Iraq and the international community in supporting host countries to address the resulting burdens on their services, infrastructure, and resources and to create conditions conducive to a voluntary, safe, and dignified return;

13. Acknowledge the importance of the International Compact with Iraq for the political reconciliation and reconstruction of this country, and its commitment to assist the Government of Iraq through political and economic reform, capacity building and providing conditions for sustainable development; in this context, recognize the role and potential of neighbouring countries in the construction of Iraq, welcome the decision of the Paris Club, and invite all the creditors to Iraq to follow its example, in a way that contributes in reducing Iraqi debts; welcome the willingness of the Government of Sweden to host the next session of the International Compact with Iraq; and welcome the contribution of Iraq's neighbours and regional states in the development of economic progress in Iraq;

14. Affirm the efforts of the United Nations and commend UNAMI's important role in providing support, consultation, assistance, and coordination with the Iraqi Government according to the Security Council Resolution 1770 of (2007), and other relevant Security Council resolutions; welcome the active assistance of UNAMI to the establishment of the Ad Hoc support mechanism and to its activities to support and develop regional dialog on Iraq;

15. Encourage and urge all states, in particular the neighbours of Iraq, to open or reopen their diplomatic missions, and enhance those existing by raising the level of representation, and expedite the sending of their ambassadors to Iraq, which will contribute in the improvement and development of bilateral relations; welcome the opening of the Office of the Organization of the Islamic Conference in Baghdad as an encouraging development that will enable the Organization to follow up its initiatives more actively, including its Mecca Declaration initiative; welcome states who decided to reopen their embassies in Baghdad; and urge the Government of Iraq to expedite its appointment of ambassadors to neighbouring countries and others;

16. Condemn the aggression and war crimes of the former regime of Iraq against peoples of Iraq, Islamic Republic of Iran, and the State of Kuwait; condemn the killing of Kuwaiti war prisoners and nationals of other countries at the hands of the former regime in Iraq, and the former Iraqi regime's coverage of these crimes for over 10 years, which is considered a violation of international humanitarian law; and welcome the steps being taken by Iraq to take the perpetrators of these crimes to courts, and also welcome the appointment of Ambassador Gennady Tarasov as U.N. high-level coordinator and commend the efforts of his predecessor, the late Ambassador Yuli Voronstov, and his achievements during his work in this humanitarian issue; invite all concerned parties to continue their cooperation with the International Red Cross Committee to uncover the fate of the rest of the missing Kuwaiti citizens and others;

17. Condemn all acts of terrorism in all its forms in Iraq, call for the immediate cessation of all such acts, support the Iraqi Government's increasing efforts in combating terrorism including all efforts to prevent Iraqi territory from being used as a base for terrorism against neighbouring countries and vice versa; and takes note

of the bilateral arrangements concluded between Iraq and neighbouring countries regarding the fight against terrorism, in this regard, support Iraqi Government efforts to strengthen the capabilities of its armed and security forces to assume full security responsibility in the country;

18. Reaffirm the obligations of all states, in accordance with international law, relevant international agreements, U.N. Security Council Resolutions 1546 (2004) and 1618 (2005), and other relevant Security Council resolutions, to combat terrorist activities and prevent the use by terrorists of their territory for supplying, organizing, and launching terrorist operations, and help Iraq to expel the terrorist organizations out of its territories;

19. Support the joint efforts of Iraq and its neighbouring countries to prevent the transit of terrorists and illegal arms to and from Iraq; reemphasize the importance of strengthening cooperation between Iraq and its neighbouring countries to control their common borders and prevent all kinds of illicit trafficking, including financial and logistical support for terrorists and terrorist organizations; and refuse instigation of violence and terror;

20. Reconfirm the decisions of the Neighbouring Countries Interior Ministerial Meetings and welcome the outcome of the last meeting which took place in Kuwait on October 23, 2007, and call for the cooperation with its secretariat based in Iraq; and

21. Welcome the convening of the Arab Inter-Parliamentary Union Conference which took place in the city of Irbil in Iraq on 11 March, 2008.

The participants expressed their appreciation to the State of Kuwait for hosting the conference, and expressed their desire and hope to hold the Fourth Expanded Ministerial Meeting in Baghdad.

RESPONSES OF JANICE L. JACOBS TO QUESTIONS SUBMITTED BY  
SENATOR JOSEPH R. BIDEN, JR.

*Question.* Taiwan meets or exceeds nearly every criteria established by the Visa Waiver Program (VWP). Specifically, it:

- Offers visa-free travel privileges to U.S. citizens;
- Has issued machine-readable passports (MRPs) since 1995;
- Has completed a program to incorporate biometric identifiers into passports in 2007, and plans to issue E-passport starting in the second half of 2008;
- Reports the lost and stolen passports to the U.S. Government on a weekly basis; and
- Had an average 3 percent refusal rate for nonimmigrant visa applications to the United States in past years—lower than several countries now being considered for Visa Waiver Program participation.

I also understand that the Department of Homeland Security (DHS) has signed Memoranda of Understanding (MOU) regarding the VWP and related enhanced security measures with 8 of 13 "roadmap countries" that were selected with the nomination of the Department of State (DOS). The MOU is the first step before those countries are included into the VWP, and DHS will not consider any new aspirant country without the nomination of the DOS.

Taiwan is not a roadmap country, and DHS has no MOU with Taiwan. Nonetheless, I understand that Taiwan has volunteered to cooperate with the United States Government to implement the measures contained in the above-mentioned MOUs, such as air passenger data sharing, air marshals, and airport security upgrades, to enhance overall travel security.

If confirmed, would you endorse a review by DHS of Taiwan's VWP eligibility as soon as reasonably possible?

*Answer.* If confirmed, I will work with DHS on evaluating Taiwan for VWP candidacy. DHS has expressed a willingness to work with all who meet the technical requirements for the Visa Waiver Program once they have established a mechanism to evaluate all additional potential roadmap countries, of which Taiwan is one. DHS and State currently lack the resources and procedures to consider any nonroadmap countries at this time. In addition, any potential security barriers to Taiwan's participation in the VWP would be identified during a DHS-led comprehensive evaluation to determine the impact of the country's designation on United States security, law enforcement, and immigration security interests.

*Question.* If Taiwan is willing to sign a document with DHS to cooperate on enhanced security measures (as described in the memoranda signed by the roadmap countries), would you encourage DHS to conclude an MOU with Taiwan, leading eventually to Taiwan's inclusion in the VWP when eligible?

Answer. On a general level, we do note that Taiwan has taken a number of steps to improve travel document and border security and we welcome further improvements in these areas. These steps have been taken in line with international trends and best practices as part of a general program to improve passport and immigration practices and without reference to the U.S. Visa Waiver Program. Some of the factors you mention such as offering visa waiver tourist travel for up to 90 days admission to U.S. citizens and issuance of machine-readable passports are met by a large numbers of countries, most of which are not under consideration for Visa Waiver Program candidacy. Taiwan does not yet issue e-passports, though they are required for VWP candidacy. Our information indicates they do not share information on the theft or loss of blank passports with the United States at this time. The VWP law requires sharing of data not only on blank passports, but also on personalized passports. Taiwan's visa refusal rate was above 3 percent in the last fiscal year.

State and DHS are currently working with nations who have engaged the U.S. Government for the past several years in discussing these issues. We continue to work on confidence building measures with those countries. There is no plan at this time to expand the roadmap process but it may be possible to discuss similar confidence building measures with countries beyond the roadmap as improvements in international travel security are in our collective interest. On a technical and legal level, the conditions do not presently exist for nominating additional countries for VWP participation based on a waiver of the 3 percent visa refusal rate. To use this waiver the Secretary of Homeland Security must certify to Congress that the pre-conditions set in law have been met. Although dialog and negotiation continue with those countries already engaged in the roadmap process, I am unaware of plans to deal with additional countries on the same footing until sometime after DHS is in a position to exercise the waiver of the 3 percent visa refusal rate for the countries currently in the pipeline. The prospect of dialog, however, remains open.

*Question.* What are your top three priorities for this position?

Answer. The mission of the Bureau of Consular Affairs (CA) is to protect the lives and interests of American citizens abroad and to strengthen the security of U.S. borders through the vigilant adjudication of visas and passports. My top priorities relate directly to this mission.

Our number one priority is to ensure that the Bureau of Consular Affairs continues to provide outstanding services to protect the lives and interests of American citizens overseas. We will use our Web site, [www.travel.state.gov](http://www.travel.state.gov), and revised Consular Information Program to provide timely, accurate information to American citizens. We conduct crisis management exercises and plan for anticipated increases in demand for services, for example by deploying additional personnel later this year to assist our posts in China during the upcoming Beijing Olympics. Now that we have implemented the Hague Convention on Intercountry Adoptions, we will work with the American adoption community to adjust to the changes, and work with the international community to encourage more countries to join the Convention to expand the Convention's protections for children and parents worldwide.

I will work to ensure the Department provides secure, reliable passport services to American citizens. The Department took immediate action when we learned that some passport records had been improperly accessed, and are reviewing management controls in order to strengthen procedures and to ensure a more secure system that will provide equal and effective safeguards to all passport applicants' records. Although passport demand is currently four percent higher than last year's record-setting pace of 18.4 million passport issuances, there is no passport backlog and processing times are less than our 4-week standard. We are hiring hundreds of employees, opening new facilities, expanding existing passport agencies, and preparing to issue a new passport card in order to meet the American public's demand for reliable travel documents.

My third key priority is to fulfill the "Secure Borders, Open Doors" Joint Vision of Secretaries Rice and Chertoff. Since September 11, 2001, the Bureau of Consular Affairs has implemented changes in procedures, technology, and information-sharing to enhance the security of our Nation's borders while keeping America's doors open to the legitimate travel we encourage and value. The changes have transformed the visa process, and helped reverse a decline in visa applications that began after 9/11. We issued an all-time record of 651,000 student and scholar visas last year, for example, and visa demand is growing by double digits in key countries such as China, India, Brazil, and Mexico. Our challenge is to meet that demand as we make further enhancements to the security and efficiency of visa processing.

*Question.* What management skills and experiences qualify you for this position?

Answer. As a career consular officer for 28 years, I have had the privilege of serving the United States in places as varied as Mexico, France, and Nigeria, and gained a broad perspective on the consular challenges our country faces. As a consular manager, a DCM, an ambassador and a senior executive in the Department I have managed thousands of people, millions of dollars in resources, and a broad spectrum of policies for my entire career. I have been involved in strategic and budget planning. I have made the difficult personnel decisions that are the hallmark of a DCM's responsibilities. I fought the budget and human resource battles during the Department's leanest years.

The Bureau of Consular Affairs comprises nearly 10,000 employees—Foreign and Civil Service, locally engaged staff, contractors and others—working in 219 posts overseas, in Washington, and at 18 passport agencies and two visa processing centers around the United States. The Bureau managed a \$2 billion budget last year.

As Principal Deputy Assistant Secretary for Consular Affairs, I helped lead this bureau of diverse, talented employees. I worked on the full range of consular issues and have seen how the Bureau of Consular Affairs has prepared for and responded to those issues.

As Deputy Assistant Secretary for Visa Services from 2002 to 2005, I was part of the team that negotiated the Memorandum of Understanding between the Department of State and the new Department of Homeland Security that clarified the agencies' respective roles and responsibilities in visa policy. I was the change manager in the immediate aftermath of September 11, 2001, when we instituted new practices and implemented new legislation to improve visa security, and when we implemented procedures to address the post-9/11 decline in visa applications. I reached out to stakeholders in the academic, scientific, industry, and government communities to explain our actions and obtain support for our initiatives.

As Deputy Chief of Mission in Santo Domingo and as Ambassador to Senegal and Guinea-Bissau, I managed all aspects of our missions, ensuring that the consular dimension was represented in mission work on the global war on terror, countering human trafficking, and other foreign policy objectives. I also know the outstanding work that all consular personnel in what I have come to regard as the world's finest consular corps do to protect American citizens and America's borders.

*Question.* With regard to the unauthorized accession of the passport application files of Senators Clinton, McCain, and Obama, please answer the following questions:

(a) When did you first become aware of this matter? What steps did you take when you were informed of this matter?

Answer. We took immediate action from the moment these incidents were reported. I was notified, in my role as Acting Assistant Secretary, of the incidents of improper access on March 20, 2008. I immediately conferred with the Under Secretary for Management. We informed the presidential candidates and their staffs of the incidents and our response. We asked the Office of the Inspector General to begin an investigation of the incidents; that investigation is ongoing. I also sent a notice to all consular employees reminding them of their legal obligation to safeguard the privacy of passport applications and passport holders.

The Department of State's passport database tracking system includes an invisible flag on individual passport records of high-profile individuals. As the system worked when this incident occurred, an alert was automatically sent to two headquarters managers. Based on the alert, one of those managers contacted the individual who accessed the record via e-mail for an explanation, and copied the supervisor for appropriate action as well as other managers for informational purposes.

Three individuals have been terminated to date for improperly accessing passport application records. While our safeguards for detecting improper access to passport records worked as intended, the experience demonstrated that there were areas where we could improve.

On March 24, we formed a working group with representatives of all key bureaus to conduct a comprehensive review of internal management and controls procedures for passport processing and to develop initiatives to strengthen the security of the passport process. Our goal is a more secure system that will provide equal and effective safeguards to all passport applicants' records, and in which all Americans can have confidence that their data will be appropriately safeguarded.

*Question.* (b) Given that unauthorized access of these files first occurred last summer and winter, why do you believe employees in passport services waited until mid-March to report this matter to you or other senior level managers?

Answer. Due to the quick resolution of the cases through the immediate termination of two contract employees and reprimand of the contract third employee (who

was subsequently terminated), and the well-founded belief that these cases were motivated by imprudent curiosity, information on these cases was not passed to high level management. Since these events, we have developed and implemented written procedures for reporting incidents of unauthorized access. The new procedures include notifying the appropriate high level management members on every e-mail sent regarding a suspected incident of unauthorized access.

*Question.* (c) Do you think it is likely there were additional improper or unauthorized accessions of passport application files?

*Answer.* The Department of State's Inspector General is currently investigating the extent to which passport records may have been subject to unauthorized access. We are awaiting the OIG's final determination.

*Question.* (d) What systemic changes do you intend to implement to prevent a recurrence of such unauthorized accessions of passport files, and what is your timetable for implementing them?

*Answer.* On March 24, we formed a working group with representatives of all key Department bureaus to conduct a comprehensive review of internal management and controls procedures for passport processing, develop initiatives to strengthen the security of the passport process, design a comprehensive management plan to mitigate any unauthorized access of passport records/applicant personal data, and develop well-defined reporting procedures should an authorized access occur. Our fundamental goal is a more secure system that will provide equal and effective safeguards to all passport applicants' records, and in which all Americans can have confidence that their data will be appropriately safeguarded.

The Department has implemented several short-term measures including adding more than 1,000 names of high-profile individuals into the passport records monitoring system, initiating random audits of the passport records database, and implementing revised standard operating procedures for reporting incidents of unauthorized access.

Over the next 90 days, the Department's Vulnerabilities Working Group will focus on the following initiatives:

- Standard operating procedures and criteria on updating, auditing, and maintaining the Monitor List.
- Simple technology enhancements to the Monitor List program and the Passport Information Electronic Records System (PIERS).
- Study of best practices at other agencies and businesses.
- Vulnerability assessments on all databases and tools.
- Track/create historical file of incidents of unauthorized access.
- Finalize random audit program.
- Standardize disciplinary procedures for unauthorized access.
- Review of organizational structure, duties, and responsibilities for monitoring of unauthorized access.

*Question.* How many contractors or contract employees were employed as of October 1, 2007? How does that compare to 5 years ago (approximate figures are sufficient to answer this question)? Do you believe the Bureau of Consular Affairs has become too reliant on contractors or contract employees to perform its key functions?

*Answer.* As of October 1, 2007, the Bureau of Consular Affairs employed 4,083 contractors. Of that number, 1,605 were dedicated to passport services, 868 to IT development and support, 526 to visa services, 210 at our Kentucky Consular Center performing a range of services, 836 passport call center employees at the National Passport Information Center, and 38 assisted with American Citizen Services and administrative functions. The total number is approximately double what it was 5 years ago.

I do not believe the Bureau of Consular Affairs has become too reliant on contractors or contract employees to perform its key functions. All key policy and management positions are filled by U.S. Government employees, all "core government functions," such as adjudicating passport and visa applications, are performed by permanent United States Government employees. Contract employees tend to perform administrative and clerical tasks that, while invaluable to accomplishing our mission, are under the direction and oversight of Government employees. Hiring contractors allows a certain amount of flexibility to respond quickly to changing needs, whether a surge or a decline in demand for services.

*Question.* The Hague Convention on Intercountry Adoption entered into force on April 1. Of the U.S. agencies that have applied for accreditation, how many await a decision by the Council on Accreditation? By what means is the Department overseeing the accreditation process? How transparent is this process intended to be?

Answer. As of April 30, 325 adoption service providers have applied to the Council on Accreditation for Hague Convention accreditation or approval. According to the records of the Council on Accreditation, 65 applicants are in process at this time. Applications are now submitted and completed on a rolling basis.

Title II of the Intercountry Adoption Act of 2000 gives the Department-designated accrediting entities (AEs) the responsibility for accreditation or approval and oversight of adoption service providers working on Hague Convention cases (IAA, § 202(b)). The Department is required to monitor the performance by each AE and its compliance with the Convention, the IAA and other relevant laws and regulations (IAA, § 204(a)).

As required by the IAA, the Department drafted and published regulations setting the standards and procedures to be used by the accrediting entities for the accreditation of agencies and the approval of persons to provide adoption services in the United States in Convention cases (IAA, § 203(a)(1)). The Bureau of Consular Affairs' Office of Children's Issues, which performs the day to day responsibilities of the U.S. Central Authority for the Convention, is in daily contact with the designated accrediting entities, the Council on Accreditation and the Colorado Department of Human Services. We provide clarification of standards and procedures. We also collect and convey to the AEs information on applicants received through our Hague Complaint registry, from our posts abroad and from other sources. We request and receive regular updates on the accreditation process. We participate in telephone conferences and Webinars with both AEs, and make regular visits to COA in New York.

The process should be as transparent as possible. We have urged both AEs to focus on transparency and to communicate specific issues to applicant agencies. With regard to issues related to specific applications, we ask agencies to contact their AE directly. We are aware that this initial accreditation phase has been a difficult process for some; COA received more than 300 applications, almost double the number anticipated. The workload has been difficult. We believe that the accreditation process will improve as the AEs become more familiar with the process and applications and renewals are staggered over time.

Hague accreditation should be seen as the United States Government "stamp of approval" for U.S. adoption service providers providing adoption services in a Convention case. In light of this, we have asked the AEs to take the time necessary to review each applicant to ensure that it is in substantial compliance with applicable standards. It is important to ensure that adoption service providers that have been found to be not in compliance with mandatory standards are not accredited until they have established credibility and a track record of compliance. The Department is committed to the integrity of the process established by the IAA.

*Question.* Under the Homeland Security Act of 2002, which created the Department of Homeland Security, responsibility for regulatory authority involving the Immigration and Nationality Act rests with the Department of Homeland Security (DHS), but State Department consular officers in embassies and consulates around the world implement those policies, although DHS also has offices overseas for the purpose of immigrant visa work. It has been over 5 years since the creation of DHS, and both State and DHS have been given many new security mandates. You have seen it from the perspective of an ambassador and a senior officer in the Bureau of Consular Affairs. How is the relationship working between your bureau and DHS? What measures need to be taken—by you or your counterparts at DHS—to strengthen the relationship?

Answer. With the creation of the Department of Homeland Security (DHS), State and DHS now have shared responsibilities with regard to visas and border security. I was part of the team that negotiated a Memorandum of Understanding that established the respective roles and responsibilities of the two departments in visa policy. Over the past 5 years, we have developed a cooperative relationship with DHS on many fronts—the Western Hemisphere Travel Initiative, implementing the Hague Convention on Intercountry Adoptions, and refugees, to name a few.

In January 2006, Secretaries Rice and Chertoff launched an initiative to strengthen border security while facilitating international travel for legitimate visitors. As part of the Rice-Chertoff "Secure Borders, Open Doors" Joint Vision, State and DHS work closely to:

- Renew America's welcome to foreign travelers with improved technology and efficiency. This includes further improving visa processing and creating "model ports of entry" that foster a more welcoming environment for foreign visitors.
- Develop secure travel documents for the 21st century, including our electronic passports and a secure, inexpensive alternative—the passport card—to meet the needs of border communities.

- Improve interagency and international coordination and information sharing to enable smarter screening of international travelers.

State works closely with DHS on the deployment of the Visa Security Program, the goal of which is to push out the boundaries of the United States and to ensure that only qualified applicants receive visas. Posts in more than 10 countries currently have Visa Security Units, and we plan to open other units later this year. The DHS/ICE Special Agents serving in the Visa Security Units have established positive working relationships with consular officers, for example by providing DHS training for consular officers in interviewing techniques, fraudulent document awareness, and terrorist travel tradecraft.

The creation of DHS was the largest restructuring of the executive branch since the Department of Defense was established in 1947–1949. While there are still some growing pains, we are committed to working with our partners in DHS to ensure that we together deliver to the American people the border security program they deserve.

*Question.* After the attacks of 9/11, we understandably took a number of steps to tighten security, including in the issuance of visas. There has been concern expressed by a number of voices—universities, businesses, and the tourist industry—that the changes went too far. There are competing pressures on consular officers—to help secure the border, but to do so in a manner that does not disrupt legitimate commerce, education and tourism. The administration's own rhetoric—"secure borders, open doors"—reflects this dichotomy. How does the Department balance these competing pressures? How do you train and guide these officers who make hundreds of visa decisions every day?

*Answer.* "Secure borders, open doors" is based on the principle that protecting our borders and welcoming legitimate travelers are not contradictory and can often be complementary and we can achieve both. In the aftermath of September 11, 2001, our challenge was to implement significant changes to visa practices more or less simultaneously. We worked hard to increase visa security measures, completely change the business model for processing visas, and vastly improve our communication with other agencies.

As we implemented changes to the visa process in the early post-9/11 years, there was a decline in visa application numbers and the number of visitors to the United States. There were many reasons for the decline, including some—such as the SARS crisis and changes in the world economy—that were beyond our control. But it's also true that there were delays in the processing of some visa applications.

That is an outdated picture that is far from the current reality. We have invested in systems, staffing, training, and coordination with our U.S. Government partners to ensure that America's welcome to foreign visitors begins with a secure, transparent, and accessible visa process. We have instituted appointment systems, modern queuing systems, Web sites and consular information lines. We reach out to students and businesses to explain the visa process and we allocate extra appointments for time-sensitive visas. In most countries, we have reduced wait times for visa appointments. We use technology and training to work smarter, to move qualified applicants faster and identify cases of concern earlier.

The results are impressive and visa interviews have never been more secure. In fiscal year 2007 we issued over 6.4 million nonimmigrant visas. That is the highest figure since 9/11. We issued 651,000 student and exchange visitor visas last year, up 10.2 percent compared to the same period last year. That is an all-time high, and surpasses the figures from before 9/11. Since 9/11, we have seen visa demand grow in every region of the world. In China, for example, the number of nonimmigrant visa applications went from 320,000 in fiscal year 2003, to 544,000 in fiscal year 2007, an increase of 70 percent; in India, during that same period, the numbers went from 400,000 to 725,000, an increase of more than 80 percent. Department of Commerce figures released last December indicate international arrivals were up about 10 percent in 2007.

We have invested heavily in ensuring that our interviewing officers have the training and tools to make excellent decisions. Diplomats are well suited to visa adjudication. Making decisions about visa eligibility under immigration law obviously requires knowledge of the laws and procedures, but just as importantly, the adjudicator must apply those laws to each applicant, keeping in mind the applicant's qualifications, the country's political and economic conditions and cultural background. The interviewing officer must be able to communicate clearly and effectively in the applicant's language, both to assess eligibility and to communicate the decision.

Entry level Foreign Service officers, all of whom are required to have at least one consular tour, are chosen through one of the most competitive selection processes



in either the U.S. Government or private sector. They enter the Foreign Service from a wide variety of backgrounds and bring with them an entire spectrum of skills and abilities. All consular officers must pass a rigorous 31-day basic consular training course before arriving at post. This training covers the legal and procedural aspects of consular work, reinforced with over 35 mock interviews where each officer must interview an applicant for a visa, make a decision based on immigration law, and communicate that decision clearly to the applicant. As part of this training, our new officers also receive a 4-day course on consular interviewing techniques where they are taught the best way to build rapport, gather information, and make a decision. The course includes briefings and hands-on analysis of documents to help officers distinguish between genuine supporting documentation and those that have been altered or counterfeited. Classified sessions at the CIA cover terrorist travel trends and terrorist indicators.

We also provide numerous technological and management safeguards throughout the visa process. Every applicant undergoes security checks before a visa can be issued. Our system automatically runs a name-based check in a database with more than 20 million entries. These entries include State Department information, FBI files, immigration violations, and intelligence from other agencies. We also collect 10-print fingerprints from almost all applicants, which are checked against our database to detect imposters, criminals, and terrorist, as well as the DHS fingerprint database, and are verified by DHS at the port of entry. Certain categories of applicants also are screened in a facial recognition program, which checks their photo against our consular database. Applicants may undergo additional security screening if they are from certain countries, have technical expertise of concern to the United States or if our database indicates a match. In addition, supervisors are required to review a randomly selected group of the issuances and refusals of each officer, which always include any issuances over a permanent ineligibility category, to ensure decisions were made within the law.

The Department recognizes that potential terrorists may not necessarily be detectable through documents. Some may attempt to travel, or apply for visas, using genuine passports without any terrorist indicators. However, such an applicant is vulnerable to betraying signs of deception or revealing a back story that is inconsistent during a face-to-face interview with a consular officer, resulting in a determination of ineligibility or paving the way for a more detailed follow-up interview that often unmask mala fide visa seekers.

The Department uses a variety of additional training courses beyond the basic consular course to keep consular officers current and to enhance their ability to conduct effective interviews and detect, intercept, and disrupt terrorist travel. We know that our officers are on the front lines of diplomacy as well as national security, and we feel both are equally important.

