

NOMINATION HEARINGS OF THE 114TH CONGRESS

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BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED FOURTEENTH CONGRESS

FIRST SESSION—MARCH 10 THROUGH DECEMBER 2, 2015

SECOND SESSION—FEBRUARY 11 THROUGH SEPTEMBER 20, 2016

Printed for the use of the Committee on Foreign Relations



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NOMINATIONS

WEDNESDAY, JULY 13, 2016

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

Hon. Sung Y. Kim, of California, nominated to be Ambassador to the Republic of the Philippines
Rena Bitter, of Texas, nominated to be Ambassador to the Lao People's Democratic Republic
Amala Shirin Lakhdir, of Connecticut, nominated to be Ambassador to Malaysia

The committee met, pursuant to notice, at 11:41 a.m., in Room SD-419, Dirksen Senate Office Building, Hon. Cory Gardner presiding.

Present: Senators Gardner [presiding], Rubio, Cardin, and Menendez.

OPENING STATEMENT OF HON. CORY GARDNER, U.S. SENATOR FROM COLORADO

Senator GARDNER. This hearing will come to order. Let me welcome you all to today's full Senate Foreign Relations—not everyone gives up the gavel that easy. So that is good. [Laughter.]

Senator GARDNER. Let me welcome you all to today's full Senate Foreign Relations Committee hearing on nominations.

I want to thank Senator Cardin and his staff for their great cooperation in making this happen today. We have a great panel of three well-qualified nominees today to serve in Philippines, Malaysia, and Laos, all nations that are strategically and economically important to U.S. security and economic interests.

I want to thank them and their families as well for their willingness to serve. I have had the opportunity meet and speak with you privately and appreciate your time today, and this is truly a family commitment and sacrifice, and we all greatly appreciate your service to your country and the work that you are doing.

I will reserve my time for questions, and I ask our nominees to keep their opening remarks to no more than 5 minutes.

With that, I turn to Senator Cardin.

**STATEMENT OF HON. BENJAMIN L. CARDIN,
U.S. SENATOR FROM MARYLAND**

Senator CARDIN. Well, thank you, Mr. Chairman. Thank you for accommodating this hearing.

As you know, we are scheduled to recess this week, and it has been extremely challenging to get hearings scheduled. And I personally want to thank Senator Gardner for going out of his way to arrange for this hearing so that we could get these three nominees through the hearing process of a confirmation before recess, and we appreciate it very, very much.

I think it is, first, all three of you are career, and we thank you for that, for giving your service on behalf of our country. It is critically important to our national security and American interests, and we thank you for your public service.

But as Senator Gardner said, it is a family sacrifice. So we know that your family is part of the service that has been given to our country. So we thank the family members that are here for their understanding and their support for the missions that each of you have done.

I would just make a very brief comment that all three of the countries are very relevant to the matters that have been before the Senate Foreign Relations Committee this week. In the trafficking in persons, I can assure you that you are going to get questions in regards to Malaysia and its failure to get to an acceptable level on dealing with trafficking in persons and what our mission will do in order to further our objective to end modern-day slavery.

In regards to the Philippines, you could not have a more timely follow-up from today's hearings as we talked about the Law of the Sea decision with China. And with Laos, we have the chair of—the country that chairs the ASEAN this year.

So it is three countries that are extremely timely to the hearings we have had this week, but very important to U.S. interests not only in the Asian Pacific, but globally.

I look forward to your testimony and again thank you for your appearance.

Senator GARDNER. Thank you, Senator Cardin.

We will now turn to our nominees. Ambassador Sung Kim is our nominee to the Philippines. He is a career member of the Foreign Service and since 2014 serves as Special Representative for North Korea Policy and Deputy Assistant Secretary in the Bureau of East Asia and Pacific Affairs at Department of State. From 2011 to 2014, he served as U.S. Ambassador to the Republic of Korea and from 2008 to 2011 as Special Envoy for the Six-Party Talks.

Welcome, Ambassador Kim, and please proceed with your testimony.

**STATEMENT OF HON. SUNG Y. KIM, OF CALIFORNIA, NOMI-
NATED TO BE AMBASSADOR TO THE REPUBLIC OF THE
PHILIPPINES**

Ambassador KIM. Thank you very much, Mr. Chairman.

Mr. Chairman, Ranking Member Cardin, Senator Menendez, I am deeply honored to appear before you today as the President's nominee to be the U.S. Ambassador to the Republic of the Philippines.

I am grateful to the President and Secretary Kerry for placing their trust in me, and if confirmed, I look forward to working very closely with this committee to strengthen our already-strong relationship with the Philippines.

I would like to begin by thanking my family and the many friends and colleagues who have been an incredible source of support and inspiration for me throughout my life and career. Some of them are here today.

Unfortunately, my wife, Jae, and our two daughters, Erin and Erica, could not be here today. Erin and Erica apparently have something more important to do. They are busy with summer activities overseas, but they assure me that they are watching C-SPAN for the very first time in their lives. [Laughter.]

Ambassador KIM. They are very proud and excited about the prospect of helping me represent the United States in the Republic of the Philippines.

Mr. Chairman, just a couple of years ago, as you mentioned, I had the privilege of representing our country as the first Korean-American U.S. Ambassador to Korea, and it was incredibly special to return to my country of birth, one of our closest allies, as the U.S. Ambassador. In fact, my mother, my 86-year-old mother, still cries whenever she thinks about that experience.

And now I am thrilled that, if confirmed, I will have the honor of representing our country in the Philippines, our oldest ally in the region and one of our most special partners.

I am also honored to follow the many distinguished diplomats who have served in Manila. One of them was my mentor and friend, Steve Bosworth. As you may know, Ambassador Bosworth sadly passed away earlier this year, but I know that he would be very proud that one of his mentees will have an opportunity to build on what he and our other outstanding Ambassadors accomplished in the Philippines.

The U.S. and the Philippines are longstanding friends, partners, and allies. Indeed, this is a relationship defined and reinforced by deep people-to-people ties. There are over 4 million Filipinos and Filipino Americans in the United States, and more than 220,000 Americans reside in the Philippines. And together, they help build the bonds that unite and strengthen our two countries.

As we mark the 70th anniversary of U.S.-Philippines diplomatic relations, we celebrate our common history of shared sacrifice, values, and interests. We have stood together during World War II to fight tyranny and defend democratic values. And since the signing of the Mutual Defense Treaty in 1951, our commitment to the defense of the Philippines has remained ironclad, unwavering, and strong.

Earlier this year, our security partnership entered an exciting new phase with the implementation of the Enhanced Defense Cooperation Agreement. This important agreement will allow for greater rotational access by U.S. forces in the Philippines. It will also expand the opportunities for bilateral training, and most exciting, it will support the long-term modernization of Philippines Armed Forces.

Our security cooperation with the Philippines also enhances efforts to combat transnational crime and terrorism. The Philippines

Armed Forces, police, and other law enforcement agencies continue to make progress in fighting violent extremists. They arrest and prosecute members of terrorist groups, including Abu Sayyaf group.

We work closely with the Philippines government to ensure that its forces are trained to uphold human rights and the rule of the law in the conduct of their law enforcement operations. If confirmed, I will work closely with Philippines President Duterte and his administration to ensure that our security cooperation remains strong and effective. This includes supporting Philippines efforts to peacefully resolve the South China Sea dispute, and we are also helping the Philippines Armed Forces better monitor the seas off their shores.

The U.S. is among the Philippines' top trading partners, and we have traditionally been the Philippines' largest foreign investor. Annual U.S. goods and services trade with the Philippines total over \$25 billion. If confirmed, I will continue our economic engagement to support reform efforts and expand trade and investment to the benefit of both countries.

Beyond security and trade, we are also partnering with the Philippines on climate change and other many important global challenges. Mr. Chairman, if confirmed, I look forward to leading our great embassy team of over 1,700 Americans and local Filipinos who are working tirelessly to advance the special partnership between our two countries.

I appreciate the opportunity to appear before you today. I look forward to your questions.

Thank you, Mr. Chairman.

[The prepared statement of Ambassador Kim follows:]

PREPARED STATEMENT OF SUNG KIM

Mr. Chairman and members of the committee, I am deeply honored to appear before you today as the President's nominee to be United States Ambassador to the Republic of the Philippines. I am grateful to the President and Secretary Kerry for placing their confidence in me and if confirmed, I look forward to working closely with this committee to advance our strong relationship with the Philippines.

With the Chairman's permission, I would like to begin by thanking the many friends and colleagues who have played an essential role in my career—some of them are here today. Unfortunately my wife Jae and our two daughters Erin and Erica could not join us today. Erin and Erica are busy with summer activities overseas, but I know they are proud and excited about the prospect of helping me represent the United States in the Philippines. My family, friends, and colleagues have all been a source of tremendous support and inspiration.

Mr. Chairman, just a couple of years ago, I had the privilege of representing our country as the first Korean-American U.S. Ambassador to the Republic of Korea. It was incredibly special to return to my country of birth, and one of our closest allies, as the U.S. Ambassador. And now I am thrilled that, if confirmed, I will have the honor of representing our country in the Philippines, our oldest ally in the region and one of our most special partners.

I am also honored to follow the many distinguished diplomats who served in Manila. One of them was my mentor and friend Steve Bosworth. Ambassador Bosworth sadly passed away earlier this year but I know he would be very proud that one of his mentees will have an opportunity to build on what he and our other outstanding ambassadors accomplished. The United States and the Philippines are longstanding friends, partners, and allies. Indeed, this is a relationship defined and reinforced by deep people-to-people ties. There are over four million Filipinos and Filipino Americans in the United States and more than 220,000 Americans residing in the Philippines. And together they help build the bonds that unite and strengthen our two countries.

As we mark the 70th anniversary of formal U.S.-Philippine relations, we celebrate our common history of shared sacrifice, values, and interests. We stood together

during World War II to fight tyranny and defend democratic values. And since the signing of the Mutual Defense Treaty in 1951, our commitment to the defense of the Philippines has remained ironclad and unwavering.

Earlier this year, our security partnership entered an exciting new phase with the implementation of the Enhanced Defense Cooperation Agreement. This important agreement will allow for greater rotational access by U.S. forces in the Philippines. It will expand the opportunities for bilateral training, support the long-term modernization of the Armed Forces of the Philippines, and help the United States to rapidly respond to natural disasters.

Our security cooperation with the Philippines also enhances efforts to combat transnational crime and terrorism. The Philippine Armed Forces, police, and other law enforcement agencies are making progress in fighting violent extremists, and continue to arrest and prosecute members of terrorist groups, including the Abu Sayyaf Group. We work closely with the Philippine government to ensure that its forces are trained to uphold human rights and the rule of law in the conduct of their law enforcement operations.

If confirmed, I will work with Philippine President Duterte and his new administration to ensure our security cooperation remains strong and effective. This includes supporting Philippine efforts to peacefully reduce tensions in the South China Sea and help the Philippine Armed Forces better monitor the seas off their shores.

The United States is among the Philippines' top trading partners, and we have traditionally been the country's largest foreign investor. Annual U.S. goods and services trade with the Philippines total well over \$20 billion. If confirmed, I will continue our economic engagement to the benefit of both countries through support for reforms that we hope will open the door to more U.S. investment. This includes encouraging the Philippines to reduce restrictions on foreign ownership, enforce intellectual property rights, and make it easier for U.S. firms to participate in public-private partnerships. I will also work with ongoing Millennium Challenge Corporation and USAID efforts to ensure inclusive and sustainable economic growth.

Beyond security and trade, we are also partnering with the Philippines on climate change and other important global challenges.

Mr. Chairman, if confirmed, I look forward to leading the dedicated Embassy team of Americans and local Filipinos who are working tirelessly to advance the special U.S.-Philippines partnership.

I appreciate the opportunity to appear before you today and am pleased to answer your questions.

Senator GARDNER. Thank you, Ambassador.

Ms. Rena Bitter is our nominee to the Lao People's Democratic Republic, commonly known as Laos. She is a career member of the Foreign Service and since 2013 has served as Consul General at the U.S. Consulate General in Ho Chi Minh City, Vietnam.

Welcome, Ms. Bitter. Please proceed.

**STATEMENT OF RENA BITTER, OF TEXAS, NOMINATED TO BE
AMBASSADOR TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC**

Ms. BITTER. Thank you.

Chairman Gardner, Ranking Member Cardin, and Senator Menendez, thank you for the opportunity to appear before you as President Obama's nominee to be the Ambassador to the Lao People's Democratic Republic.

I am deeply honored to be here with you today and grateful to the President and to Secretary Kerry for the confidence they have placed in me.

I am joined by several family members and colleagues, and I am grateful for the support that they have shown me throughout my career and also for the kindness you have shown them here today, Senator. Thank you.

Today, the U.S.-Lao relationship is at its most dynamic in 40 years. Secretary Kerry has visited Laos once already this year, and he will return later this month. President Obama's September trip

will mark the first ever by a sitting U.S. President, and it promises to open new avenues of cooperation and communication in our bilateral relationship. If confirmed, I would look forward to pursuing these opportunities.

I have been privileged to serve my country for 22 years as a Foreign Service officer, most recently as Consul General in Ho Chi Minh City. During my 3 years there, I saw how much progress two very different nations can make when working together on areas of common interest.

If confirmed, I would seek to work with the Lao government and people to find more areas in which our goals align so we can build a broad-based relationship that addresses the challenges of the 21st century.

However, for our path toward a 21st century relationship to remain on firm footing, we must continue our work to put the problems of the 20th century behind us. For more than 30 years, humanitarian cooperation, particularly work to ensure the fullest possible accounting for our missing service personnel and war legacy assistance, particularly the removal of unexploded ordnance, have been at the center of our bilateral relationship.

Thanks to your support and the support of your colleagues in Congress, we have invested almost \$100 million in conventional weapons destruction programs since 1993, leading to a reduction in casualties from more than 300 per year to fewer than 50 during the last 3 years. If confirmed, I want to work with you and our partners in Laos to bring the number of casualties down to zero and to close the door on this history for both of our countries.

At the same time, we must find ways to invest in the future. Laos' progress and ability to be a strong partner for the United States and a confident member of ASEAN will depend on improving the well-being and economic status of its people.

Nutrition-related health problems remain prevalent in Laos, with stunting impacting more than 60 percent of children in some areas. Through university partnerships, targeted nutritional projects, and school meal programs, our assistance to our Lao partners has sought to improve the nutritional status of women and children to deliver a healthier, fuller future for the people of Laos.

If confirmed, Lao economic development will also be a priority. With a consistent 7 to 8 percent GDP growth rate over the past decade, Laos has one of the fastest-growing economies in East Asia. To continue and to expand the benefits of this growth, it will be key for Laos, both individually and within the context of ASEAN, to support education and to facilitate the adoption of a rules-based, high-standard regional economic and trade architecture.

If confirmed, I would also seek to prioritize our people-to-people ties. Laos has the third-highest per capita membership in our Young Southeast Asian Leaders Initiatives, suggesting that the young people of Laos, its future decision-makers, are interested in learning more about the American people and American values. With 70 percent of the Lao population under the age of 30, these youth outreach programs are truly building bridges to the next generation of Lao leaders.

However, in spite of these partnerships, we continue to have concerns about Laos' human rights records and restriction on civil so-

ciety. Currently, Laos places onerous registration requirements on civil society organizations, leading to the delay or cancellation of many worthwhile projects.

In December 2012, civil society leader Sombath Somphone was abducted at a police checkpoint and subsequently disappeared. The Lao government has yet to complete a full investigation. If confirmed, I would push for transparency in such investigations and encourage the authorities to embrace the vital role that civil society plays in the development of a thriving, prosperous country.

Freedom of religion is also a fundamental right, and if confirmed, I will work with the government to ensure the freedom of the Lao people to worship according to their beliefs.

Mr. Chairman and members of the committee, thank you for this opportunity to appear before you today. I am happy to answer your questions, and if confirmed, I look forward to working with you to advance U.S. interests in Laos and to welcoming you to our embassy in Vientiane.

Thank you.

[The prepared statement of Ms. Bitter follows:]

PREPARED STATEMENT OF RENA BITTER

Chairman Gardner, Ranking Member Cardin, and members of the committee, thank you for the opportunity to appear before you as President Obama's nominee to be the U.S. Ambassador to the Lao People's Democratic Republic. I am deeply honored to be here with you today, and grateful to the President and to Secretary Kerry for the confidence they have placed in me. I am joined by several family members and colleagues, and I have been blessed with their support throughout my career.

Today, the U.S.-Lao relationship is at its most dynamic in forty years. Secretary Kerry has visited Laos once already this year—only the second visit by a Secretary of State since 1955—and he will return this month for the ASEAN Regional Forum and other key regional meetings, followed in September by President Obama's historic trip for the East Asia Summit, U.S.-ASEAN Summit, and a bilateral visit. President Obama's visit will mark the first ever by a sitting U.S. President and it promises to open new avenues of cooperation and communication in our bilateral relationship. If confirmed, I would look forward to pursuing these opportunities.

I have been privileged to serve my country for 22 years as a Foreign Service Officer across Latin America, Europe, the Middle East, and Asia and in Washington. Most recently I served as Consul General in Ho Chi Minh City, Vietnam. During my three years there, I saw how much progress two very different nations can make when working together on areas of common interest. If confirmed, I would seek to work with the Lao government and people to find more areas in which our goals align, so we can build a broad-based relationship that addresses the challenges of the 21st century.

For our path toward a 21st century relationship to remain on firm footing, however, we must continue our work to put the problems of the 20th century behind us. For more than 30 years, humanitarian cooperation—particularly the work to ensure the fullest possible accounting for our missing—and legacy of war assistance, such as the removal of unexploded ordnance, have been at the center of the bilateral relationship. On the unexploded ordnance assistance, thanks to your support and the support of your colleagues in Congress, we have invested almost \$100 million in Conventional Weapons Destruction Programs since 1993, with \$19.5 million allocated for FY16. This assistance has led to a reduction in casualties from more than 300 per year, to fewer than 50 during the last three years. As Secretary Kerry said when he visited Laos in January, "we can't heal the wounds, but we can and must do more so that others do not suffer the same fate." If confirmed, I want to work with you and our partners in Laos to bring the number of casualties down to zero so we can close the door on this history for both of our countries.

At the same time, we must find ways to invest in the future. Laos' progress and ability to be a strong partner for the United States and a confident member of ASEAN will depend on improving the well-being and economic status of its people. Nutrition-related health problems remain prevalent in Laos, with stunting impact-

ing more than 60 percent of children in some areas. In an effort to tackle comprehensively this serious developmental impediment, last October Deputy National Security Advisor Ben Rhodes while visiting Laos signed a Statement of Intent with the Ministry of Health and the Oregon Health and Science University to establish a new Lao-American Nutrition Institute (LANI). LANI will complement the Lao government's nutrition efforts by helping to develop local solutions for this health priority. Further, the USDA McGovern-Dole School Feeding Program will fund \$27 million over three years for World Food Program meal projects in schools across Laos, a program that has already dramatically increased school attendance. Finally, USAID recently awarded \$5.58 million over three years to Save the Children to improve the nutritional status of women and children in targeted areas. If confirmed, I look forward to seeing these initiatives deliver a healthier, fuller future to the children of Laos.

Laos economic development has also been a priority for the U.S. Department of State and, if confirmed, will be a priority for me as well. With a consistent 7 to 8 percent GDP growth rate over the past decade, Laos has one of the fastest growing economies in East Asia. To continue and expand the benefits of this growth, it will be key for Laos individually and within the context of ASEAN to support education and facilitate the adoption of a rules-based, high-standard regional economic and trade architecture. I hope to continue to cultivate relationships between our two private sectors and to carry on the work that the U.S. Embassy in Vientiane has undertaken to increase trade.

If confirmed, I would also seek to prioritize our people-to-people ties. Laos has the third highest per capita membership in our Young Southeast Asian Leaders' Initiative, suggesting that the young people of Laos—its future decision makers—are interested in learning more about the American people and American values. With 70 percent of the Lao population under 30, these youth outreach programs are truly building a bridge to the future leaders of Laos.

In spite of these partnerships, we continue to have concerns about Laos' human rights record and restrictions on civil society. Currently, Laos places onerous registration requirements on civil society organizations, leading to the delay or cancellation of many worthwhile projects. Civil society leaders have also been subject to efforts to silence or sideline their voices. In December 2012, Sombath Somphone was abducted at a police checkpoint and subsequently disappeared; the Lao government has yet to complete a full investigation. If confirmed, I would push for transparency in such investigations and encourage authorities to embrace the vital role that civil society plays in the development of a thriving, prosperous country. Freedom of religion is a fundamental human right and, if confirmed, I will work with the government to ensure the freedom of the Lao people to worship according to their beliefs.

Mr. Chairman, members of the committee, thank you for this opportunity to appear before you today. I'm happy to answer your questions and, if confirmed, I look forward to working with you to advance U.S. interests in Laos and welcoming you to our Embassy in Vientiane.

Senator GARDNER. Thank you for your testimony.

Our next nominee is—Ms. Kamala Shirin Lakhdir is our nominee to Malaysia. She is a career member of the Foreign Service and from 2011 to 2015 served as the Executive Assistant to the Under Secretary of State for Political Affairs.

Ms. Lakhdir served as the U.S. Consul General in Belfast, Northern Ireland, from 2009 to 2011 and as the Director of the Office of Maritime Southeast Asia from 2007 to 2009 and as the Special Assistant to the Assistant Secretary of State for East Asian and Pacific Affairs from 2005 to 2006.

Welcome, Ms. Lakhdir, and look forward to your comments.

STATEMENT OF KAMALA SHIRIN LAKHDHIR, OF CONNECTICUT, NOMINATED TO BE AMBASSADOR TO MALAYSIA

Ms. LAKHDHIR. Thank you very much.

Mr. Chairman, Ranking Member Cardin, and Senator Menendez, it is an honor to appear before you today as the President's nominee to be the U.S. Ambassador to Malaysia.

I am grateful to the President and Secretary Kerry for the trust they have placed in me. If confirmed, I look forward to working with this committee.

I would like to thank my State Department mentors and colleagues, some of whom are here today, who have supported, advised, and educated me during my soon-to-be 25 years in the Foreign Service. I am particularly pleased to appear before you today with two good friends and colleagues.

With your permission, Mr. Chairman, I would also like to recognize my brother, who is here today, and my parents, Ann and Noor Lakhdhir, who are watching in Connecticut. My father was born in Bombay, India, in 1925, and came to the United States to attend the University of California-Berkeley through the miracle of a full scholarship.

When he moved to New York a few years later, he met my mother, who was there studying for a master's degree in international relations. I am proud that some of my mother's ancestors arrived in Massachusetts and Connecticut in the 1600s and that my father became an American citizen a month after I was born. My parents' lives, interests, and strong belief in American values inspired me to enter the Foreign Service.

If I am confirmed, the President and the Senate will entrust me with the responsibility to lead an embassy community of more than 120 Americans from 8 U.S. Government agencies, their families, and close to 200 locally employed staff. My foremost commitments will be to the security of the embassy personnel and their families and to the effective pursuit of U.S. national interests.

Malaysia has undergone an extraordinary transformation over the past six decades. Its society, economy, and regional and global influence have developed at an amazing pace. Its foreign policy has evolved from establishing pragmatic relations with neighbors to playing an active leadership role in ASEAN, a body it helped to establish.

At the same time, the governments of the United States and Malaysia have also deepened and broadened our bilateral cooperation, which President Obama and Prime Minister Najib elevated to a comprehensive partnership just over 2 years ago.

The United States and Malaysia have longstanding trade and investment ties. U.S. companies pioneered the electrical and electronics industry in Malaysia in the 1970s, and they remain the largest investor in Malaysia's top-earning export sector.

Bilateral trade continues to grow, exceeding \$46 billion in 2015. If Congress approves the Trans-Pacific Partnership, our economic ties to the region and with Malaysia are expected to further increase and diversify.

Malaysia and the United States have also greatly expanded defense and law enforcement cooperation in order to ensure the safety and security of the peoples of both our countries. Malaysia takes very seriously the growing influence of ISIL, as well as the ongoing threat to Malaysian and foreign citizens in Eastern Sabah by the Abu Sayyaf group.

Bilaterally, with Malaysia and through ASEAN, we are working more closely than ever before to counter violent extremist narratives to keep our borders and skies safe and to crack down on

transnational crime. If confirmed, I will also support Malaysia's ongoing efforts to reduce tensions in the South China Sea by building global regional consensus and encouraging a peaceful resolution of disputes.

The United States remains deeply concerned about human rights, the rule of law, transparency, and governance in Malaysia. Freedom of expression is a cornerstone of representative government, and we look to Malaysia's leaders to live up to the highest democratic standards.

If confirmed, I will also be fully dedicated to pressing Malaysia to achieve its commitments to combat trafficking in persons. This includes taking concrete steps to root out forced labor and debt bondage, whether in the domestic, plantation, construction, or manufacturing sectors. This effort is fundamentally a government and law enforcement responsibility, but the Malaysian people and civil society play a critical role.

In the last year, Malaysia passed legislation and regulations that, if enforced, support a victim-focused protection regime. If confirmed, I am committed to pressing for the law's effective implementation.

For the last six decades, the peoples of the United States and Malaysia have formed close bonds across a range of common concerns. If confirmed, my highest aim will be to sustain and expand these ties in civil society, business, education, public health, environmental protection, and rule of law, among others.

In particular, with over 50 percent of the population under the age of 25, I look forward to engaging Malaysian young people to expand their understanding of the United States, highlight our shared values, and work on solutions to common challenges.

Thank you very much for this opportunity to appear before you today. I am pleased to answer your questions.

[The prepared statement of Ms. Lakhdhir follows:]

PREPARED STATEMENT OF KAMALA SHIRIN LAKHDHIR

Mr. Chairman and members of the committee, it is an honor to appear before you today as the President's nominee to be the U.S. Ambassador to Malaysia. I am grateful to the President and Secretary Kerry for the trust they have placed in me. If confirmed, I look forward to working with this committee. I would like to thank my State Department mentors and colleagues, some of whom are here today, who have supported, advised, and educated me during my soon-to-be twenty-five years in the Foreign Service. I am particularly pleased to appear before you today with two good friends and colleagues.

With your permission Mr. Chairman, I would also like to recognize my brother, who is here today, and my parents, Ann and Noor Lakhdhir, who are watching in Connecticut. My father was born in Bombay, India in 1925 and came to the United States to attend the University of California Berkeley through the miracle of a full scholarship. When he moved to New York a few years later, he met my mother, who was there studying for a master's degree in international relations. I'm proud that some of my mother's ancestors arrived in Massachusetts and Connecticut in the 1600s, and that my father became an American citizen a month after I was born. My parents' lives, interests, and strong belief in American values inspired me to enter the Foreign Service.

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amazing pace. Its foreign policy has evolved from establishing pragmatic relations with neighbors to playing an active leadership role in ASEAN, a body it helped to establish.

At the same time, the governments of the United States and Malaysia have also deepened and broadened our bilateral cooperation, which President Obama and Prime Minister Najib elevated to a Comprehensive Partnership just over two years ago. The United States and Malaysia have long-standing trade and investment ties. U.S. companies pioneered the electrical and electronics industry in Malaysia in the 1970s and they remain the largest investors in Malaysia's top earning export sector. **Bilateral trade continues to grow, exceeding \$46 billion in 2015.** If Congress approves the Trans-Pacific Partnership, our economic ties to the region and with Malaysia are expected to further increase and diversify.

Malaysia and the United States have also greatly expanded defense and law enforcement cooperation in order to ensure the safety and security of the peoples of both our countries. Malaysia takes very seriously the growing influence of ISIL, as well as the ongoing threat to Malaysian and foreign citizens in Eastern Sabah by the Abu Sayyaf Group. Bilaterally with Malaysia and through ASEAN, we are working more closely than ever before to counter violent extremist narratives, to keep our borders and skies safe, and to crack down on transnational crime. If confirmed, I will also support Malaysia's ongoing efforts to reduce tensions in the South China Sea by building regional consensus and encouraging a peaceful resolution of disputes.

The United States remains deeply concerned about human rights, the rule of law, transparency, and governance in Malaysia. Freedom of expression is a cornerstone of representative government, and we look to Malaysia's leaders to live up to the highest democratic standards. If confirmed, I will also be fully dedicated to pressing Malaysia to achieve its commitments to combat trafficking in persons. This includes taking concrete steps to root out forced labor and debt bondage, whether in the domestic, plantation, construction, or manufacturing sectors. This effort is fundamentally a government and law enforcement responsibility, but the Malaysian people and civil society play a critical role. In the last year, Malaysia passed legislation and regulations that, if enforced, support a victim-focused protection regime. If confirmed, I am committed to pressing for the law's effective implementation.

Mr. Chairman, for the last six decades, the peoples of the United States and Malaysia have formed close bonds across a range of common concerns. If confirmed, my highest aim will be to sustain and expand these ties in civil society, business, education, public health, environmental protection, and rule of law, among many others. In particular, with over 50 percent of the population under the age of 25, I look forward to engaging Malaysian young people, to expand their understanding of the United States, highlight our shared values, and work on solutions to common challenges that we all face.

Thank you very much for this opportunity to appear before you today. I am pleased to answer your questions.

Senator GARDNER. Thank you, Ms. Lakhdhir.

And I will begin with the questions. Ambassador Kim, to you, you just heard Admiral Blair and Dr. Campbell talk about the very good outcome from the tribunal hearing at the tribunal yesterday. But also would like your opinion on how you see your role working with the Duterte administration in the Philippines, what you believe—to implement the decision and what you believe the administration's intentions are in terms of bilateral, possible bilateral negotiations with China in light of this decision.

Ambassador KIM. Thank you very much, Mr. Chairman.

Let me first start by saying I read your and Ranking Member Cardin's statements regarding the decision yesterday, and I found them very compelling. And in fact, I agree with many of the key points that both of you made in those statements.

With regards to my role, I mean, obviously, this will be one of the most important challenges going forward. One of the key issues that I would focus on as Ambassador, if confirmed by your committee.

The Philippines issued what I thought was a straightforward and positive statement regarding the ruling. As you pointed out, Mr. Chairman, this is an important decision, and this is an important moment for all of the claimants involved. And I think the Philippines has made very clear, President Duterte himself included, has made very clear that they are committed to pursuing a peaceful resolution of the dispute. They continue to act responsibly, consistent with international norms and practices in law.

So I think our role and my role should be to support that effort. In fact, I think this decision gives us a real opportunity for the parties to seek a peaceful resolution according to rule of law, and that has been our consistent position, and I look forward to supporting that efforts.

With regards to the possible bilateral negotiation between the Philippines and China, I think we have been very clear that we would support bilateral negotiations that are free from undue pressure and coercion. Now some aspects of the South China dispute cannot be resolved bilaterally, but if the Philippines and China decide that they have a way forward in terms of meaningful, productive bilateral negotiations free from coercion and undue pressure, I think we would support that effort.

Senator GARDNER. Thank you, and I will reserve my questions for the other gentleman to use.

Senator Cardin?

Senator CARDIN. I want to again thank all three of the nominees.

Ambassador Kim, you mentioned the human rights challenges in Philippines. I appreciate you mentioning that. All three of you mentioned the human rights issues.

In the Philippines, several human rights groups are concerned with the potential rise of extrajudicial killings. Can you tell me what steps you think we need to take to reinforce the Philippines' commitment to the basic core human rights commitments?

Ambassador KIM. Thank you very much, Senator.

Human rights has been and will continue to be an important area of cooperation and focus for our relations with the Philippines. We have had concerns about extrajudicial killings, and this is something that I would like to focus on as soon as I arrive in Manila.

Part of our effort to counter any such activity is to make sure that when we cooperate with the Philippines, whether it is the military or law enforcement, that human rights training is an integral part of any such effort. In fact, that has continued for some time. And I think we have seen results of such effort, that there has been an improvement in the way law enforcement agencies and the military conduct their business, but this will continue to be an area of focus for us.

Senator CARDIN. Laos is going to get a presidential visit. That is pretty special. And as you point out, it is historic. How—what recommendations would you make to the President to leverage his visit to Laos to advance the rights, human rights in that country?

They have had a struggle over the years on human rights abusers. The government neither prosecutes nor punishes officials who commit human rights abuses. There is continued increased restric-

tions on civil and political rights, freedom of speech, association, and assembly.

So if you are writing the paper to the administration as to how the President could help advance our respect for human rights in Laos, what would you suggest?

Ms. BITTER. Thank you, Senator Cardin.

It is true, the President's visit does provide an opportunity for high-level engagement, and it is a unique opportunity to advance our ties. In fact, Laos' chairmanship of ASEAN has provided many such opportunities, and throughout these engagements, our leaders have had the opportunity to talk to Laos' leaders about these issues—human rights, religious freedom—and to share with them not just our concerns, but also to explain and express that our concerns are not just our concerns, but they are, frankly, international norms.

Right now, civil society in Laos is quite nascent, and our programming in Laos supports rule of law and supports media training and general education. And going forward, if confirmed, I would do my best to continue to make these points strongly and to encourage the Lao to see civil society and fundamental human rights as a very important part of a thriving and prosperous society.

Senator CARDIN. Thank you.

Malaysia, I am not sure where to begin. I am going to have questions for the record for you to answer. And look, I very much admire your career. Malaysia, to me, is a country of major interest in this committee and the United States Senate. The administration has made overtures for a much closer relationship with Malaysia and are asking for congressional support to support that advancement of a relationship.

And yet on so many issues, their activities are so much contrary to our priorities and our values. I could mention their support and trade with North Korea. I could mention corruption, including reports that it goes up to the highest levels of their government.

But I am going to concentrate on one issue for my verbal questions—the rest I will do for the record—as to what you are going to do in regards to the trafficking issues. It is one of the highest priorities that we have in this country is to end modern-day slavery.

Last year, in mass graves were discovered suspected trafficking victims. Very little—and I am being generous by saying “very little”—I do not think any progress has been made in that country in prosecuting those who are responsible. And the indications are that there are ties to government officials in regards to the trafficking networks, which will require leadership at the governmental level to root out that corruption and hold those people accountable.

Impunity is not an option. The U.S. relationship with Malaysia must be more effective in bringing about change. And quite frankly, as the head of our mission in Malaysia, we look to you to provide that independent information to the United States Congress so that we can take appropriate steps here to protect those who have been victimized.

So would you just reassure me that, if confirmed, you will carry out that important responsibility?

Ms. LAKHDIR. Senator Cardin, thank you for asking me that question so I have an opportunity to say this publicly.

If I am confirmed, I am committed to ensuring that the embassy, the mission, and myself report fairly and fully, robustly, all the facts and all the information that we can develop about trafficking persons in Malaysia, about the migrant communities and the refugee communities, the things that the Malaysian government and civil society are doing and the things that they are not doing.

So that is my commitment. We report to both the State Department. We will also engage with your committee and the committee staff and to convey information fairly and transparently.

At the same time, I am also committed to being very direct and honest with Malaysian government about the concerns that the United States has about the legal requirements, about their living up to the commitments they have now made by changing their law and regulations to be a victim—a regime that puts the victims at the center of protection.

I also appreciate that you are speaking out and other Senators so that we can use that in Malaysia and say that there is a broad concern across the U.S. Government, and that is also very useful in the way we do our diplomacy. So I appreciate that.

Thank you.

Senator CARDIN. Thank you for your response. I appreciate it.

Senator GARDNER. Senator Menendez?

Senator MENENDEZ. Thank you, Mr. Chairman.

Let me thank all of our nominees for their service to our country already and your willingness to continue in that service. I appreciate it.

And Ambassador Kim, I thought—I did not know you were still going in for another round. So I am pleased that you are willing to do so, and we are very proud of your work certainly in Korea and beyond.

And I look forward—we have about 130,000 Filipino Americans, incredibly industrious, successful in New Jersey. So when you get situated, on one of your return visits to the United States, I would love to have you engage with them and get an insight as to what is happening in their original homeland. So I look forward to being supportive of you.

I want to focus the bulk of my time with Ms. Lakhdir only because of where you are being nominated to. I appreciate your previous service as well, and I want to go a little greater into depth what Senator Cardin mentioned.

As you may know, this committee held a hearing yesterday on the Trafficking In Persons 2016 report, and other members of the committee and I have asked, given Malaysia's pervasive human trafficking problem and important business that is pending before the Congress related to Malaysia, that the State Department keep us regularly informed about the Malaysian government's ongoing efforts so we do not have to wait until the release of next year's TIP report to get a sense of what is happening.

So I heard your response to Senator Cardin, and I assume that, if confirmed, you are committed to providing the committee with regular updates on the status of the Malaysian government's efforts to combat trafficking. Is that a correct statement?

Ms. LAKHDHIR. That is correct.

Senator MENENDEZ. And I hope that that is a sense of consultation because I know I would like to tell my friends at the State Department that, for me, speaking as one Senator sitting on this committee for better part of 10 years now, that there is a difference between notification and consultation.

Notification is when you are just telling me what you are doing. Consultation is when you are engaging in a conversation as to some of these critical issue. So I hope that you will engage in—and I would say this to all of our nominees, you know, collectively. I hope that what we will engage in is consultation, not notification. There is a big, fundamental difference.

And consultation, even when we disagree, leads to a better result than notification when we happen to have had no consultation along the way. So I like to say that to all of our nominees when they come before us so they understand at least openly and clearly where at least this Senator is coming from.

In that regard, I would like to know whether or not in any of your previous tours with the State Department, have you been engaged in human trafficking or in the TIP report process?

Ms. LAKHDHIR. So I just would like to start that my first assignment—and this is about what I have seen and the impact that it is on human beings—I served in Saudi Arabia, and I was a consular officer. I mainly took care of American citizen services.

But we were very small at that time, and so I also did non-immigrant visa interviews. And there were many occasions where domestic workers came and were interviewed. And we often would have to very carefully have private interviews just with that individual, and we would ask sometimes very revealing and difficult questions about their situation, and in some cases, it was heart-breaking.

I then went on to serve in Indonesia, which is, of course, a source country, and it is one of the source countries for Malaysia. And so when I—I served as a political officer, the trafficking, the TVPA had not yet been passed, but some of my work as a young political officer, and because I had come out of Saudi Arabia, involved trying to understand what was happening with recruitment agencies and what was happening in terms of many—

Senator MENENDEZ. I appreciate that, but what I was trying to get at, have you ever been part of the actual TIP process, where you were in country making recommendations or part of team as to what the regional bureau was going to take a view on, what the embassy was going to take a view on in relation to human trafficking in that country?

Ms. LAKHDHIR. I was not. I served in Beijing, but I was not working in this area. My colleagues were, and I was aware of their work.

When I served in Belfast, this was not a concern.

Senator MENENDEZ. When you were working with the Under Secretary for Political Affairs, I assume that in some respects, you were part of the TIP process, or is that a wrong assumption?

Ms. LAKHDHIR. So the Under Secretary had what we call “Special Assistants” for each of the regional bureaus, and they were deeply involved. And I had supervision over them, but I was less directly

engaged in actually decision-making over the TIP process. So to be fair about, I am fully aware of the process. I am aware of how it works in Washington and I had a supervisory role, but I was not directly involved in any of the decision-making.

Senator MENENDEZ. Now there are serious concerns that Malaysia was upgraded to Tier 2 Watch List last year and retained this year based on political considerations and not an objective evaluation of Malaysia's actions. Do you believe that Malaysia earned its Tier 2 Watch List ranking this year, or do you agree with many of the members of this committee that they should have been ranked at Tier 3?

Ms. LAKHDHIR. Senator, I was not involved in this process in the last year. I was somebody waiting to be a nominee, and therefore, I am not allowed nor was it my role to work on Malaysia. So I was not involved in this process, and I am aware of what Secretary Kerry's final decision was because it was a public decision, and I have studied very carefully what our TIP colleagues put forward.

I have met with Ambassador Coppedge and her staff and spoken to them of what their goals are for me when I go to Malaysia. But I cannot—I cannot speak to whether—what the decision-making was for this year.

Senator MENENDEZ. Mr. Chairman, may I have one more minute? Thank you.

Let me ask you this then. Will you commit before the committee to pressing the Malaysian government to undertake a full investigation of the mass graves and holding the perpetrators, including any Malaysian government officials, accountable?

Ms. LAKHDHIR. Yes, I commit to directly saying that to the Malaysian government and pursuing it.

Senator MENENDEZ. Because there have been a few prosecutions, but interestingly, none from within the country itself.

Let me ask you this. What progress would you reasonably expect to see over the next year in that investigation? How are we going to judge progress?

Ms. LAKHDHIR. So I would use the law's commitment on investigations, prosecutions, and convictions. And so I would use the law that has been provided in order for how I would present it to the Malaysians and ultimately what the State Department's judgment would be.

Senator MENENDEZ. Last question. You mentioned in your testimony that you are committed to pressing for effective implementation of legal amendments that Malaysia has added to its anti-trafficking law that were passed last year. What would you consider to be effective implementation of those amendments?

I am trying to get a sense here. This is not a "gotcha" question. I am trying to get a sense of standards. You know, what is—we had a significant part of our session yesterday, Mr. Chairman, was the whole question about, well, what is significant versus not? What is meaningful?

Because we can say that you can do anything. You can pass a law, but that does not mean very much, as we all know, unless it is actually implemented. Implementation could be just regulatory passage, but not enforcement. Enforcement depends upon degree.

I am trying to, especially in a country in this sense, that has such a central focus of this committee as it relates to human trafficking, what would you say is that your recommendation to the State Department and to this committee Malaysians have effectively implemented to the amendments? How would you describe that?

Ms. LAKHDHIR. I think it would be putting the victims within the center of the activity that their protection and their identification and protection, they are allowing human trafficking victims to move and work in Malaysia, to providing translation services and preparing them for court cases. These are some of the things that are clearly mentioned in this year's TIP report.

But I think, fundamentally, it is looking at individuals who have been trafficked as victims and as people who are due protection and then using their experiences to prevent future trafficking. So highlighting that these individuals need to be protected, and also their cases speak to how you can prevent in the future.

Senator MENENDEZ. Well, I thank you for the answer.

I thank the chairman for the courtesy. Needless to say that, if confirmed, this is going to be a central part of what the committee's interest is going to be in Malaysia. Not exclusively, but a significant part. And so we look forward to your aggressive pursuit of these issues.

Senator GARDNER. Thank you, Senator.

And Ms. Bitter, just to follow up a couple questions from our conversation that we had, the economic development obviously is critical in Laos and what it means to creating a more open political system. I think economic development, additional economic development would add to the openness of the political system there, as it has in other places around the globe.

So what role can U.S. businesses and U.S. business interaction with Laos help build this economic development opportunity and thus a more open political environment?

Ms. BITTER. Thank you for the question, Mr. Chairman.

Yes, Laos is growing quite rapidly, and it has got a very young population. So economic development is very important.

From my experience in Vietnam, I saw quite a bit that private companies and development of the private sector in Vietnam really did create opportunity for a discussion of introduction of U.S. values, U.S. work types, U.S.—just in general more familiarity and people-to-people ties.

In Laos now, their economic development and their level of investment is quite a bit lower, but one thing that is amazing about American companies and one thing that we should all be very proud of is that when American companies come to a country, they invest not just in the country, but in the people. So seeking to create further economic development, further investment by U.S. companies in Laos will certainly increase its capacity and increase its level of development.

And of course, when you increase development, increase investment, there is opportunity for U.S. exports. That is a little bit longer term. But certainly, Laos would benefit from more U.S. companies doing business there, and the United States would certainly benefit as well.

Senator GARDNER. And part of the investment that we can make through Laos through our efforts at the State Department should hopefully open up more opportunities and more space for civil society. Is that something that you see is happening as well?

Ms. BITTER. Civil society is pretty nascent right now in Laos, and certainly, there would be opportunity for U.S. companies to support all kinds of development of civil society organizations. For example, there would be opportunity for companies through their CSR efforts to support women's economic empowerment, for example. That is something that seems very likely, and it certainly happened in Vietnam.

So using that just as an example, I would say that is a way that American companies can certainly help Lao build its capacity and develop.

Senator GARDNER. Thank you.

And Ms. Lakhdir, we talked a little bit in the office about radicalization concerns in Malaysia, and how do you assess sort of the quality of the U.S. relationship with Malaysia when it comes to anti-terrorism efforts?

Ms. LAKHDHIR. Thank you, Senator.

And since we met, there have been several additional incidents that are deeply concerning. My understanding from Embassy KL, from the current Ambassador, is that our cooperation with the Malaysians has very much advanced, that Malaysia has become very concerned about the threats, also concerned about the Abu Sayyaf group and the Sulu Sea. And the three countries is Philippines, Indonesia, and Malaysia just announced their commitment to cooperate more robustly together to try to secure that maritime area.

The Malaysians also are this month opening public diplomacy outreach program with our support to try to change the narratives and support for extremism. So I think they are working very closely with us, and I think we are sharing a lot more information. And Malaysia has also taken action against those who wish to go fight in Syria as foreign fighters. So—

Senator GARDNER. That is one thing that we have to continue to work with Malaysia is to make sure that they are doing everything they can to counter the threat of terrorism within and, of course, their terror financing actions. Are you going to be making that one of your top priorities, if confirmed, to work with Malaysia in terms of terror financing?

Ms. LAKHDHIR. Yes, I would. And we have a number of agencies within the embassy community that has that experience and would work with the Malaysian law enforcement on that.

Senator GARDNER. Well, thank you.

And I know that I have some questions that we will submit for the record as well, in addition to you, Ambassador Kim, some questions as well regarding South China Sea. And I do not know if I can throw one in there on North Korea or not, but maybe I will just for old time's sake. [Laughter.]

Senator GARDNER. But I want to thank all three of you for being here today. Thank you for your family and your commitment to this.

The record will be kept open until the close of business on Friday. We hope that you will respond to those questions promptly, and your comments will be made available in the record.

Senator GARDNER. Anything else I need to address?

With that, the thanks of the committee, thank you for your time today.

[Whereupon, at 12:24 p.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

RESPONSES OF SUNG KIM, NOMINATED TO BE AMBASSADOR TO THE REPUBLIC OF THE PHILIPPINES, TO QUESTIONS FROM MEMBERS OF THE COMMITTEE

AMBASSADOR-DESIGNATE KIM'S RESPONSES TO QUESTIONS FROM SENATOR CORKER

Question. The Philippines, which has made significant efforts, was upgraded to Tier 1 in this year's report despite the report stating that sex trafficking was still a "significant problem." How is this upgrade warranted? Do you have any sense of where the new Philippine administration will be on Trafficking in persons?

Answer. The rankings in the 2016 Trafficking in Persons (TIP) report are an assessment of a government's efforts to combat trafficking, not a measure of the problem in each country. The Philippine government has increased its efforts over several years to improve investigation and prosecution of trafficking crimes. During the reporting period, the government convicted 42 traffickers, including five for online child sex trafficking and two for forced labor. Although pervasive corruption undermined efforts, the government convicted two immigration officers and charged five officials allegedly complicit in trafficking.

With an estimated 10 million Filipinos working abroad, and a significant number of these migrant workers subject to sex trafficking and forced labor, the Philippine government has also steadily increased prevention efforts and the provision of services to victims. In an effort to prevent trafficking of migrant workers, the government increased its funding for the Commission on Filipinos Overseas (CFO) to facilitate anti-trafficking prevention campaigns. The government also increased the number of shelters and residential care facilities to address the needs of victims. While these efforts have resulted in a greater number of prosecutions, stronger prevention measures, and increased services for victims, the TIP report also provides recommendations for continued improvement. During the course of diplomatic engagements, the Mission will encourage the government of the Philippines officials to implement these recommendations.

Taken in sum, the government of the Philippines' has achieved major successes in combatting TIP and we have no indication that the new administration will not continue this effort moving forward. Finally, the TIP Report is updated on an annual basis and the Mission will continue to diligently document progress, or backsliding, for the preparation of future reports.

AMBASSADOR-DESIGNATE KIM'S RESPONSES TO QUESTIONS FROM SENATOR CARDIN

Question. What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?

Answer. The promotion of human rights and democracy has been an important part of my work at the State Department. As Special Representative for North Korea Policy, I coordinate closely with the Special Envoy on North Korean Human Rights Issues on all aspects of our efforts to bring attention to the DPRK's deplorable human rights practices.

This includes highlighting these conditions through our annual reports, working with like-minded governments that share our concern at the U.N. and other international organizations to shed light on these issues, and raising awareness through public events and in private meetings. We are also leveraging different U.N. tools to highlight the issue, including by cosponsoring and lobbying for the adoption of strong annual DPRK human rights resolutions at the U.N. General Assembly and

Human Rights Council and by successfully adding the North Korean human rights issue as a standing agenda item for the U.N. Security Council.

Since the release of the United Nations Commission of Inquiry's report on human rights in North Korea in February 2014, we have made progress in our efforts to focus international attention and pressure on North Korea. Our 2016 report earlier this month identifying North Korean officials and entities responsible for or associated with serious human rights abuses or censorship led to the sanctioning of Kim Jong Un and other DPRK officials and entities.

Even before my work on human rights issues in North Korea, the promotion of human rights has been a consistent element of my work with the State Department. In the mid-1990s, I covered human rights as a Political Officer assigned to our Embassy in Kuala Lumpur. I also supported efforts to promote human rights and democracy during assignments with the State Department's Office of Chinese Affairs and in our Embassy in Tokyo. If confirmed, I look forward to continuing to work to defend and protect the universal values of human rights that remain so important for the United States.

Question. What are the most pressing human rights issues in the Philippines? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in the Philippines? What do you hope to accomplish through these actions?

Answer. The Philippines faces a number of pressing human rights issues, including the prevalence of reported extrajudicial killings, violence against human rights activists, killings and harassment of journalists, and the lack of healthcare, education, and other basic services for the country's indigenous peoples.

To address these issues, if confirmed, I will ensure that the U.S. government continues to work on improving the administration of justice in the Philippines through programs administered by USAID, the Department of Justice, and the Department of State's Bureau of International Narcotics and Law Enforcement Affairs. Through our close cooperation with the Philippine government, if confirmed, I will continue our efforts to support increased transparency and accountability that address human rights violations. I will meet with human rights NGOs, including those from indigenous groups and other minorities, and make sure that the Embassy understands and works to help address their concerns. I will also raise the importance of human rights, particularly due process and the rule of law, in my meetings with Philippine government interlocutors.

Question. If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges will you face in the Philippines in advancing human rights, civil society and democracy in general?

Answer. A major obstacle to addressing human rights issues in the Philippines is the prevalence of corruption and the failure of the Philippine government to implement anti-corruption laws effectively. The criminal justice system in the Philippines plays a critical role in the protection of human rights; however, it is extremely difficult to hold human rights abusers criminally accountable when the courts are overburdened and weak. Advancing human rights, civil society, and democracy in the Philippines will also be challenging because the Philippine government currently lacks sufficient means to investigate and penalize those who succumb to abuse and corruption. However, if confirmed, you have my commitment that I will work together with the Philippine government to strengthen the rule of law and due process while at the same time promoting respect for human rights.

Question. Are you committed to meeting with human rights, civil society and other non-governmental organizations in the U.S. and with local human rights NGOs in the Philippines? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

Answer. I am committed to meeting with human rights, civil society, and other NGOs both in the United States and in the Philippines. The Philippines has a vibrant civil society and our Embassy in Manila regularly meets with civil society groups of all types. If confirmed, I will ensure that engagement continues.

As for the Leahy Law, Embassy Manila has one of the most professional in-country Leahy vetting units in the world. The Embassy has an excellent record of rigorously applying the Leahy Law while providing training to the security forces of the Philippines. If confirmed, I will continue to ensure that the Leahy Law is rigorously applied and that U.S. security assistance and security cooperation activities reinforce human rights.

Question. Will you and your embassy team actively engage with the Philippines to address cases of key political prisoners or persons otherwise unjustly targeted by the Philippines?

Answer. Yes, if confirmed, Embassy team and I will continue to engage with the Government of the Philippines on cases of prisoners or persons claiming to be otherwise unjustly targeted because of their political affiliation. It is worth noting, however, that the Philippine government classifies political prisoners as individuals accused of any crime against national security. Many individuals considered by the government and international NGOs to be "political prisoners" in the Philippines are affiliated with armed insurgent and U.S.-designated terrorist groups such as the Abu Sanyaf Group, Jemaah Islamiyah, and the Communist Party of the Philippines/New People's Army.

At the same time, I acknowledge the distinction between persons who are wrongfully imprisoned and those who have committed a legitimate crime. If confirmed, I will support the efforts of the Philippine government to uphold this distinction. I also understand that the weak and overburdened justice sector can lead to lengthy pretrial detentions. As Ambassador, I will ensure that the Embassy will continue efforts to assist the Philippine justice sector become more efficient and reduce trial waiting periods.

Question. Will you engage with the Philippines on matters of human rights, civil rights and governance as part of your bilateral mission?

Answer. Yes. If confirmed, I will engage with the Philippines on matters of human rights, civil rights, and governance. Further, I will ensure that the team at our Embassy continues to engage and diligently monitor the human rights situation, including any deterioration in the human rights conditions in the Philippines; the civil rights environment; and governance situation. When appropriate, in meetings with our Philippine counterparts, we will emphasize the importance of human rights, particularly due process and the rule of law.

AMBASSADOR-DESIGNATE KIM'S RESPONSES
TO QUESTIONS FROM SENATOR RUBIO

Question. North Korea's nuclear and missile programs continue without visible restrictions. Is it time to declare the Obama administration's "strategic patience" non-policy a failure?

Answer. In the face of recent DPRK nuclear and missile tests, we have pursued an aggressive sanctions regime and an international campaign to pressure the DPRK government to return to credible negotiations. North Korea has never before been subject to the kind of pressure levied upon it by the recent UNSCR, the recently enacted North Korea Sanctions and Policy Enhancement Act, and by the recent Executive Order. These actions are not "more of the same"—they represent a major increase in pressure by the international community. This pressure is part of our comprehensive policy toward North Korea—along with a strong defensive military posture, including the recently announced decision to deploy the Terminal High-Altitude Area Defense (THAAD) system in the ROK, rooted in our ironclad alliances with the ROK and Japan to provide deterrence, and principled diplomatic engagement to explore North Korea's readiness for credible negotiations that would lead to the denuclearization of the DPRK. Our priority remains denuclearization, but at the same time, we have worked closely with our allies in the ROK and Japan to enhance our ability to protect against and respond to North Korean actions and provocations, including through the recently announced deployment of a Terminal High Altitude Area Defense missile defense system.

Question. Given yesterday's ruling of the Tribunal in The Hague, how will the administration reinforce the need for China to drop its outlandish claims in the South China Sea?

Answer. The ruling of the Arbitral Tribunal concerns maritime entitlements and does not speak to maritime boundaries or competing sovereignty claims over land features. We are encouraging all claimants to take advantage of the Arbitral Tribunal's ruling to clarify their maritime claims in accordance with international law, as reflected in the Law of the Sea Convention, and to work together to creatively manage and resolve their disputes. Such steps could provide the basis for further discussions aimed at narrowing the geographic scope of the disputes, setting standards for behavior in disputed areas, and ultimately resolving their underlying disagreements free from coercion or the use or threat of force.

Question. What expectations do we have about how the new Philippine Government will respond to the Tribunal's ruling? Do we anticipate they might accept some sort of deal with Beijing to not pursue implementation of the ruling?

Answer. Shortly after the ruling was announced on July 12, the Philippine government welcomed the Arbitral Tribunal's ruling, affirmed its respect for this decision to solve the disputes in the South China Sea, and called on those concerned to exercise restraint and sobriety. The Philippine government's statement also reiterated the Philippines' commitment to the peaceful resolution and management of disputes. It is our expectation that the Philippine government will live up to its commitment to restraint and sobriety. As we have said, the United States urges all parties to exercise restraint and use the Arbitral Tribunal's ruling as a new opportunity to renew efforts to address maritime disputes peacefully.

Question. Will the administration examine the use of appropriate authorities to sanction Chinese companies working on disputed islands?

Answer. We will consider the potential use of all available authorities, as appropriate, to respond to Chinese actions in the South China Sea that threaten U.S. interests. The President has authority under the International Emergency Economic Powers Act (IEEPA) to impose sanctions to deal with any unusual and extraordinary threat, which has its source in whole or substantial part outside the United States, to the national security, foreign policy, or economy of the United States, if the President declares a national emergency with respect to such a threat. Although there are no current sanctions programs specifically targeting China over the South China Sea, the President has the authority to implement a sanctions response if the President determines it is necessary and appropriate under IEEPA.

RESPONSES OF RENA BITTER, NOMINATED TO BE AMBASSADOR TO THE LAO PEOPLE'S DEMOCRATIC REPUBLIC, TO QUESTIONS FROM MEMBERS OF THE COMMITTEE

AMBASSADOR-DESIGNATE BITTER'S RESPONSES
TO QUESTIONS FROM SENATOR CORKER

Question. What has the Laotian government committed to in its 2016-2020 plan to combat trafficking in persons? Of these elements, what will your priorities be?

Answer. Lao government officials have acknowledged on multiple occasions that human trafficking remains a problem in Laos. They have also publicly committed to work with civil society, law enforcement, and foreign governments to prevent, protect, assist and properly identify victims.

Laos has taken steps to combat human trafficking. The Lao government passed a new anti-trafficking in persons law, drafted national victim identification guidelines, and completed the 2016-2020 national action plan. Among other items, the plan directs the government to enhance bilateral and multilateral coordination on trafficking issues, as well as cooperation with international organizations and NGOs. It calls for the government to conduct campaigns to raise awareness and establish a trafficking hotline. In addition, it directs the government to strengthen capacity for law enforcement officials to identify victims and prosecute traffickers, including by enhancing coordination among law enforcement agencies and victim service providers. To protect victims, the plan instructs the government to provide shelters and comprehensive services.

If confirmed, I will engage the Lao government and civil society to urge the full implementation of the government's action plan, and I will encourage and assist efforts to address the recommendations set forth in the 2016 Trafficking in Persons Report.

AMBASSADOR-DESIGNATE BITTER'S RESPONSES
TO QUESTIONS FROM SENATOR CARDIN

Question. What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?

Answer. I have prioritized the promotion of human rights issues throughout my career. As Consular Section Chief in Jordan, my section backed up Embassy Baghdad's at a time when its Iraqi staff was being targeted for their crucial work with American diplomatic and military servicemembers. I worked closely with the Jordanian government to provide routes of escape for many Iraqi locally engaged staff

and their families, before the United States had a refugee program to assist them. During this time period, I also own the Thomas Jefferson Award for my service to American citizens. Additionally, as Director of the State Department's Operations Center, I led the Department's response to multiple humanitarian crises, including those related to the Arab Spring and the triple disaster in Japan.

Most recently as Consul General in Ho Chi Minh City, I worked closely both with civil society groups and individuals to facilitate and highlight U.S. support for fundamental rights with the government of Vietnam. A key component of this support was introducing training programs focusing on rule of law, free expression, labor and media. Our public diplomacy activities consistently spotlighted LGBT rights, women's empowerment, environmental and disability activism.

I met publicly and privately with religious leaders and activists as a way to concretely demonstrate U.S. government support for their rights and raised individual cases and broad principles consistently and directly in my interactions with Vietnamese government officials.

Question. What are the most pressing human rights issues in Laos? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in Laos? What do you hope to accomplish through these actions?

Answer. We continue to have concerns about Laos' human rights record, particularly restrictions on civil society, freedom of religion, freedom of expression, and freedom of assembly. If confirmed, I will continue to raise these issues with the Lao government. Senior U.S. government representatives, including the Secretary of State, have engaged Lao leaders at the highest levels, ensuring that Laos understands our priorities and our values on human rights are those shared by the majority of people worldwide.

In addition, our development assistance always supports our end goal to encourage and facilitate Laos' respect universal human rights. We support programs that strengthen rule of law, access to health and education for Lao women and children, labor rights, media training and environmental protection. I will expand and continue these programs, if confirmed.

Question. If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges will you face in Laos in advancing human rights, civil society and democracy in general?

Answer. Laos is a one-party state, and its civil society is nascent and fragile. Due to these limitations, the State Department supports programs that support civil society capacity development, and USAID programs assist persons with disabilities and support improvements in nutrition and health programs, to name just a few examples, to help make civil society stronger. If confirmed, I will be diligent in working to strengthen civil society organizations and furthering efforts to preserve human rights. *Question:*

Question. Are you committed to meeting with human rights, civil society and other non-governmental organizations in the U.S. and with local human rights NGOs in Laos? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

Answer. Yes, I am fully committed to meeting with human rights, civil society, and other NGOs in the U.S. as well as human rights NGOs in Laos. Additionally, I will continue to support the growth of civil society in Laos. Support from U.S.-based human rights and other non-governmental organizations is critical to helping Laos make improvements on these issues. If confirmed, I will work to ensure all U.S. assistance to Laos is in accordance of the Leahy Law. U.S. security assistance to Laos is currently limited; expanding cooperation in this area depends on further commitments from the Government of Laos to improve its human rights record.

Question. Will you and your embassy team actively engage with Laos to address cases of key political prisoners or persons otherwise unjustly targeted by Laos?

Answer. I am deeply concerned by cases such as Sombath Somphone and Kha Yang, as well as the chilling effect these disappearances have throughout Laos. If confirmed, I will press the Lao government to conduct full, thorough, and transparent investigations. This engagement will be through private meetings with key officials in the Lao government as well as through public statements that signals to the citizen of Laos that we have not forgotten about these cases. Those responsible must be held accountable. I will also encourage the Lao to view the justice progress as a part of their wider reputation regarding the rule of law. While these cases are about political activists, the lack of a full investigation casts doubt on the

strength and independence on the judiciary which could have follow on effects for western investors.

Question. Will you engage with Laos on matters of human rights, civil rights, and governance as part of your bilateral mission?

Answer. Engaging Laos on human rights issues is among the mission's top priorities. Issues that receive particular attention are restrictions on civil society, freedom of religion, freedom of expression and freedom of assembly. If confirmed, I will continue to raise our concerns with Laos' record at the highest levels.

AMBASSADOR-DESIGNATE BITTER'S RESPONSES
TO QUESTIONS FROM SENATOR RUBIO

Question. Russia is increasing its outreach to Southeast Asia particularly focused on exports of hydrocarbons, energy technology, and weapons. Putin hosted in May the first summit of Southeast Asian nations in Russia. In particular, Russian arms sales to Southeast Asia more than doubled to nearly \$5 billion in the five year period through 2015. What are we doing enough to blunt Russia's attempt to buy influence in the region?

Answer. Although Russia's interest in Southeast Asia has increased, Cold War ties between Russia and Laos continue to fade, and there is little indication Russia will be able to buy influence there. Moreover, Laos has experience balancing and managing influence and investment from larger and more powerful countries, and is focused on deepening new relationships with allies such as Japan and Korea, and, increasingly, with the United States and the European Union.

Our efforts to expand our relationship with Laos are based on partnering to build trust, engaging with new generations, and exploring areas of mutual cooperation. Laos understands that it needs a diverse portfolio of friends in order to preserve its independence and move beyond the ranks of the world's least developed countries. We are working to establish the United States as a reliable partner by addressing legacy issues like unexploded ordnance (UXO) and engaging with Laos on health, education, nutrition, and rule of law. We are solidifying our expanding relationship through people-to-people exchanges and visits by senior officials.

RESPONSES OF KAMALA SHIRIN LAKDHIR, NOMINATED TO BE U.S. AMBASSADOR TO
MALAYSIA, TO QUESTIONS FROM MEMBERS OF THE COMMITTEE

AMBASSADOR-DESIGNATE LAKDHIR'S RESPONSES
TO QUESTIONS FROM SENATOR CORKER

Question. What are your priorities for addressing trafficking in persons and addressing concerns raised by the SFRC?

Answer. The recommendations in the 2016 Trafficking in Persons Report will guide my priorities, if confirmed. The TIP Report narrative for Malaysia and its recommendations represent the best analysis of our TIP experts in Washington and on the ground at our Embassy, and take into account input from a variety of non-governmental groups and individuals who share our serious concerns about trafficking in persons in Malaysia.

Among the current Report's recommendations, I would especially urge Malaysia to fully and effectively implement the 2015 amendments to its anti-trafficking law giving victims greater freedom to live and work outside of shelters. If confirmed, I will stress to Malaysian officials at every level the need to increase the effectiveness of prosecutions, including any complicit government officials. This includes any officials or others involved in the deaths of migrants discovered in horrendous mass graves on the Malaysia-Thai border.

To be successful, Malaysia will need to take a whole-of-government approach to reform. Increasing prosecutions will require improved collaboration by law enforcement, stronger cooperation between law enforcement and prosecutors, timely court procedures, and increased familiarity by judges with the full range of trafficking crimes. At the same time, improved case management and communication with trafficking victims about the status of their cases will be needed to help victims feel safe, understood, and empowered to work with investigators and prosecutors. This includes building prosecutor-victim relationships at least two weeks prior to trial, supporting shelters where victims are counseled, and providing counseling in native languages.

If confirmed, the Embassy team and I will work closely with both government and civil society to identify ways to achieve concrete results. I also look forward to working with this committee as we press Malaysia for progress in these areas.

AMBASSADOR-DESIGNATE LAKDHIR'S RESPONSES
TO QUESTIONS FROM SENATOR CARDIN

Question. What are the most important actions you have taken in your career to date to promote human rights and democracy? What has been the impact of your actions?

Answer. In nearly 25 years working as a diplomat overseas and in Washington, I have worked on a wide range of efforts to support human rights and democracy, a critical component of U.S. diplomacy. My most visible work to support human rights and democracy was as Consul General in Northern Ireland. As the U.S. representative, I promoted implementation of the political settlement enshrined in the 1998 Good Friday Agreement. During my time in Belfast, the final step of that Agreement—devolution of policing and justice to the North Ireland authorities—was achieved, but only after protracted and difficult negotiations and U.S. pressure. This was a critical step that, if it had not been achieved, likely would have resulted in the collapse of the Northern Ireland power sharing government.

As Consul General, I also persistently promoted interaction between all communities in Northern Ireland, including immigrant communities. In outreach for Martin Luther King Day, on International Women's Day, in support of LGBTI people, and on numerous other occasions, I strongly emphasized respect for human rights for all citizens.

As the office director for Maritime Southeast Asia in the Department's Bureau for East Asian and Pacific Affairs from 2007-2009, I oversaw U.S. engagement with the Philippines, Indonesia, Malaysia, Timor Leste, Singapore, and Brunei. In each of these countries, U.S. diplomacy focused on strengthening democracy, rule of law, and respect for human rights. In the Philippines, we closely monitored extrajudicial killings, pressing the Philippine government to investigate and halt these killings as well as to implement protections of human rights as a critical component of U.S.-funded law enforcement and military trainings. In Timor-Leste, we focused on building government institutions and civil society in a fragile new nation during a time that included attempted assassinations of the President and Prime Minister in 2008 and the aftermath of widespread sectarian violence in 2006. In Malaysia, lively national elections resulted in the strongest showing by the opposition since the country's independence, and U.S. policy supported the expansion of civil society and public debate. In Indonesia, our diplomatic efforts aimed to build democratic and transparent government institutions, as well as respect for rule of law and human rights after the then-recent transition from the Suharto era.

Question. What are the most pressing human rights issues in Malaysia? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in Malaysia? What do you hope to accomplish through these actions?

Answer. The United States is concerned about a number of human rights issues in Malaysia. In particular, there is a need for increased efforts to protect the life and liberty of people crossing the country's borders. The discovery in 2015 of mass graves at camps on the Malaysia-Thailand border illustrates the urgent need for the government to take action. Malaysia has launched investigations, but should act quickly to identify those responsible and bring them to justice, to include any complicit government officials. Working with Malaysia to protect migrants, trafficking victims, and other vulnerable populations will be among my top priorities, if confirmed.

I also plan to underscore in my engagements with Malaysian officials that fairness, transparency, and rule of law are essential to promote confidence in Malaysia's judicial system and democracy. The free exchange of ideas, including in the press and online, is particularly crucial to innovation and success in the global economy, so I would also work with the private sector and other governments to urge Malaysia to ensure its laws, existing and future, fully respect freedom of expression. Finally, I would also continue to raise U.S. concerns about the selective use of the Sedition Act and other laws to stifle dissent.

Question. If confirmed, what are the potential obstacles to addressing the specific human rights issues you have identified in your previous response? What challenges

will you face in Malaysia in advancing human rights, civil society and democracy in general?

Answer. It is always challenging to respect the political process and cultural and historical circumstances of any country, while at the same time pressing for governments to abide by international human rights obligations and commitments. I recognize this challenge and, if confirmed, will urge the Malaysian government to fulfill its commitments to protect the human rights of Malaysian citizens, migrants, and all others within its borders. Continued active engagement and partnership with Malaysia across a broad array of mutual interests will provide greater opportunities to address human rights concerns.

Malaysia's Sedition Act is one particular concern. Prime Minister Najib backed away from an earlier promise to repeal the law, and his government instead expanded its scope in late 2014. The United States has repeatedly expressed our concerns about the Sedition Act and other limits on freedom of expression in Malaysia. The U.S. government also proactively sought details of proposed changes to the country's laws regulating the internet, and expressed concerns about their potential restrictions on freedom of expression. We have also emphasized to Malaysians that restrictions on speech and assembly, and a lack of confidence in rule of law and judicial independence could have a negative impact on Malaysia's image as a business-friendly economy. If confirmed, I would continue to press the Malaysian Government on these issues.

Advocating for the rights of LGBTI people is another challenge. Some officials have stated LGBTI rights are incompatible with Malaysian values, but the Embassy continues to impress upon Malaysians that a vibrant, multiethnic democracy depends on protecting the rights of all people and that a society should protect the beliefs of the faithful as well as the rights of LGBTI people. In March, Secretary Kerry celebrated Malaysian transgender activist Nisha Ayub as one of the 2016 International Woman of Courage awardees. If confirmed, I will continue to support capacity-building grants and activities for LGBTI civil society and urge progress in this area.

Question. Are you committed to meeting with human rights, civil society and other non-governmental organizations in the U.S. and with local human rights NGOs in Malaysia? If confirmed, what steps will you take to pro-actively support the Leahy Law and similar efforts, and ensure that provisions of U.S. security assistance and security cooperation activities reinforce human rights?

Answer. If confirmed, I will continue the long-standing practice of meeting with human rights, civil society, and other non-governmental organizations in the United States and in Malaysia. In particular, such meetings are an opportunity to exchange views on how to cooperate on the protection of human rights and dignity of people, as well as to symbolize the U.S. commitment to democratic principles and the protection of human rights. The Leahy Act has been an important tool in protecting human rights for nearly 20 years, and I am fully committed to its implementation, including strict adherence to the Department's Leahy vetting procedures.

Question. Will you and your embassy team actively engage with Malaysia to address cases of key political prisoners or persons otherwise unjustly targeted by Malaysia?

Answer. Yes. The United States government regularly raises its concerns about selective use of the Sedition Act, national security legislation, and other laws to harass, detain, and imprison government critics, including opposition leader Anwar Ibrahim. We do so at the highest levels of government, and if confirmed, I will continue that practice.

Question. Will you engage with Malaysia on matters of human rights, civil rights and governance as part of your bilateral mission?

Answer. Yes. If confirmed, I am committed to raising U.S. concerns regarding human rights, civil rights, and good governance with Malaysian counterparts. In particular, discussing strong bilateral trade and investment between the United States and Malaysia provides an opportunity to underscore our firm belief that good governance and freedom of expression are essential to Malaysia's continued prosperity and ability to innovate. I will also seek to increase opportunities for exchanges between U.S. and Malaysian civil society in order to strengthen the capacity of non-governmental organizations in Malaysia. Human Trafficking

Question. As you know, last year Malaysia was promoted from Tier 3 to Tier 2 Watch List in the State Department's Trafficking in Persons Report. Yet, Malaysia has taken few significant steps to address its overall trafficking and forced labor problem—the steps that they have taken have been small in comparison with the

scope of the problem. The Malaysia 2016 TIP report reads, “[t]he Government of Malaysia does not fully meet the minimum standards for the elimination of trafficking; however, it is making significant efforts to do so. Despite these measures, the government did not demonstrate overall increasing anti-trafficking efforts compared to the previous reporting period.” Despite a reformed victim protection system, migrant workers continue to suffer on palm oil plantations and in electronics factories. Though trafficking convictions increased last year, investigations and prosecutions decreased. And no one has been held accountable for the mass graves found last year on the Thai border.

What, in your view, is the rationale for keeping Malaysia on the Tier 2 Watch List?

Answer. Secretary Kerry made the 2016 tier placement decisions based on an assessment of government efforts to meet the minimum standards established under the TVPA. These efforts are outlined in the 2016 report, along with specific recommendations for Malaysia. One key effort was Malaysia’s continued work to reform its victim protection system with the goal of giving victims the ability to move freely in and out of shelters and to seek employment, the top TIP report recommendation for several years. Malaysia welcomed international expert opinion and convened a series of consultation sessions with NGOs during which civil society was given the opportunity to provide specific edits and recommendations on the draft regulations, which have since become law.

Malaysia has much work to do to improve the situation of trafficking victims and to hold traffickers accountable, including increasing investigations, prosecutions and convictions. If confirmed, I will remain committed to urging Malaysia to make progress based on those recommendations.

Question. Can you pledge that, if confirmed as Ambassador, you will do all that is within your power to ensure that political considerations will not influence Malaysia’s ranking in the State Department Trafficking in Persons Report?

Answer. Yes. If confirmed, I will continue to lead the Embassy in reporting the facts accurately and completely, and to provide the TIP office and the Secretary of State our best and honest assessment of Malaysia’s efforts to address this serious problem. My team and I will objectively assess the government’s efforts each year against the TVPA’s minimum standards in any recommendations to the Department regarding the annual Trafficking in Persons Report.

Question. What is your strategy to incentivize Malaysia to take more significant steps to prosecute traffickers involved in trafficking—not just a few cases, but a greater effort to tackle human trafficking as a product of organized criminal syndicates?

Answer. I believe the Trafficking in Persons Report is an important tool to incentivize countries to take significant steps in each of the TIP focus areas: protection, prosecution, and prevention. The Report and its recommendations make very clear to Malaysia the urgent need to make progress on prosecutions and convictions of traffickers. I understand the Government of Malaysia has welcomed U.S. and international experts to help build the capacity of its investigators, prosecutors, and judges to bring successful TIP cases. If confirmed, I will work with the Government of Malaysia to support that collaboration.

If confirmed, I will press for greater accountability for traffickers, especially increased prosecutions and convictions. I believe the U.S.-Malaysia Labor Consistency Plan side agreement to the Trans-Pacific Partnership (TPP) promotes these same priorities and incentivizes the Government of Malaysia to cooperate on these issues.

Human Rights

Question. Earlier this year Senator McCain and I sent a letter to President Obama expressing our concerns with regards to Prime Minister Najib’s efforts to undermine the rule of law and basic human rights. The State Department’s Country Report on Human Rights for 2015 describes Malaysia’s restrictions on freedom of speech and expression, on the press, and on assembly, as well as sedition charges against dozens of activists, lawyers and opposition politicians.

As Ambassador, how will you prioritize human rights in Malaysia with other U.S. strategic and economic interests?

Answer. Protecting human rights has been and will continue to be a priority of the United States in its diplomatic engagement. Advancing respect for human rights, freedom of expression, transparency, and rule of law are critical to achieving many goals of the Mission—from countering violent extremism to increased trade and investment—in Malaysia. It will be my priority, if confirmed, to underscore to the government of Malaysia the importance of good governance, rule of law, and

freedom of expression to the country's continued prosperity and ability to innovate. In the context of our strong bilateral trade and investment, I will also work to ensure that goods and services from Malaysia meet the highest labor standards.

Question. What specific areas—good governance, anti-corruption, labor rights, freedom of information—is Malaysia making progress and where do the most significant challenges remain?

Answer. While high-level political corruption remains a major challenge in Malaysia, regulators and law enforcement officials have taken steps to combat money-laundering and terrorism finance. In February 2016, Malaysia gained full membership to the Financial Action Task Force (FATF) after undergoing an intensive mutual evaluation.

The United States champions good governance and transparency. In Malaysia, most government documents, including draft legislation, are not generally available to the public. If confirmed, I will support longstanding U.S. government efforts to urge the Malaysian Government to share draft legislation with stakeholders from industry and civil society, and in particular proposed legislation that would restrict the free flow of information online.

Finally, the U.S.-Malaysia Labor Consistency Plan requires Malaysia to make significant progress on labor rights before the Trans-Pacific Partnership (TPP) can enter into force between the United States and Malaysia. These improvements include enforcing the core labor rights as outlined by the International Labor Organization (ILO)—freedom of association and collective bargaining, and the eradication of discrimination and forced and child labor. Malaysia has begun to amend its laws to bring it into compliance with these international standards. Malaysia has already made modest progress by amending and issuing regulations to its anti-trafficking law that are intended to enhance the ability of victims to move freely and to work. The government has begun collaborating with civil society on trafficking victim protection, including by funding NGO victim support activities for the first time. While much work remains, these are important steps in reforming Malaysia's victim protection regime and improving the government's efficacy in the fight against trafficking. As the recent TIP report emphasized, Malaysia needs to increase trafficking investigations, prosecutions, and convictions. I will work steadfastly to ensure Malaysia lives up to these commitments, if confirmed.

Question. How will you promote human rights with Malaysia's youth, including in counter-terrorism and CVE work in Malaysia?

Answer. If confirmed, I will support greater opportunities for the peoples of Malaysia and the United States to meet and deepen their understanding of each other's cultures and values, including through tourism, education, and other people-to-people exchanges. Outreach to Malaysia's youth and communities outside the capital will be a particular area of focus for me, if confirmed.

Working with the Malaysian government, the U.S. government's CVE efforts are focused on strategic communications projects to analyze target audiences, and to create and disseminate information. If confirmed, I hope to leverage government-civil society partnerships to ensure a wide range of stakeholders participate in CT and CVE efforts.

Corruption

Question. With multiple media outlets reporting that money from the IMDB fund was diverted to Prime Minister Najib's bank account, some analysts argue that U.S. support for Najib risks giving the impression that the United States is not concerned about these corruption allegations, or that the United States can tolerate some amount of corruption for the sake of maintaining U.S.-Malaysia cooperation. As you may know, I view anti-corruption efforts as absolutely central to our foreign policy.

How should the United States factor the IMDB corruption allegations into its bilateral relationship with Malaysia?

Answer. The peoples of the United States and Malaysia have a strong relationship built on common economic and security interests and mutual trust. Investing in the long-term relationship between the United States and Malaysia provides a strong foundation for the United States to address issues of concern, including corruption. The United States will continue to urge the government of Malaysia to apply the rule of law consistently, fairly, and transparently, and with respect for universal human rights—as we have routinely done at the highest levels. Additionally, our agencies have expanded cooperation on this important issue with Malaysian institutions like the Malaysian Anti-Corruption Commission (MACC). If confirmed, I would work with all agencies and departments of the U.S. government to support the U.S.

government's commitment to preventing and combatting corruption, including training and capacity building programs for Malaysian regulators and law enforcement officials to combat corruption and other financial crimes.

Question. To what extent are anti-corruption objectives systematically incorporated into the U.S. government's foreign assistance programming in Malaysia?

Answer. Malaysia, as a high-middle income country, does not receive significant U.S. foreign assistance. If confirmed, I would seek to ensure all assistance programming in Malaysia is carried out in a manner consistent with U.S. law and with the strictest respect for our commitment to prevent and combat corruption.

AMBASSADOR-DESIGNATE LAKDHIR'S RESPONSES
TO QUESTIONS FROM SENATOR RUBIO

Question. In late June a night club in Malaysia was bombed at the direction of ISIL. Is Malaysia doing enough to combat the threat from ISIL? Are we concerned that the night club bombing could lead to additional ISIL attacks in Malaysia?

Answer. The recent nightclub bombing, reportedly carried out with Da'esh influence, elevated the sense of urgency and reinforces the importance of the commitment shared by the United States and Malaysia to eradicating Da'esh. The Malaysian government takes seriously its role to protect its citizens against violent extremism, as evidenced by the over 180 Da'esh supporters arrested in the past three years. Malaysia recognizes the threat is real and has taken a number of significant steps towards combatting the threat of Da'esh. Malaysia joined the U.S.-led Global Coalition to Counter ISIL, and has signed two terrorist information sharing arrangements with the United States.

If confirmed, I will work closely with the Malaysian government and people to support our global strategy to cut off ISIL's financing, dismantle its networks and supply lines, ensure fewer foreign fighters join, and ultimately eradicate ISIL.

Question. ISIL launched publication of a new newspaper to recruit fighters from Malaysia, Indonesia, Brunei, Singapore, southern Thailand, and southern Philippines which apparently overlaps with the territory of their stated Southeast Asian caliphate. Are we focused on addressing the message from this newspaper?

Answer. Malaysia's efforts to counter-Da'esh narratives are well underway, including a number of workshops supported by the United States and U.S. private sector participants. With significant support from the United States, Malaysia plans to launch its Digital Strategic Communications Division in July. If confirmed, I will do whatever I can to support these efforts.
