

NOMINATIONS OF THE 110TH CONGRESS—FIRST SESSION

HEARINGS

BEFORE THE

COMMITTEE ON FOREIGN RELATIONS UNITED STATES SENATE

ONE HUNDRED TENTH CONGRESS

FIRST SESSION

JANUARY 30 THROUGH DECEMBER 19, 2007

Printed for the use of the Committee on Foreign Relations



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110TH CONGRESS—FIRST SESSION

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

COMMITTEE ON FOREIGN RELATIONS
110TH CONGRESS—SECOND SESSION

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

*Note: Appointed February 12, 2008.

NOMINATIONS

TUESDAY, JULY 24, 2007

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

John, Eric G., to be Ambassador to the Kingdom of Thailand
Michalak, Michael W., to be Ambassador to the Socialist Republic
of Vietnam

The committee met, pursuant to notice, at 10:03 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Barbara Boxer presiding.

Present: Senators Boxer and Webb.

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

Senator BOXER. Good morning. The committee will come to order. Today the full Senate Foreign Relations Committee meets to consider two distinguished nominees for ambassadorial posts in Vietnam and Thailand. So we're actually sitting as the full committee.

The reason we're starting so exactly on time is because we have votes scheduled shortly and it is my intention to complete this hearing. In my view these are two excellent nominees and there's no need for extended questioning. However, if for example Senator Webb wanted to come back and pursue a line of questioning, I would give him the gavel to do that.

So, as chair of the Subcommittee on East Asian and Pacific Affairs, I'm very pleased to welcome our nominees, Michael Michalak and Eric John. Ambassador Michalak, the President's nominee to be ambassador to Vietnam, has served his country as a member of the Foreign Service for more than 30 years, most recently as the senior Foreign Official for Asia Pacific Economic Cooperation. Ambassador Michalak has extensive experience in Asia, having served in both Japan and China, and in a variety of posts in the Bureau of East Asian and Pacific Affairs.

Eric John, the President's nominee to be ambassador to Thailand, has also served his country for more than two decades, most recently as Deputy Assistant Secretary of State for East Asian and Pacific Affairs. Prior to that, Mr. John served as political minister counselor at the United States Embassy in Seoul, Korea. Earlier in his career, Mr. John served at the United States Embassy in Thailand as part of the Orderly Departure Program.

I've enjoyed working with Mr. John on matters relating to East Asia, including extrajudicial killings in the Philippines, a matter on which Mr. John testified before my subcommittee earlier this year.

Thank you both for your service to your country. It goes without saying that Vietnam and Thailand are important nations in the Southeast Asian region. The United States relationship with Thailand is one of the oldest in Asia, dating back to the 19th century. The United States relationship with Vietnam, essentially frozen after the Vietnam War, has improved significantly this past decade. In fact, the President of Vietnam recently concluded a high level visit to the United States, the first such visit since the end of the war.

Our economic relationship with both countries has increased over time, and is poised to grow in the coming decades. Vietnam and Thailand share our commitment to continued development and security in the Asia Pacific region and beyond. In fact, Thailand has even contributed to United States efforts in Afghanistan.

As you know, there are many here in Congress who want to see these relationships strengthened and our ties deepened. My own State of California is home to vibrant Vietnamese and Thai communities who want to see these relationships grow in a progressive and constructive fashion. But let's be clear. Both countries have their share of difficulties. Thailand was recently rocked by a bloodless coup that derailed its democratic system. While Thailand appears to be on track to restore the democratic process and hold elections, its future is far from certain.

Thai officials may publicly assert that they are moving to restore democracy, but there is evidence that the current Thai Government is silencing political opponents, taking over media outlets, and censoring Internet sites, particularly for those with opposing viewpoints. These are serious concerns that can't go unchecked. Thailand also needs to address corruption, which was a serious problem under the previous administration.

Vietnam remains under the control of an authoritarian communist party that wants recognition as a powerful and prestigious member of the international community, but still refuses to afford its citizens the basic rights and freedoms that are associated with such stature. Individuals perceived as a threat to the communist party continue to be harassed and imprisoned. In fact, a wave of arrests occurred in the months preceding Vietnamese President Triet's recent trip to the United States, a crackdown that was so severe it jeopardized the entire visit.

The Vietnamese Government ultimately released a number of important prisoners in advance of the visit, but not before serious questions were raised about Vietnam's commitment to improving its human rights record once and for all.

So with that said, it looks like you both have your work cut out for you. I know that you are up to the test. And I look forward to hearing from both of you.

At this time I would ask Senator Webb to make an opening statement and see if he can keep it to 5 minutes, and when Senator Murkowski comes in I will do the same. Go ahead, Senator Webb.

**STATEMENT OF HON. JAMES WEBB,
U.S. SENATOR FROM VIRGINIA**

Senator WEBB. Thank you, Mr. Chairman. I will keep my remarks very brief. I have had extensive opportunities over the past several decades to spend time in both of these countries. I have a great affection for the people of both of the countries. I've been able to sit down and have conversations with both of the nominees. I would have some questions at the appropriate time, but I would prefer to go ahead and move forward in the interest of time and proceed with their statements.

Senator BOXER. Thank you very much, Senator.
So why don't we start with Mr. John.

**STATEMENT OF ERIC G. JOHN, NOMINEE TO BE
AMBASSADOR TO THE KINGDOM OF THAILAND**

Mr. JOHN. Thank you very much, Madam Senator. May I also introduce, take the opportunity to introduce my wife, Sofia, and my son, Adam, who was actually born in Bangkok when we were stationed there, and Nicole, our daughter.

Senator BOXER. Why don't you stand up. We welcome you all. Thank you so much for coming.

Now, if you can we'll go back to a 5-minute clock.

Mr. JOHN. Madam Chairman and Senator Webb, I am honored to appear today as the President's nominee to be Ambassador to the Kingdom of Thailand. I am deeply grateful to President Bush and Secretary Rice for their confidence in me. If confirmed, I will have the good fortune to represent the United States in a country that has long been one of our closest allies and partners. In nearly 175 years of diplomatic relations, the United States and Thailand have stood together in both good times and bad, to the benefit of both nations.

The partnership between the United States and Thailand has brought important benefits to both sides. Thailand remains a close United States partner in promoting peace and security in Asia and in other parts of the world. The foundation of our alliance with Thailand does remain strong, but the coup that took place in September of last year represented a rare setback for the relationship. There is never a sufficient reason for a military overthrow of a duly elected government, and we immediately made that clear to the interim authorities. We scaled back senior level engagements and continuously emphasized our expectation that the new government would make speedy restoration of democracy its top priority. We also suspended a number of assistance programs pursuant to section 508 of the Foreign Operations Appropriations Act.

At the same time, we decided that our interests in the restoration of democracy and in preserving our long-term bilateral relationship would be best served by continued engagement with the interim government. We also have faith that the Thai people will not abide anything less than a speedy return to democracy and when that return comes it will be to the credit of the Thai people.

We are confident we have correctly calibrated our response to the coup and believe Thailand has made steady progress to date toward restoring democracy. The government has essentially kept to its timetable for the political process, with the national referendum

on the draft constitution scheduled for August 19 and national elections expected by the end of the year.

If confirmed, I will continue to look for ways that we can address still existing weaknesses in Thailand's democratic structures, such as strengthening the judicial system, attacking corruption, and increasing voter participation.

Ensuring a healthy economic relationship with Thailand is an imperative for the United States. Although our free trade agreement negotiations were suspended after the coup and trade promotion authority has lapsed, we need to find ways to reinvigorate this vital bilateral economic relationship. If confirmed, one of my immediate tasks will be to work with Thailand to address concerns about the deficiencies in its intellectual property rights protection regime that compelled us to add Thailand to our priority watch list this year. If confirmed, I will ensure that we engage the Thai Government constructively but firmly on the full spectrum of intellectual property issues.

If confirmed, I also intend to continue the work I have undertaken in my capacity as Deputy Assistant Secretary to strengthen our ties with the Association of Southeast Asian Nations.

Ensuring appropriate protection and assistance for refugees and asylum seekers in Thailand is a high priority for the United States Government. Thailand hosts more than 150,000 Burmese refugees and several thousand asylum seekers from other countries, including Hmong Lao. The burden of assisting these vulnerable populations places a strain on the Thais' resources and their relationships with some of their neighbors. Significant humanitarian assistance provided by the United States and other countries helps to ease the strain, as does third country refugee resettlement, primarily to the United States.

If confirmed, I also will have the privilege of leading one of our largest embassies in the world, including ensuring that both American citizens and foreign visa applicants receive the gold standard of treatment in consular services. I very much look forward to these opportunities.

Madam Chairman, Senator Webb, I know you're on a tight schedule today, so I'll keep my opening remarks short, and I thank you for the opportunity to testify and will be happy to respond to questions at the appropriate time.

[The prepared statement of Mr. John follows:]

PREPARED STATEMENT OF ERIC G. JOHN, NOMINEE TO BE
AMBASSADOR TO THE KINGDOM OF THAILAND

Madam Chairman and members of the committee, I am honored to appear before you today as the President's nominee to be Ambassador to the Kingdom of Thailand. I am deeply grateful to President Bush and Secretary Rice for their confidence in me.

I am a career Foreign Service officer and have served 22 years of my career in the East Asia and Pacific Bureau (EAP). I have lived in Korea, Thailand, and Vietnam for a combined total of 14 years and speak Korean and Vietnamese. For the past 2 years, I have had the honor to serve our Nation as Deputy Assistant Secretary in EAP, overseeing our relations in Southeast Asia. East Asia is vital to our Nation's interest, and I hope to continue to help build our bonds with the region.

If confirmed, I will have the good fortune to represent the United States in a country that has long been one of our closest allies and partners. In nearly 175 years of diplomatic relations, the United States and Thailand have stood together in both good times and bad, to the benefit of both nations.

Ties between Thailand and the United States are multifaceted and run deep. From scientific collaboration to joint disaster relief operations, peacekeeping, and travel and tourism, United States-Thai interests are intertwined and enduring. Thailand was one of the first to offer aid to the United States after Hurricane Katrina and lent its air base in Utaapao for United States troops to launch humanitarian aid to the thousands displaced after the 2004 Indian Ocean tsunami.

The partnership between the United States and Thailand has brought other important benefits to the United States. As a major non-NATO treaty ally of long standing, Thailand remains an important United States partner in promoting peace and security in Asia and in other parts of the world. Access granted by the Thai Government to facilities in Thailand is critical to executing our highest priority military operations, and the Thai have further supported those missions with their own personnel. Thailand also hosts major bilateral and multinational military exercises that are essential to maintaining our forces' readiness and interoperability with allies, and its troops have participated in international peacekeeping missions in Cambodia, East Timor, Afghanistan, Iraq, and soon in Darfur.

The foundation of our alliance with Thailand remains strong, but the coup that took place in September 2006 represented a rare setback for the relationship. Our deeply held view is that there is never a sufficient reason or circumstance that justifies a military overthrow of a duly elected government, and we immediately made that clear to the interim authorities. We underscored our disappointment by scaling back senior-level engagement and continuously emphasized our expectation that the new government would make speedy restoration of democracy its top priority. We also suspended a number of assistance programs pursuant to section 508 of the Foreign Operations Appropriations Act.

At the same time, we decided that our interests in restoration of democracy and in preserving a long-term bilateral relationship critical to achieving United States' goals in Asia and beyond would be best served by continued engagement with the interim government. We also have faith that the Thai people will not abide anything less than a speedy return to democracy, and when that return comes, it will be to the credit of the Thai people.

We are confident we have correctly calibrated our response to the coup, and believe Thailand has made steady progress to date toward restoring democracy. The government has essentially kept to its timetable for the political process, with a national referendum on the draft constitution scheduled for August 19 and national elections expected by the end of the year. If confirmed, I will continue to look for ways we can address still-existing weaknesses in Thailand's democratic structures, such as strengthening the judicial system, attacking corruption, and increasing voter participation.

A continuing U.S. policy goal is to remove barriers to increased bilateral trade and investment. Although our free trade agreement negotiations were suspended after the coup, and Trade Promotion Authority has lapsed, we need to find ways to reinvigorate this vital bilateral economic relationship. With two-way trade of over \$30 billion in 2006 and United States companies' total investments in Thailand estimated at approximately \$21 billion, ensuring a healthy economic relationship with Thailand is an imperative for the United States.

We will need to address difficult issues directly with our ally and work to resolve them expeditiously. If confirmed, one of my immediate tasks will be to work with Thailand to address concerns about the deficiencies in its intellectual property rights protection regime that compelled us to add Thailand to our Priority Watch List this year. Piracy of music, movies, and software products has not been meaningfully addressed, and losses to our creative industries continue to climb. Thailand now has the second highest rate of movie piracy in the world after China. We also remain concerned about the lack of transparency in the Thai Government's decision earlier this year to issue compulsory licenses for three medications. If confirmed, I will ensure that we engage the Thai Government constructively but firmly on the full spectrum of intellectual property issues.

Another of my priorities, if confirmed, will be to continue to coordinate closely United States and Thai efforts to facilitate a return to democracy in Burma. Although we share that goal, Thailand's approach to Burma differs from ours. The Thai Government shares a nearly 1,200 mile border with Burma and needs to engage with the junta to manage critical public health and border security issues. Bangkok does not support economic sanctions, but it has used its engagement to advocate for democratization. It can do more, though, and if confirmed, I will work with Thai officials to coordinate our endeavors to help speed a return to democracy in Burma.

If confirmed, I also intend to continue the work I have undertaken in my capacity as Deputy Assistant Secretary to strengthen our ties with the Association of South-

east Asian Nations (ASEAN). ASEAN is an important regional organization in which Thailand and its neighbors work toward common goals. It is a significant vehicle for promoting and strengthening key shared values of democracy, free trade, and cultural exchange. I believe that a stronger ASEAN would build an even more successful Southeast Asia. If confirmed, I will work with the Thai on developing joint initiatives and other policies our two nations can implement to help ASEAN realize its potential.

We also remain concerned about the Malay Muslim separatist insurgency in southern Thailand that has cost so many lives and endangers amity between the Buddhist and Muslim communities. The Thai Government has maintained a vigilant security posture in the region, but, at the same time, has adopted a conciliatory approach to begin addressing issues that have long fueled resentment against central Thai authority.

Ensuring appropriate protection and assistance for refugees and asylum seekers in Thailand is a high priority for the United States Government. Though not a signatory to the 1951 U.N. Convention on the Status of Refugees or its 1967 Protocol, for several decades Thailand has hosted asylum seekers fleeing repression and persecution from countries in the region and elsewhere. Thailand hosts more than 150,000 Burmese refugees and several thousand asylum seekers from other countries, including Hmong Lao. The burden of assisting these vulnerable populations places a strain on the Thais' resources and their relationships with some of their neighbors. Significant humanitarian assistance provided by the United States and other countries helps to ease the strain, as does third-country refugee resettlement, primarily to the United States.

If confirmed, the continued care and protection of refugees and asylum seekers will be one of my priorities. In particular, I will encourage the Thai Government to accede to the Refugee Convention and to work closely and cooperatively with the United Nations High Commissioner for Refugees to ensure that refugees and asylum seekers in Thailand are protected and afforded the rights granted to them under international law.

If confirmed, I also will have the privilege of leading one of our largest embassies in the world, including ensuring that both American citizens and foreign visa applicants receive the gold standard of treatment in consular services. I very much look forward to these opportunities.

Madam Chairman, members of the committee, thank you again for the opportunity to testify today and for considering my nomination. I would be happy to respond to your questions.

Senator BOXER. Thank you so much, Mr. John, and we will put the rest of your statement into the record if you have further comment.

Mr. Michalak, welcome. If you can, speak to us for about 5 minutes.

STATEMENT OF HON. MICHAEL W. MICHALAK, NOMINEE TO BE AMBASSADOR TO THE SOCIALIST REPUBLIC OF VIETNAM

Mr. MICHALAK. Thank you very much, Madam Chairman, Senator Webb, I too welcome the chance to sit before you as the President's nominee for Ambassador to Vietnam. I'm just coming from an assignment where I worked on the APEC, the Asia Pacific Economic Cooperation Forum. I think the 2 years that I spent there, the 2 years that we spent refocusing the agenda, providing more resources for that organization and strengthening the institution have prepared me somewhat for dealing with Vietnam. I say this because 2006 was the year of APEC in Vietnam and during that year I saw this country and its officers go from a rather tentative bureaucratic stance toward international relations to the end of that year, when they turned into some very self-confident and forthright spokespersons for their government.

At this hearing I have already submitted my written remarks for the record and I think, Madam Chairman, that your remarks pretty much summarized exactly what I was saying in my own testi-

mony. So what I'd like to do is maybe just touch on the three areas that I intend to focus on if confirmed and if I do go to Vietnam.

One of the first areas that we need to work very carefully on is going to be actually the physical plant, the United States Embassy. It's somewhat of a disgrace. It's an old plant and we need to continue, finish up 6 years of negotiations with the Government of Vietnam to get a new embassy.

Turning to more substantive issues, as you mentioned, Madam Chairman, human rights and the current performance of the Government of Vietnam certainly have cause for concern. I think, on the other hand, there is a good story to tell, particularly in the area of religious freedom, where treatment of various religious groups over the past 2, 3 years has changed considerably, including using diplomatic means to actually get Vietnam removed from the countries of particular concern list in that particular area.

Economic development, as you correctly mentioned, is one of the spotlights, one of the highlights of our relationship with Vietnam, as one of the fastest growing economies within ASEAN and indeed second only to China in the entire Asian Pacific region. We think that there are tremendous opportunities there to improve not only the United States-Vietnam economic relationship, but to spill over into other areas of human endeavor, including social areas and even in human rights.

Finally, Madam Chairman, what I'd like to do if confirmed is to work on education. I believe that the Government of Vietnam and the Government of the United States both share the value of improving the educational infrastructure within Vietnam. I think the Virginia—"the Virginia"; I'm thinking of Senator Webb there. The Vietnam Education Foundation and other organizations are working to send well over 100 graduate students per year, concentrated mostly in science and technology, to the United States for further study. If confirmed, when I get to Hanoi I'm going to try to double the number of students that we send from Vietnam to the United States.

In conclusion, Madam Chairman, I think that our expanding ties with Vietnam in many areas are generating excitement and strengthening our engagement with this increasingly dynamic player in Southeast Asia would be one of my highest priorities. I hope to be the type of ambassador of which are country and the United States Senate can be proud, and I look forward at this time to answering all of your questions.

Oh, I might mention one other thing. You did mention the fact that in your own, your own constituency, there are large Vietnamese-American communities. Earlier on, in discussion with both your staff and Senator Webb's staff I made it clear that I would be more than willing to try and sit down and talk with some of these folks and to hear their views on our relationship.

So thank you very much.

[The prepared statement of Mr. Michalak follows:]

PREPARED STATEMENT OF HON. MICHAEL W. MICHALAK TO BE
AMBASSADOR TO THE SOCIALIST REPUBLIC OF VIETNAM

Thank you, Madam Chairman Boxer and members of the committee. It is a great honor for me to appear before this committee as the President's nominee to be the fourth Ambassador to the Socialist Republic of Vietnam since normalization of rela-

tions in 1995. I am grateful for the confidence and trust that President Bush and Secretary Rice have placed in me.

As a member of the Foreign Service, I have extensive experience in Asia, including a significant amount of recent work in Vietnam. Most of my career in the State Department has been spent working on Japan and China with my last overseas assignment having been Deputy Chief of Mission in Japan, our most important bilateral partner in Asia. I believe my work in Asia and in the State Department has prepared me well for this assignment. If I am confirmed, I look forward to representing and vigorously advancing the interests of the United States in Vietnam.

My first direct engagement with Vietnam occurred in 2006 when, as United States Ambassador for APEC, I led our delegation through Vietnam's year-long chairmanship of APEC. I visited the country at least five times during that year and worked closely with senior officials of the Government of Vietnam. Vietnam's performance was nothing short of spectacular. Over the course of 2006, we were able to forge an excellent relationship of trust and honesty. In fact, Vietnam hosted one of the most productive leaders' meetings ever.

President Bush's November 2006 visit to Vietnam was a success both bilaterally and multilaterally and was reciprocated through President Triet's visit to Washington and several other United States cities last month. While these high-level exchanges served to advance ties and mutual understanding and overcome our legacy of mistrust, they also highlighted the complexities in our relationship and the challenges and opportunities we face to take relations to the next level. If confirmed, I will strive to ensure full normalization of relations and the creation of a true partnership between the people of our two great countries.

Vietnam is clearly a country on the move, leading with its rapidly growing economy and burgeoning export sector; a new Asian Tiger if you will. Starting with the Doi Moi program in 1986, Vietnam has built tremendous momentum toward economic reform and opening to the world, culminating in its recent accession to the WTO and realizing Permanent Normal Trade Relations status with the United States. If confirmed, I can assure you that one of my highest priorities will be to work to ensure that Vietnam fulfills its WTO commitments and in the process provides increased market opportunities for United States goods and services.

Vietnam is also emerging as a regional player. Vietnam has been identified by the Asian Grouping as its candidate for a nonpermanent seat on the U.N. Security Council in 2008, and its voice is being increasingly heard in ASEAN councils and beyond.

HUMAN RIGHTS AND RELIGIOUS FREEDOM

The economic story in Vietnam deserves praise and encouragement, but it should not obscure our very real concerns over human rights and religious freedom there. Vietnam's record of respect for human rights and religious freedoms is decidedly mixed. While there have been improvements in religious freedoms over the past year, we have seen backsliding on human rights issues since last November.

Promotion of human rights has been and will remain one of our highest priorities in Vietnam, as reaffirmed by President Bush to President Triet during their June 2007 meeting at the White House. Prior to President Triet's visit, the Government of Vietnam released three persons of concern to the United States: Phan Van Ban; former National Endowment for Democracy Fellow Le Quoc Quan; and Nguyen Vu Binh. Following the visit, labor activist Bui Kim Thanh was also released. While we welcome the release of these individuals, we continue to press for systemic human rights improvements in Vietnam. We need to build bridges between the Government of Vietnam and the full range of groups in the United States—veterans, Vietnamese-Americans, and human rights and business groups—to convince the Vietnamese that free speech and expression of views strengthens, not weakens, societies and economies. If confirmed, I will make advancing human rights one of my highest priorities.

Vietnam made significant progress during the past year on advancing religious freedom, leading Secretary Rice to remove Vietnam as a "Country of Particular Concern" last November. Vietnam instituted a new law on religion, including a ban on forced renunciations, registered hundreds of places of worship, allowed the majority of closed places of worship to reopen, began educating central, provincial, and local officials on how to implement the new law, and in some cases disciplined officials responsible for violations of religious freedom. Although Vietnam was taken off the "CPC" list, we still have work ahead of us to ensure full religious freedom for all Vietnamese. The Department of State, along with other government and NGO stakeholders, will continue to monitor and evaluate the situation and press for continued progress in this area.

I am strongly committed to the idea that societies are enriched when people are allowed to worship freely and express themselves as they wish. Building on the excellent work of my predecessor, Ambassador Michael Marine, I will, if confirmed, vigorously push for continued expansion of the civil rights of Vietnamese citizens, as well as the release of all those in prison for peacefully expressing their political views. These include Father Nguyen Van Ly, lawyers Nguyen Van Dai and Le Thi Cong Nhan, and the leaders of the People's Democratic Party of Vietnam and the United Farmers Workers Organization.

ECONOMIC INTEGRATION

One of the best ways to encourage expansion of civil rights and liberties is to ensure strong economic growth. The Vietnamese economy is undergoing a rapid and fundamental transformation due, in part, to the rapid growth of foreign investment and economic reforms undertaken to meet the requirements of WTO and our 2001 Bilateral Trade Agreement.

The wholesale economic restructuring taking place in Vietnam, including new legislation on intellectual property rights, elimination of state supports, and reductions in tariff rates, has made its markets more attractive to United States companies. U.S. companies have responded vigorously, with two-way trade in goods as rocketing up from \$1.5 billion in 2001 to \$9.6 billion in 2006 and U.S. foreign direct investment increasing \$639 million in 2006 alone. United States service providers and technology companies in particular are looking to Vietnam—providing capital, technology and management know how, as well as supporting Vietnam's efforts on education, environment, and combating trafficking in persons. I believe in leading by example, and our companies are excellent examples of how freedom and democracy can bring real gains to people across the entire economic and social spectrum.

Nevertheless more work is still needed to liberalize Vietnam's financial sector and reduce the state's role in the economy. If confirmed, I will work to engage the Vietnamese on still-sensitive topics such as privatization, energy, intellectual property rights, environment, and labor. To continue the momentum of economic reform, we also need to help Vietnam redouble its efforts to promote transparency, legal reform, and good governance.

EDUCATION

Along with traditional economic development and improvement in human rights and religious freedoms, educational reform and development is a priority area that we believe could most benefit an emerging nation like Vietnam. We have extremely effective Fulbright and Humphrey exchange programs, and through the highly successful Fulbright Economic Teaching Program in Ho Chi Minh City, we train local government officials and business professionals annually on economics and public policy.

The Government of Vietnam has explicitly stated that it looks to the United States, and our great colleges and universities, to train the next generation of Vietnamese leaders, scientists, educators, and engineers. One of my goals as ambassador, if confirmed, will be to double the number of university students from Vietnam in our colleges and universities over the next 3 years to help train Vietnam's leaders of the future.

I will also work closely with the Vietnamese Government to establish a Peace Corps program in Vietnam, which I know is of special interest to many Members of the Senate, a number of whom have written to the Government of Vietnam in support of this proposal.

CONSEQUENCES OF WAR

Resolving the fates of the Americans lost during the Vietnam War remains an issue of continuing and profound importance. Our reengagement with Vietnam was founded on this effort and I am firmly committed to this mission, which embodies principles that remain critical to our men and women serving today. If confirmed, I will endeavor to work with the Vietnamese to move our already positive cooperation to a new level through both joint measures and enhanced unilateral efforts on their part.

At the same time, the United States continues to approach other issues that relate to the consequences of war in a constructive manner. We have invested over \$45 million since 1993 to help Vietnam clean up unexploded ordnance and landmines left from conflicts dating back to World War II. We continue to provide considerable humanitarian assistance, totaling over \$43 million since 1989, to Vietnamese with disabilities regardless of cause. This year, the United States contributed \$400,000 to assist the Government of Vietnam to develop a plan for environ-

mental remediation at the Danang Airport, part of approximately \$2 million the United States has provided since 2002 to increase Vietnam's capacity to deal with the environmental challenges posed by dioxin. The Congress also passed, and President Bush signed in May, supplemental legislation providing \$3 million in assistance for remediation and health-related programs. The administration, in consultation with Congress, is now making final decisions on how and where best to spend these funds.

EXPANDING OUR RELATIONSHIP

We are also cooperating with Vietnam on global issues of high importance, particularly on global health issues such as HIV/AIDS and avian flu. I am convinced that health cooperation could be a model for United States-Vietnamese cooperation on other areas. If confirmed, I'll also look for ways to apply that model to encourage more robust engagement on law enforcement and military-to-military issues. Although United States-Vietnamese bilateral relations have expanded in numerous areas, bilateral military cooperation has developed at a slower pace and has gradually expanded to include search and rescue (SAR), medical programs, professional seminars, a nascent security assistance program, training, and even some environmental security issues. Law enforcement cooperation is also strengthening, and the United States encourages the Government of Vietnam to take the necessary implementation steps to provide meaningful assistance in drug trafficking/money laundering investigations. If Vietnam is elected to the Asia-Pacific Group's nonpermanent 2008-2009 seat on the United Nations Security Council, I will encourage Vietnam to contribute to regional stability, humanitarian initiatives, and possibly peacekeeping missions.

Finally, if confirmed, the welfare and safety of American citizens traveling or working in Vietnam will always be my top priority. The United States mission in Vietnam will provide accurate and timely information on the risks that Americans will face in Vietnam. I hope to reenergize negotiations for a new Embassy that meets current security standards and provides a safe working environment for the United States mission.

CONCLUSION

In sum, Madam Chairman, our country's many ties to Vietnam and the excitement generated by its emergence as a young and dynamic player in Southeast Asia sparks enthusiasm for engagement. Just 12 years ago, we normalized relations, concentrating our cooperative efforts on dealing with the lasting effects of the Vietnam War, especially the fullest possible accounting for Americans still missing. Since then, our economic ties have deepened and we have engaged in important discussions on human rights and a host of other issues. At virtually all levels of government and society, the United States and Vietnam are seeing increased dialog and cooperation. I hope to be the type of Ambassador of which our country and especially the United States Senate can be proud.

Thank you. I would welcome your comments and questions.

Senator BOXER. Mr. Michalak, do you have any family with you today by chance? Would you like to introduce them?

Mr. MICHALAK. Yes, let me introduce my wife, Yoshiko, and my daughter, Kay.

Senator BOXER. Hi. Welcome, both of you. We're very happy you're here. I know the families are very proud of their dad and husband, and we're proud of them too.

I'm going to ask Senator Webb to lead it off, knowing his deep interest in this area. Please go ahead, Senator.

Senator WEBB. Thank you, Madam Chairman. I may, if we're going 5 minutes, I may have a second round just to clarify.

Senator BOXER. I think I'd like to give you 10 minutes so you can take your time, okay. 10 minutes.

Senator WEBB. Thank you very much.

I do have long experience in the region in many different capacities and just returned, as both of you know, from a pretty brief trip, but a very interesting trip, where we were in both countries. And I've had the opportunity to sit down with each of the nominees

and discuss issues. I'm obviously very inclined to support both of them and think they bring great experience to the table.

A lot of people think that this is your entire career boiled down to 5-minute statements, but obviously there's an awful lot of work that goes into this before you sit here.

Mr. JOHN, you were mentioning about the recent turmoil in Thailand. I had the opportunity to discuss this with government people in Thailand from our government, and theirs, and also with a number of people that I've known for many, many years—some of them are Americans who resided in Thailand for years, some of them are Thai—to try to get a true picture of the dynamic of that event and how we're going to move our way through it.

As a starting point, I would like your thoughts, because you have extensive time in Thailand. How would you rank Thailand among other Southeast Asian nations in terms of the overall maturity of their political structures?

Mr. JOHN. It's unique in the sense that it's very much a constitutional monarchy and the king does play a very significant role in that structure. So in that sense it is different because the Thai people do look to the king for overall guidance. I mean, he sets the tone of the country.

But when I referred in my statement to the U.S. Government placing a lot of confidence in this process in the Thai people, I very much meant that, in that international pressure was appropriate, but for the Thais to work their way through the coup and get back to a democratically elected government it really is up to the Thai people. And I think we've seen that the Thai people want very much to get back as quickly as possible to a democracy.

I think the adherence to the timetable is more a tribute to the pressures and the demands that the Thais have put on the interim government to get back, to get a constitution, to get a democratically elected government in place, than anyone else. And in that sense, comparing it to other nations in Southeast Asia, I'd say Thailand is at the top with other democracies in terms of deep roots for commitment to democratization and maintaining a democracy.

Senator WEBB. I'm not trying to put words in anybody's mouth, but do you think it's fair to say that the Thai movement toward democracy was only partially interrupted by this coup? Is it fair to say that local elections still have remained as a function even after the coup?

Mr. JOHN. Yes, I'd say that—yes, the coup was a significant interruption, but I would define it as that, an interruption. And I think that people remain optimistic in Thailand and outside of Thailand that there is an end to this coup and that at the end of this coup there will be a government back in place that truly was elected and put in place by the Thai people.

Senator WEBB. My understanding of this coup is it did not interrupt local government. This was a coup of national offices.

Mr. JOHN. Right.

Senator WEBB. Not a total coup. To the extent that it existed beforehand, freedom of press, freedom of religion, freedom to speak out remained in place, which you don't always see in other countries in Southeast Asia. Is that fair to say?

Mr. JOHN. Yes, I think freedom of the press, freedom of expression has largely remained in place. I think Senator Boxer was correct that there have been disturbing interruptions, and nobody likes to see that. But the foundation of freedom of expression has remained throughout the coup and you'll see there are demonstrations against the coup, there are demonstrations for the coup. There's a very free debate in print, on television, and to a large degree I think it's been a very healthy debate that's gone on in Thailand. And in the end I hope it would strengthen democracy.

Senator WEBB. Well, it was certainly my impression that the repair of this unfortunate incident was well on its way in Thailand.

Would you have any thoughts on the emerging relationship between Thailand and China?

Mr. JOHN. It's largely a—it is growing stronger and I think that it's largely healthy. I think we, all of us, feel comfortable if—if you look at a very stark difference, whether it's good or bad for China to have healthy relations with its neighbors, I think all of us would agree that it's good.

The Thai economy in large degree benefits from a rising Chinese economy. So trade relations are strong. I think there are concerns about certain sectors or industries that might be threatened by Chinese economic growth. There are areas where I think that we need to be wary. Obviously, Chinese values and what they place an emphasis on in their relationships with other countries oftentimes is starkly different than what the United States places an emphasis on in our bilateral relations.

Senator WEBB. Ambassador Michalak, we had a pretty extensive discussion about the Vietnamese community in the United States and how it is unique in many ways among expatriate communities and immigrant communities because of the way that the Vietnam war ended. When the communists took over in China most of the Chinese who had opposed the communist takeover remained in Asia, particularly Taiwan, northern Thailand, et cetera, while a very, very large percentage of the Vietnamese who had stood with us—I think that's an important distinction that we lose when we talk about the history of the Vietnamese before 1975—ended up here in the United States, and that creates a great challenge, probably the greatest challenge in terms of community diplomacy, in building a bridge and repairing that damage as we all move to the future.

I was very gratified to hear you indicate that you wanted to have discussions with the Vietnamese community here in the United States. I think it's too often not discussed as one of the key barriers for a full, totally full cultural normalization with Vietnam.

I would ask you a question about a couple of incidents that happened outside the ambassador's residence earlier. The chairman, chairwoman, mentioned this in her opening statement. But I would sort of like your thoughts on this. This is a little bit of a disturbing situation. I've been contacted by a number of overseas Vietnamese, Vietnamese Americans, about the incident, because it was an action apparently of the Vietnamese Government itself intercepting individuals who had been invited to the ambassador's home.

It's kind of a unique situation and I'm wondering about your thoughts on that and how you would be dealing with similar situations if they occur on your watch.

Mr. MICHALAK. Well, Senator, yes, these kinds of incidents are absolutely unacceptable. I certainly would immediately call the highest level of the Vietnamese Government that I could get and protest in as strong a way as possible to try and change the situation. We have since been in touch with all of the women involved and we have managed to contact I believe three out of the five of them, and the other two were just unavailable at the time.

I think since then the ambassador, sitting ambassador, has been able to meet with most of them and I think he is still seeking to meet with some of the other ones. But this kind of situation in general, I think, shows definitely an overreaction on the part of the Government of Vietnam. If confirmed, I think one of the things that I will try to do is to try again to encourage the government to look at how freedom of speech, freedom of expression, particularly political expression, are not disruptive and can in fact be constructive and be a positive force for societal growth within Vietnam.

Senator WEBB. Thank you for saying that. Just a final closing statement. My time is running out here. As I mentioned to you, I started going back to Vietnam in 1991 and spent a great deal of time from that period forward. It's been quite a journey for both of our countries, but also I think in terms of the Vietnam Government itself, moving from a government that was completely dominated by people who economically and politically had been trained in Eastern Europe and who step by step had been learning how to deal with other environments, other political environments.

I am very optimistic when I see a number of the people who have moved through the system since those days. I think it's been a struggle, but I think we've laid the groundwork for a very strong and very important relationship, and I wish you well.

Mr. MICHALAK. Thank you, Senator. The only other additional comment I might add to that is that I think you're absolutely right; if you look at some of the makeup of the new government, you're beginning to see people who have been educated overseas and the Vietnamese are looking to the United States to be the educators of an awful lot of the next generation of businessmen and government leaders.

Senator WEBB. There are also a lot of Vietnamese who have not had the opportunity to be educated—or who have not been educated overseas; they may not have wanted the opportunity to, but who have learned through the interactions that took place during normalization with western countries and seeing different points of view and just becoming more sophisticated in terms of a lot of nuance that wasn't there before.

I will give you one example. Mr. Foke, who I had mentioned to you during our meeting, who I have known for 14 years now, since he was an economics minister down in Danang, who really is among this group of people who are looking for solutions based on mutual respect rather than the bitterness of history and those sorts of things. So I'm very optimistic that we can continue to make this relationship grow.

Thank you very much.

Senator BOXER. Thank you, Senator.

I want to just welcome the Ambassador of Thailand serving in the United States, His Excellency Mr. Crit Garjana Gunjorn, and I invite him to stand up. We thank you, sir, for being here. We welcome you.

I'd ask unanimous consent to place into the record an introduction of Eric John by Senator Lugar. It's very glowing—I'm sure you'll be glad to know that—and I ask that it be placed into the record at this time. I'll give that to you to make sure that happens.

[The statement from Senator Lugar appears at the end of this hearing, in the "Additional Material Submitted for the Record" section.]

Senator BOXER. I want to ask a question about Thailand. Thailand's been a magnet for hundreds of thousands of refugees from throughout Southeast Asia, many of them Hmong. You may know we have a very large Hmong community in California. While Thailand has generally been cooperative in helping refugees, there have been a number of high profile incidents of forced deportations that have raised international concern.

Last month the State Department expressed regret over the Thai Government's deportation to Laos of about 160 ethnic Hmong who had sought diplomatic asylum in Thailand. Specifically, State Department spokesman Sean McCormick said in a statement, and I quote: "We urge the Thai Government to live up to its traditions and international standards and to ensure that those with a genuine claim to refugee status are not returned to an uncertain fate."

Just yesterday, the Bagh—the Bangkok Post—I almost said "Baghdad" because I have Iraq on my brain 24-7. Yesterday the Bangkok Post reported that nearly 7,700 Hmong currently living in a makeshift camp in Thailand's Shabung Province will be deported to Laos, 7,700 Hmong. Mr. John, have you seen this report in the Bangkok Post? And if it's accurate, what is the United States planning to do to prevent it?

Mr. JOHN. I haven't seen that specific report, but we're aware of this refugee community of about 8,000. I have not—I am not aware of reports that they are going to be deported any time soon. But it's a serious issue that we have been following for quite a while.

There are sort of three components, I think, to the refugee situation that we have to work on, and Thailand is one of those critical components. The first component I think we would all agree is that Laos needs to integrate, treat its ethnic Hmong better, give them equal rights, integrate them into the society, and that's something that our embassy is working on there, that we worked on here as well. And that's I think the foundation for the problem.

The second, as you mentioned, is that we are working with the Thais so that they do not deport back to Laos refugees who have not been screened yet by a competent international organization such as UNHCR. And of course, the 7,700 or 8,000 group that's in Shabung Province should not be returned if they are deemed refugees and have been screened as refugees, and at that point we would need to work with the Thai Government for third country resettlement.

The third leg, I think, of this stool in working on the Hmong issue is to again work on the pull factor, and Thailand is very concerned that there's no end to this, and we need to be cognizant of those concerns, that, working with the Lao Government to make sure they're settled there back into Laos or that legitimate refugees can move on to third countries is something that's important.

So, if I were confirmed, it's something I would work very closely with the Thai Government.

Senator BOXER. Well, let me say, I want to show you the article because I think you need to take this to the folks there and whether this is true. We don't have a lot of time if this report is true—maybe you can talk to the ambassador about it on your way out the door. But I hope that you'll provide me with periodic updates on this and other issues related to human rights abuses against the Hmong, because these are good, decent people. Would you do that if confirmed? Would you give me regular updates?

Mr. JOHN. Absolutely. We owe a great debt as a Nation to the Hmong.

Senator BOXER. We do, yes.

Mr. JOHN. And it's something that we take very seriously.

Senator BOXER. Okay.

Mr. Michalak, as you well know, the Vietnamese Government instituted a wave of crackdowns against democracy and human rights activists that began in 2006 and peaked in the spring of this year. A number of prominent activists were imprisoned, including Father Nguyen Van Ly and Le Quoc Quan, a lawyer who recently completed a fellowship with the National Endowment for Democracy here in Washington, DC.

These arrests caused significant international outcry, particularly since they occurred in the run-up to the first visit to the United States by a Vietnamese head of state since the end of the Vietnam War. Many question why the crackdown occurred when it did and whether or not Vietnam is truly committed to ending its record of human rights abuses and fully integrating into the international community.

First and foremost, can you explain why the crackdown occurred when it did? Was the Vietnamese Government trying to send some type of message? As ambassador how will you engage with the Government of Vietnam to improve its human rights record? And I would also ask—and this is the same question I asked of Mr. John—would you please make available to us on a regular basis how we are working to advance the cause of human rights in Vietnam?

Mr. MICHALAK. Thank you very much, Madam Senator. Yes, I already wrote that down, periodic reports. Yes, be happy to do that.

The number of people that you mentioned that were under detention, mainly Father Nguyen Van Ly—I think Le Quoc Quan has been released, the National Endowment fellow has been released, and I believe is now with, has been reunited with his family.

But in general, as to why the crackdown occurred, there are several theories. Unfortunately, the inner workings of the Government of Vietnam are not as transparent as we would like, and if confirmed that's one of the things I would work on, is transparency and anticorruption there. But many have said that this is part of

a general crackdown on dissidents prior to the May 20 elections to make sure that the elections went smoothly and in a stable fashion. Some people believe that it is after the—I guess “outburst” may be too strong a word, but the continued improved human rights situation that took place during 2006, there is some thought that certain hardliners within the government thought that the pendulum had swung too far toward freedom and liberalization, so they wanted to sort of again send a message that, yes, the central party still is in charge.

I think that we have a multipronged way in which we want to deal with human rights in Vietnam and I certainly, if confirmed, will support that. We have a human rights dialog which is chaired by Assistant Secretary Lowencron and which last year set out a good work plan for the coming year. We have several programs which we use under our public diplomacy rubric where we actually teach journalists how to do investigative journalism and take steps to try and improve journalistic freedom. We also have under our improvement, development, economic development program programs to improve transparency, to improve anticorruption and good governance programs. We believe that these work not only within the economic sphere, but there is a significant spillover and demonstration effect that takes place in the human rights sphere as well.

So I think in all of these programmatic fashions we can work to try to improve the situation there. On a personal level, I think that I personally would certainly take every opportunity that I can to work especially hard, particularly for the release of detainees like Father Ly, lawyers Nguyen Van Di and Li Thi Qong Yan, who also have been detained recently. I think President Bush, in his meeting with President Triet, also raised the issue and laid down a marker that we’re going to continue to work for improvement in this situation over there, and if confirmed I’ll certainly continue that effort.

Thank you.

Senator BOXER. Thank you, sir. I think obviously our hope, all of us, is that these detentions don’t happen in the first place. I think a lot of nations around the world make a mistake, specifically the developing nations, when they think it shows strength to put your opponents in jail. It’s the opposite. It’s the opposite. I think we’re never stronger as a country as the times that we’re having vigorous debate, yes, in the Senate. A lot of people decry: It’s mean. It’s not mean. It’s the way it has to be in a free society. If you feel strongly, it’s an obligation.

Now, obviously these things could be taken too far, but it’s the right tone. And I think the message that you can give these countries is that if they want to be viewed as strong, then they should allow dissent through speech that doesn’t hurt anybody else. Anything other than that makes them look weak, impotent, and not worthy of emulation. I do feel it’s kind of a nuanced message, but I know both of you will be very fine at getting that message across.

I don’t have any other comments, but I know that Senator Webb wanted to make some closing comments, so I will call on him, and then we’ll adjourn. We both feel that you should have a good confirmation process from here on out.

Senator Webb.

Senator WEBB. Ambassador Michalak, I just wanted to add on something to what you said about the issue of human rights in Vietnam, because it's an issue that very rarely makes it to the national discourse and yet it's a key element of fully repairing our relations. That is the issue of the people who were with us during the war who remain inside Vietnam and their families. There has been a great deal of progress on this issue inside Vietnam, but we need to remember that a lot of the anger in the Vietnamese community here came about not simply because of the war, but because of what happened after 1975, where a million mostly South Vietnamese were put in reeducation camps—240,000 of them stayed longer than 4 years, 56,000 of them died in the reeducation camps.

When they came back—some of them stayed as long as 18 years. They did it by rank, generally. I see Mr. John nodding. He was a big part of the processing of people out when they started processing a lot of them back here in the United States. But a lot of them remained.

When I first was returning to Vietnam for visits, I can get around pretty well in Vietnamese and talk to people without having to have a government interpreter with me, and there basically was a situation where the people who had been with the South Vietnamese military and government, and in some cases intellectuals who had basically supported the cause of democracy, were precluded from working. Their families were kept—their children were kept out of advancement in schools. There were truly roadblocks.

One of the things that I was working on for many years starting back in the early 1990s with this normalization process was trying to get a formula in place so that all Vietnamese could move forward together regardless of their past affiliations. This is not a negative shot at today. It's just trying to affirmatively deal as best we can with the consequences of history.

As I said, my feelings from having returned to Vietnam many times is that the government has begun to do that. They've been listening to that call, but that it still really is a challenge to make sure that all the Vietnamese, the children of the people who were with the Vietnam Con Hoa, are allowed the same access to these benefits that we are going to be bringing to Vietnam with our emphasis on trade and cultural exchanges and these sorts of things.

So I would just express my hope that you'll keep your eye on that. And again, I wish both of you the best of luck in your new positions.

Senator BOXER. Gentlemen, I made a mistake. There was one more point I wanted to raise with you, Mr. Michalak, because an issue that's been very important to me—and we actually set up a POW memorial in California, and it's a beautiful site in the San Bernadino area. So my constituents have great concerns about the POW–MIA recovery efforts in Vietnam.

According to the CRS, there were 1381 Americans unaccounted for in Vietnam as of August 2005. While I understand Vietnamese cooperation on POW–MIA recovery efforts has improved since the normalization of relations, much work remains to be done. Families are still waiting for their loved ones to be brought home, and I un-

derstand that many families would like more searches along the coastline of Vietnam.

If you're confirmed, can I get your commitment that you will work to ensure that POW-MIA recovery efforts are conducted in a robust fashion? Would you let me know if you need additional assistance to help you with this effort, because I can assure you on this committee you would have broad support?

Mr. MICHALAK. Madam Chairman, absolutely. You have my assurance and you certainly have my commitment on trying to get the fullest accounting for all missing American service members as a result of the Vietnam War. That is one of the pillars upon which our reengagement with Vietnam began. If confirmed, I would certainly support that and certainly do everything that I can to try to get access to archives that we have not been able to do and to try to get permission to do some of these searches along the coast, which I know that we have been attempting, with some progress. But you're absolutely right; there is much more that can be done. And yes, I'll definitely do that.

Senator BOXER. My hope is that you will be honest and let us know if you need any help in that regard, because we will get that help for you.

Mr. MICHALAK. Yes, ma'am.

Senator BOXER. If there's no other business to come before the committee, we stand adjourned, and we wish you well.

[Whereupon, at 10:45 a.m., the hearing was adjourned.]

ADDITIONAL MATERIAL SUBMITTED FOR THE RECORD

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

Chairman Boxer, today I am pleased to endorse the nomination of Mr. Eric G. John to serve as United States Ambassador to Thailand. A native of New Castle, IN, Mr. John has served with distinction since 2005 as Deputy Assistant Secretary of State in the Bureau of East Asian and Pacific Affairs. Previous postings include the United States Embassy in Seoul as Political Minister and Counselor, the Consulate General in Ho Chi Minh City, as Deputy Principal Officer, and the United States Embassy in Thailand, where Mr. John served as Vice Consul and Second Secretary of the Orderly Departure Program. Mr. John has received numerous awards for outstanding service in the Department of State.

Senator Boxer, as you are aware, the Thailand-United States relationship is held in high regard by United States officials and the American people. However, in recent years, the situation has grown complex. Under the regime of former Prime Minister Thaksin, traditional democratic institutions, freedom of the press, and rule of law came under stress. On September 19, 2006, a military coup was orchestrated by the country's military leaders, who have continually promised since then to return the country to democratic rule.

This is all to say that the next American Ambassador to Thailand will face a situation of special complexity. DAS John is particularly well-qualified to serve at this crucial time as the President's representative to the people of Thailand, who have long shown their commitment to democracy, and to promote sustained relations between our two countries.