

**NOMINATION HEARINGS OF THE
115TH CONGRESS—FIRST SESSION**

HEARINGS

BEFORE THE

**COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE**

ONE HUNDRED FIFTEENTH CONGRESS

FIRST SESSION

JANUARY 3, 2017 TO JANUARY 3, 2018

Printed for the use of the Committee on Foreign Relations



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NOMINATIONS

TUESDAY, OCTOBER 3, 2017 (a.m.)

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

The committee met, pursuant to notice, at 10:00 a.m. in Room SD-419, Dirksen Senate Office Building, Hon. Bob Corker, chairman of the committee, presiding.

Present: Senators Corker, Gardner, Young, Portman, Cardin, Coons, Kaine, Markey, and Booker.

OPENING STATEMENT OF HON. BOB CORKER, U.S. SENATOR FROM TENNESSEE

The CHAIRMAN. The Foreign Relations Committee will come to order.

There will be some Senators here in a moment to introduce our distinguished nominee, but they wanted us to go ahead and get started. We typically give them the courtesy of going first so they can move on to other business.

So, Mr. Juster, it is a pleasure to welcome you here today and we are glad that you are the nominee to be our next Ambassador to India.

As one of the two largest democracies in the world, the United States and India share a strategic interest in promoting and maintaining stability in the region.

Just last week, Secretary Mattis met with Prime Minister Modi in New Delhi, underscoring the importance of our two countries' growing security cooperation. As these talks highlighted, the United States and India continue to work closely together to promote stability and economic development in Afghanistan, confront terrorist threats, and preserve freedom of navigation in the Indian Ocean and the South China Sea.

In recent years, the United States and India have partnered together with regional players, including Japan and Australia, to address regional and global differences. These partnerships are critical to preserving rule of law principles that form a basis for economic and political stability throughout the region.

Nearly a decade ago, the U.S.-India civil nuclear agreement was heralded as the beginning of a new era in our relationship. While there has been steady progress in relations between Washington and Delhi, the aspirational nature of the civil nuclear deal has left both countries struggling to meet unrealistic expectations. I know we talked at length about that yesterday.

In particular, I remain frustrated by the slow pace of Indian reforms in the economic sphere. American companies continue to face barriers to Indian market access, including high tariffs and strict localization policies. The companies that are able to enter the Indian market often counter compulsory licensing requirements and lax intellectual property protections. The foreign investment environment remains unpredictable and even large-scale contracts are subject to alteration or cancellation without cause. Clearly, the economic playing field is not even.

Additionally, the space for civil society in India continues to shrink as Hindu nationalism rises and international NGOs face undue scrutiny.

I also remain concerned about the scale of India's human trafficking problem, including bonded labor. The State Department's Trafficking in Persons report ranks India as a tier 2, citing the government's record of investigations and prosecutions as being disappointingly low.

Mr. Juster, you will be in a unique position to shape the U.S.-India relationship for the coming years. It will be important to continue progress on security cooperation, including in new areas like North Korea, as you seek a level playing field for American companies.

I urge you to pursue an open and candid dialogue with our Indian counterparts about the roadblocks in our relationship. The time is long overdue for breaking the cycle of expectation and disappointment, and I look forward to hearing your vision for normalizing U.S.-India relations.

Thank you.

Senator Warner, we typically ask Senators to go first as a courtesy and do our opening comments after. We went ahead and began because we understood you might be as much as 10 minutes late. So Senator Cardin will give his comments, and then we will introduce you. But typically we bend over backwards.

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

Senator CARDIN. And I know that Senator Warner wanted to listening to my opening comments. It is wonderful to have Senator Warner here. I know at least one of his conflicts because the Senate Finance Committee is also meeting on business taxes. So I promise to give a short opening comment.

I do want to first, Mr. Chairman, if I might, note that this is one of, I think, three hearings we are having this week on nominations. And speaking on behalf of the Democrats—and I mean this as a compliment—we are following the path that you set in the last Congress in considering President Obama's hearings in our committee. You did it in a very timely way. You facilitated those hearings as quickly as we could have them. And I have instructed our staff and particularly our ranking members of the subcommittees that will be holding two additional hearings that we want to accommodate, as quickly as possible, President Trump's nominees particularly for key positions and ambassadorships. And we have done that, and I want to thank our ranking members.

I do want to just note one disappointment if I might, and that is we were not able to proceed this week on the nominee for South Sudan, which is a career person. South Sudan is in a critical situation. I think it is important that we have a confirmed ambassador as quickly as possible for that country considering the urgency of the humanitarian crisis in the country that exists.

So we are going to continue to work very closely with you and try to get as many of these nominees' hearings as possible. We had hoped that the Trump administration would submit them to us in a more timely way. They are now bunched up, but we will do everything we can to advance these nominees.

And to Mr. Juster, it is a pleasure to have you here. I enjoyed our conversation. You bring incredible credentials, and I acknowledge that. And I had a very good meeting with you, and I very much appreciated our opportunity to talk about many of the issues that confront India.

The chairman has already mentioned that the United States and India are the two largest democracies in the world. Our relationships have grown stronger over time. But there are still challenges, and the chairman mentioned several of those challenges. He mentioned the commerce issues, which are real challenges as to how we are going to advance the commerce issues. He also mentioned trafficking, which is a significant problem in India. No question about it. There are also other human rights challenges in that country, including the registration laws that can be used inappropriately including areas of India that, because of their federalism system—and I was very impressed with your knowledge of the challenges of India as a democratic country in dealing with the problems. The central government cannot handle some of the issues in such a large country.

But we need to do better. We need to work together to deal with the human rights struggles, with the commerce issues. Security cooperation has been pretty strong. And, of course, we also have the challenges that deal with their neighbors that bring up why it is so important that we all work together.

So my plea is that work with this committee. We share the same goals. We share the same desires. And I think Congress and the mission—working together we can advance the partnership and even make it stronger.

It is a pleasure to have you here, and I thank your family for being willing to share your talent with this country.

The CHAIRMAN. I want to thank you again for being here, and certainly we are always honored to have Senators, but especially Senator Warner who we work with very, very closely. I know he has got very big demands on his time. Sorry you had to sit through our opening comments for a moment, but we do thank you for coming in to introduce our nominee who we are all very impressed with. Thank you, and if you would go ahead and say whatever it is you wish to say and leave and get on to Intelligence or Finance or some other committee. Again, thank you for being here today. We very much appreciate it.

**STATEMENT OF HON. MARK WARNER,
U.S. SENATOR FROM VIRGINIA**

Senator WARNER. Thank you, sir. Chairman Corker, Ranking Member Cardin, members of the Senate Foreign Relations Committee, thank you for the opportunity allowing me to introduce my friend, Ken Juster.

I would note, Mr. Chairman, you and I having worked together for so long, knowing your punctuality, I would reflect for the record that I did get here at 10:04. So that was still pretty good to—

The CHAIRMAN. That is about a 15-minute improvement for you. [Laughter.]

Senator WARNER. [continuing] I am here for a couple of reasons. One, as co-chair of the Senate India Caucus, this appointment is very important. My co-chair, Senator John Cornyn—he has got another meeting this morning, but he wanted to make sure that he conveyed to the committee as well his strong support for Ken's nomination. So clearly both of us from the Senate India Caucus support this.

I will also acknowledge that Ken and I went to law school together. He did slightly better than I at law school. We had different focuses. But he has had an extraordinarily distinguished career.

And as you have mentioned, this relationship between the two world's largest democracies is absolutely critical. Ken has worked on U.S.-India relations for more than 16 years. He has held leadership positions in a number of important organizations: Freedom House, where he worked on human rights works; the Asia Foundation, where he worked on development issues; the University of Pennsylvania Center for Advanced Study of India; and the U.S.-India Business Council.

He has also worked on our bilateral relations inside the Federal Government because from 2001 to 2005, Ken was the Under Secretary of Commerce for the Bureau of Industry and Security. In that capacity, he was at the intersection of business and national security issues, including strategic trade controls, imports and foreign investments that obviously affect U.S. security. During that time, he founded and chaired the U.S.-India High-Tech Cooperation Group and was a key architect in the Next Steps in Strategic Partnership.

I think both you and the ranking member have outlined some of the challenges: human trafficking, other issues around building strong democratic institutions in India. I would point out on the security side, we continue to make great strides. One of the things I think that is extraordinarily important—and Ken and I talked about this as he prepped for this meeting—we have seen the trade relationship grow from about \$10 billion to \$115 billion. We expect that to grow to \$500 billion over the next few years.

So because of his distinguished career, I think Ken will serve our Nation well, and again, let me reiterate both my and John Cornyn's strong bipartisan support as co-chairs of the India Caucus. And I think the President could not have made a better choice.

And I appreciate again the chair and the ranking member for my opportunity to introduce who I hope you will soon confirm on a speedy basis.

The CHAIRMAN. Thank you, and thanks for your leadership on so many issues relative to India.

With that, Mr. Juster, I know you have some family members here that you cherish. You are welcome to introduce them and begin your testimony. If you could keep it to about 5 minutes, that would be great. Any written documents you have will be entered into the record, without objection.

**STATEMENT OF HON. KENNETH IAN JUSTER, OF NEW YORK,
TO BE AMBASSADOR EXTRAORDINARY AND PLENIPOTEN-
TIARY OF THE UNITED STATES OF AMERICA TO THE REPUB-
LIC OF INDIA**

Mr. JUSTER. Thank you. Chairman Corker, Ranking Member Cardin, and members of the committee, it is a great honor to be with you today as President Trump's nominee to be U.S. Ambassador to the Republic of India. I would like to express my gratitude to the President and the Secretary of State for the confidence and trust they have placed in me to take on this important position.

I would also like to thank Senator Warner for that very kind introduction.

If confirmed, I look forward to working with each of you to advance our strategic partnership with India, a relationship that is critical to promoting U.S. national security and economic interests.

I am very pleased to be joined this morning by my mother, Muriel Juster, who recently celebrated her 90th birthday; my cousins, Emily Randall and Cindy Camp; and several close friends. Other members of my family were unable to attend, but I greatly appreciate their support. I regret that my father, the late Howard Juster, is not here with us. He would have been very proud to see me testify before this committee.

Over the years, I have been fortunate to be involved in a range of matters relating to India both in government and the private sector. The remarkable evolution of U.S.-India relations truly has been a bipartisan undertaking and has benefited from strong leadership and support in the Congress.

As Under Secretary of Commerce during the first term of the Bush administration, I worked closely with officials in Washington and in New Delhi on this effort. With India's Foreign Secretary, we formed the High Technology Cooperation Group to identify and remove tariff and non-tariff barriers to commerce in this sector. Working with my colleagues in the U.S. Government, we also developed an initiative known as the Next Steps in Strategic Partnership. This initiative provided a road map for expanded cooperation with India in civil nuclear activities, civil space programs, and high technology trade. And the success of this effort laid the foundation for the civil nuclear agreement.

When I returned to the private sector in 2005, I remained involved in a variety of U.S.-India business and policy issues. If confirmed, I believe that my familiarity with government officials, business people, and academic and think tank leaders in both countries will enhance my ability to represent the United States.

From my perspective, the first priority of a U.S. Ambassador is to promote U.S. interests and be an exemplary representative of the U.S. Government and the American people. If confirmed, I will

join with the dedicated men and women who work at our mission in India in protecting our homeland and advancing the interests and welfare of nearly 800,000 American citizens present in India at any given time. I also will strive to ensure the safety and well-being of our mission employees and their families.

As has been mentioned, India and the United States share common values and a commitment to democracy, pluralism, and the rule of law. The administration firmly believes that a strong India and a strong U.S.-India relationship are in America's interest. India's role in the Indo-Pacific region and globally will be critical to international security and economic growth over the course of this century.

There are many elements of our effort to expand and enhance the strategic partnership between our countries. One key pillar is to deepen defense and security cooperation, building on the U.S. recognition of India as a major defense partner. Together, our countries seek to ensure freedom of navigation, overflight, and commerce, and advance a rules-based democratic order throughout the Indo-Pacific region.

If confirmed, I also look forward to engaging my counterparts in India to strengthen our cooperation on the most pressing challenges to regional security and global peace, from the DPRK's destabilizing pursuit of nuclear weapons to the growing threat that all forms of terrorism pose to our people. In addition, I will make it a priority to work closely with New Delhi to promote security and stability in Afghanistan, where India already has provided billions in economic support.

In the economic sphere, Prime Minister Modi has undertaken important reforms, including the landmark Goods and Services Tax, though there is more to be done. If confirmed, I look forward to identifying ways that the United States can be a partner in these reform efforts to the mutual benefit of our business communities and our citizens.

India's 1.3 billion people and its rapidly expanding middle class represent a significant market opportunity for U.S. goods and services. As the former Deputy Assistant to the President for International Economic Affairs, I appreciate the imperative to expand free, fair, and balanced trade. We will pursue that goal by working with India to improve and expedite regulatory processes, ensure that technology and innovation are fostered and protected, and increase market access for U.S. firms.

A critical element in realizing the potential of our economic relationship will be to elevate our energy ties so that more natural gas, clean coal, crude oil, and renewable technologies are available to fuel India's growth and support U.S. jobs.

In addition, we will seek to strengthen our collaboration in a number of other important areas including, as mentioned by the chairman and the ranking member, human rights and trafficking in persons, law enforcement cooperation, science and technology, space, health, and agriculture.

As we move forward in these efforts, an essential foundation of our relationship is our people-to-people ties. There are nearly 4 million India Americans living in the United States, a community that exemplifies the spirit of innovation, entrepreneurship, and strong

values that our countries share. If confirmed, I will continue to emphasize our public diplomacy efforts in India, including our educational and cultural exchanges.

Chairman Corker, Ranking Member Cardin, and members of the committee, thank you for the opportunity to appear before you today. I look forward to working with you and other Members of Congress on the important role that you play in the U.S.-India relationship. I welcome your questions.

[Mr. Juster's prepared statement follows:]

PREPARED STATEMENT OF KENNETH I. JUSTER

Chairman Corker, Ranking Member Cardin, and members of the committee, It is a great honor to be with you today as President Trump's nominee to be the United States Ambassador to the Republic of India. I would like to express my gratitude to the President and the Secretary of State for the confidence and trust they have placed in me to take on this important position. If confirmed, I look forward to working with each of you to advance our strategic partnership with India—a relationship that is critical to promoting U.S. national security and economic interests.

I am very pleased to be joined this morning by my mother, Muriel Juster; my cousins, Emily Randall and Cindy Camp; and several close friends. Other members of my family were unable to attend, but I greatly appreciate their support during this process. I regret that my father, the late Howard Juster, is not here with us. He would have been very proud to see me testify before this committee.

My father was an architect and avid photographer. In 1966, when I was 11 years old, my mother and he traveled to India. I still have vivid memories of the many photographs he took there. That trip sparked my interest in this vast and diverse country and its people.

In more recent years, I have been fortunate to be involved in a range of matters relating to India, in both government and the private sector. The remarkable evolution of U.S.-India relations truly has been a bipartisan undertaking, and has benefited from strong leadership and support in the Congress. Building on the trip that President Clinton took to India in March 2000, President Bush and Prime Minister Vajpayee committed in November 2001 to transform the relationship between our two countries—the world's oldest and largest democracies.

As Under Secretary of Commerce during the first term of the Bush administration, I worked closely with officials in Washington, D.C. and New Delhi on this effort. With India's Foreign Secretary, we formed the High Technology Cooperation Group to identify and remove tariff and non-tariff barriers to commerce in this sector. Working with my colleagues in the U.S. Government, we also developed an initiative known as the Next Steps in Strategic Partnership. This initiative provided a roadmap for expanded cooperation with India, through a series of reciprocal steps, in civil nuclear activities, civil space programs, and high-technology trade—three of the most contentious issues in our relationship at the time. The success of this effort laid the foundation for the historic civil nuclear agreement and our broader partnership.

When I returned to the private sector in 2005, first as an executive at a technology company and then as a partner at an investment firm, I remained involved in a variety of U.S.-India business and policy issues. This included serving on the Boards of the Asia Foundation, the U.S.-India Business Council, and the University of Pennsylvania's Center for the Advanced Study of India, as well as participating periodically in the Aspen Institute's U.S.-India Strategic Dialogue and other relevant forums. If confirmed, I believe that my familiarity with government officials, business people, and academic and think tank leaders in both countries will enhance my ability to represent the United States in India and advance our bilateral relationship.

From my perspective, the first priority of a U.S. Ambassador is to promote U.S. national interests and be an exemplary representative of the U.S. Government and the American people. If confirmed, I will join with the dedicated men and women who work at our Mission in India in protecting our homeland and advancing the interests and welfare of the nearly 800,000 American citizens present in India at any given time—either living there or visiting. I also will strive to ensure the safety and well-being of our Mission employees and their families.

The Trump administration fully appreciates India's long and rich history. India and the United States share common values and a commitment to democracy, pluralism, and the rule of law.

The administration views India as a leading power and a true friend, whose influence internationally is important and growing. A strong India and a strong U.S.-India relationship are in America's interest. India's role in the Indo-Pacific region and globally will be critical to international security and economic growth over the course of this century. The administration will build on the excellent meeting that President Trump and Prime Minister Modi had in June of this year in seeking to deepen our partnership for the benefit of the people of both countries, and in the interest of shaping a freer, more secure, and more prosperous world.

There are many elements of our effort to expand and enhance the strategic partnership between our two countries and advance common objectives. One key pillar is to deepen defense and security cooperation, building on the U.S. recognition of India as a Major Defense Partner. Together, our countries seek to ensure freedom of navigation, overflight, and commerce, and advance a rules-based, democratic order throughout the Indo-Pacific Region.

If confirmed, I also look forward to engaging my counterparts in India to strengthen our cooperation on the most pressing challenges to regional security and global peace, from the DPRK's destabilizing pursuit of nuclear weapons to the growing threat that all forms of terrorism pose to our people. In addition, I will make it a priority to work closely with New Delhi to promote security and stability in Afghanistan, where India already has provided billions of dollars in economic support and is a longstanding partner for peace.

In the economic sphere, Prime Minister Modi has undertaken important reforms, including the landmark Goods and Services Tax. His government has liberalized foreign direct investment in several sectors and is working to improve the ease of doing business. If confirmed, I look forward to identifying ways that the United States can be a partner in these reform efforts, to the mutual benefit of our business communities and our citizens.

India's 1.3 billion people and its rapidly expanding middle class represent a significant market opportunity for U.S. goods and services. As the Deputy Assistant to the President for International Economic Affairs during the first five months of the administration, I appreciate the imperative to expand free, fair, and balanced trade between the United States and India. We will pursue that goal by working with the Government of India to improve and expedite regulatory processes; ensure that technology and innovation are fostered and protected; and increase market access for U.S. firms.

A critical element in realizing the potential of our economic relationship will to elevate all aspects of our energy ties, so that more natural gas, clean coal, crude oil, and renewable resources and technologies are available to fuel India's economic growth and inclusive development, as well as to support U.S. jobs.

In addition, we will seek to strengthen our collaboration in a number of other important areas, including human rights and trafficking in persons, law enforcement, science and technology, space, health, and agriculture.

As we move forward in all of these efforts, an essential foundation of our bilateral relationship is our people-to-people ties. There are nearly four million Indian Americans living in the United States—a community that exemplifies the spirit of innovation, entrepreneurship, and strong values that our two countries share. There also are over 165,000 Indian students attending U.S. educational institutions. Collectively, they contribute more than \$5 billion to the U.S. economy and support tens of thousands of American jobs. If confirmed, I will continue to emphasize our public diplomacy efforts in India, including our educational and cultural exchanges. These and other outreach activities are central to strengthening our partnership with the Indian government and its people, and advancing our foreign policy goals.

Chairman Corker, Ranking Member Cardin, and members of the committee, thank you for the opportunity to appear before you today. I look forward to working with you and other Members of Congress on the important role that you play in the U.S.-India relationship. I welcome your questions.

The CHAIRMAN. Thank you very much.
Senator Cardin?

Senator CARDIN. Mr. Juster, in our conversations, I underscored the importance of the relationship, and I think it is getting stronger. There are a lot of good things we could talk about, but I am going to spend my time dealing with challenges that we have between our two countries.

First, although the chairman just walked out, in honor of our chairman, who has been the leader on trafficking issues on this committee, the largest democracy in the world—obviously, the numbers are going to reflect larger numbers. There are 18 million people in India estimated in bonded labor, slavery. That number is unacceptable. There are regions of India that have significant problems in trafficking.

How do you plan to make that a priority of our embassy to work with the Indian Government to address this issue?

Mr. JUSTER. Well, thank you very much for that question, Senator Cardin.

And I do want to emphasize that that will be a priority of mine. As you know, I have served as the head of Freedom House for 2 years and was on the board for 7 years. And so these issues are of great concern to me and of our government. And the Indians are also very concerned with this. If you read the vibrant Indian press and see civil society, they discuss these issues at great length. Nonetheless, especially at the state and local level, these problems persist, as indicated in our Trafficking in Persons report.

We at the embassy, if confirmed, will take this as a very high priority. I know a lot of work is already being done in terms of public outreach, in terms of law enforcement cooperation, and it is something that I will, if confirmed, and am on the ground try to figure out the best interlocutors to move this forward. And again, it is not just going to be at the national level, but the state, the local level. It is meeting with NGOs, providing shelter for people who are victims.

Sorry.

Senator CARDIN. Yes. I was going to say I hope you work with us on that. I agree with what you are saying.

I just really want to respond. It is a democracy. There is ample press coverage of the trafficking issues. No question about it. The government gets a little bit defensive at times on these issues, and there is a federalism problem on the trafficking issues. So I hope that you will report back to us the progress that you have made and not just wait for the annual TIP reports but to work with us because India, being the largest democracy, what they do is very reflective of our ability with other countries to be able to get the type of progress that we expect.

The other major human rights issue I just want to go into—and there is a lot we could go into—is working with NGOs, particularly those who may be restricted or prohibited by authorities under the new foreign NGO management law. It seems to me that our embassy can play a very important role in protecting the rights of civil societies and NGOs.

Mr. JUSTER. Senator, first, let me reiterate, as I indicated in my statement, that I very much look forward, if confirmed, to working with you and other members of the committee on the whole range of issues that relate to India. I welcome visits from the committee and from other Members of Congress, and I certainly, when back in Washington, will seek out you and other members as well to report on these issues. So that is a very high priority.

With regard to NGOs, there have been regulations that need to be enforced in an even and transparent way. I am concerned that

it seems that some foreign NGOs seem to be singled out at times. I will, again, if confirmed, want to get a better handle on those issues on the ground, but certainly will be meeting with members of civil society. I was very active in civil society in this country, and a vibrant civil society is critical to a well functioning democracy. So that is, again, an important priority.

Senator CARDIN. And I will be sending—I send all our missions reminder letters of what the nominees said during confirmation hearings on advancing human rights. So expect that. And we would like regular reports on the progress being made in regards to advancing our values on human rights.

Another potential problem could be the enforcement of sanctions most recently against Russia. We also, of course, have other sanction issues. And India has not been as strong as they could on enforcing sanction laws.

How do you intend to represent the U.S. interests in India's compliance with sanctions?

Mr. JUSTER. I am not familiar with what may be the specifics on the Russian sanctions and whether India is in compliance with those or not. But sanctions generally are something that are a part of U.S. law, and if that is the case, we will be seeking to enforce them very actively. I do know during the Iran process that India did comply with sanctions and did lessen its oil imports from Iran. And my understanding is they have been complying with the North Korea sanctions. But that is an issue, again, that would be something that we would take seriously. And again, on the Russian sanctions, I would need to dig in further on that, if confirmed.

Senator CARDIN. And the last area on challenges I want to just mention briefly is that during the Paris Climate negotiations, India was a partner with the United States in advancing the international agreement. Now that the U.S. position is not as clear as it was a year ago in regards to our participation on climate talks, that could be a real challenge for our India mission with the Indian Government.

Can you just explain how you will deal with the international issues on climate, recognizing that India did make certain commitments based upon the U.S.'s requests?

Mr. JUSTER. Well, even though the President has indicated that he is intending to withdraw from the climate agreement, he has also indicated his strong interest in clean air, clean technology, clean water. And the United States still has made very significant strides. And so I see working with India on this as a continued important priority. I know the Indians are very interested in expanding the role of renewables in their energy demand, and they too are very serious—Prime Minister Modi—about environmental concerns which are not insubstantial in the country. So I do not see the position we took at the climate agreement as affecting my desire, if confirmed, to be working with India on clean technology, renewables, and other efforts to improve the environment.

Senator CARDIN. I agree with that. I think India is very interested from the economic position, as well as from the environmental and international, the green energy sources. It is an economic issue in their country. A lot of this is our technology and shared technology. We have developed technologies together. So I

think there really is a path forward without getting into the politics of membership—where we are from the White House. I would encourage you to do that. I think there is strong support on both sides of the aisle for us to improve those ties with India.

Thank you, Mr. Chairman.

The CHAIRMAN. Yes, sir. Thank you. And I appreciate you bringing up the trafficking and modern slavery issue. We had a very good talk yesterday regarding that, and we understand the cultural issues that exist in India. But I know our ambassador nominee is very committed to that. But thank you for bringing that up.

Senator Portman?

Senator PORTMAN. Mr. Chairman, thank you very much. I appreciate your deferring as chair since we all have three committees going on at the same time here.

The CHAIRMAN. Especially you. I think you have more committees than anyone in the Republican caucus. [Laughter.]

Senator PORTMAN. Thanks to you.

The CHAIRMAN. Yes, sir.

Senator PORTMAN. Thanks for giving me the great honor of being on this committee, which I love.

And, Ken, thank you for your willingness to step forward. You have got an amazing background, Commerce Department, National Security Council, most recently State Department, your background with the nongovernmental groups and leadership roles you have played in them.

As you know from our conversations, I am very eager to expand our relationship with India. I think it is a tremendous opportunity. When I was U.S. Trade Representative, we did start the U.S.-India trade policy dialogue. That was 2005. Since then, we have tripled our trade with India. And yet, it was from such a low starting point, that there is much more to be done.

So I agree with what you said today about fair and balanced and free trade. I do continue to have deep concerns about market access for some of our products and services, and specifically in the intellectual property area that you and I talked about.

Could you just share with the committee briefly some of your thoughts on how to level that playing field to ensure even more trade between our two great democracies?

Mr. JUSTER. Thank you very much for that question, Senator Portman.

Obviously, the economic issues have been a major concern of mine. When I was in the private sector, I was on the board of the U.S.-India Business Council. There is enormous potential in the economic sphere, but we have only begun to scratch the surface. We need to continue pressing forward, make sure that India adheres to its WTO obligations, and that we can push the range of economic issues, whether it be standards and non-tariff barriers, intellectual property. My hope is as more Indian entrepreneurs develop their own intellectual property, there will be a greater interest in the protections of it.

One of my major priorities will be to be a strong advocate for U.S. business interests in India. And ultimately I would hope that the Indian community would see the economic relationship as a strategic asset and part of what can help develop our overall stra-

tegic partnership and something that is in the interests of both countries. And I think as Prime Minister Modi moves forward with his reform programs and as he seeks to have a high level of growth, it will become increasingly clear that U.S. companies can contribute to that, and removing some of these barriers to trade would be an accelerator in that growth process.

Senator PORTMAN. Well, thank you. And I agree with you. And I think on the reforms that he is pursuing, it helps to have the U.S. relationship and we can be a constructive partner in that.

I also think from our perspective, India is an important counterweight to the influence that China has in the region, and that is not lost on this committee.

You talked about trafficking. I appreciate your commitment to combating that. As you know, the chairman and ranking member have a real commitment to work with you on that, as do I.

You mentioned in your brief testimony abduction of people. And let me raise this issue because it is a tricky one but really important. I think there are something like 80 cases right now of abductions of American kids in India. And it is part of our relationship that I think does not get enough focus. India has not yet signed the 1980 Hague Convention on International Child Abduction. By the way, there are something like 95 countries who have signed that, and India should sign it. And it basically provides an expedited mechanism to adjudicate these child custody disputes that arise and help return abducted kids to their rightful homes.

As you know from our conversation, there are a number of Ohio cases, and one recent one is very compelling. And I need your commitment here today that you are going to help us both with the policy, which is to get India to sign the Hague Convention to have this mechanism, but also on these specific cases of Ohio kids who have been abducted.

Could you speak about that briefly?

Mr. JUSTER. Thank you for that question, Senator Portman.

I cannot think of anything more heartbreaking than having a parent have their child abducted and not being able to visit them or have some resolution of the matter. I think it is also heartbreaking for the child who is involved. So this is a very serious issue.

As you have indicated, the Indian Government is not a signatory to the Hague Convention. I do not know how likely it is that they may become one, but that is certainly, if confirmed, an issue that I would pursue. But even if they are not in that convention, it is important that there be some process for addressing and trying to resolve individual cases. And I do commit to you, as I did when we discussed that, your case or any other one will be one that I will take very seriously and try my best to resolve. I want to meet with the individuals who are involved in these and understand their stories and their side of the issue. Again, it will be an important—I know it is already important—concern for the mission in India.

Senator PORTMAN. Well, thanks for your personal commitment to that. It is frustrating when a U.S. parent gets an adjudication in India that is positive and yet cannot enforce it and, as you say, heartbreaking for that family and ultimately for that child.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you. Thanks very much for being here. Senator Kaine?

Senator Kaine. Thank you, Mr. Chair.

Mr. Juster, congratulations on the nomination. I look forward to supporting. You are very well qualified to do this job, this very important job.

I was just in a hearing and left to come down here, a hearing in the Armed Services Committee, Secretary Mattis and General Dunford talking about our strategy in Afghanistan. Secretary Mattis just returned from a trip to India and Afghanistan where part of the visit was to thank the Indian Government for work that they are doing, especially on development in Afghanistan, very important work.

The Indian-U.S. military-to-military relationship is a strong one now. India does more joint exercises with the United States than any other nation. And this is, obviously, primarily a mil-to-mil relationship, but talk a little bit about as Ambassador what you might be able to do to further and deepen these important security connections between our countries.

Mr. JUSTER. Thank you, Senator Kaine. And as you said, that is a very important aspect of our overall partnership. In the military sphere, 10 years ago we had no sales of military equipment to India. We now have \$15 billion. There is another \$30 billion up for bid over the next 7 years, and the United States would like to play a strong role in that.

One thing, therefore, that I would be doing, if confirmed as Ambassador, would be to advocate very strongly for the Indians to select U.S. manufacturers of equipment. Not only do I think it would be good for the military-to-military relationship, but it would be good for our trade balance and for our economic relationship at the same time.

As you mentioned, India does more joint exercises than anyone else—that it does with the United States than any other country. I would want to continue that process. I know they just finished a very successful trilateral exercise with Japan as well, the Malabar exercise. So continuing those opportunities will be important.

I would look to work closely with the commander in the Pacific Command, as well as the Central Command, because India straddles the border of those two commands. It is important, as you mentioned, that India play a very constructive role.

It has been a partner of ours in trying to secure stability and security in Afghanistan and make that a peaceful place and to cooperate more broadly on counterterrorism issues.

So I think there is a broad range of activities we can do, and it will be an important part of, if confirmed, my agenda overall, as I said from both a military perspective, also an economic perspective, and a broader sense of our strategic partnership.

Senator Kaine. When I was last in India—it was I think October of 2014—and Senator King, who serves on the Armed Services and Intelligence Committee, and I went to see the Indian shipbuilding operation at the Mazagon Dock in Mumbai. And I would just encourage colleagues who visit India—they are really proud to show off what they have. And then subsequently the Indian military leadership has come and toured shipyards here, including the ship-

yard in Virginia. These kinds of exchanges I think can really deepen the relationship. So encourage visiting delegations to include a mil-to-mil component. I would ask you that.

One of the areas where my constituents reach out to me occasionally about India is in the human rights area, and usually if they reach out to me, it is dealing with religious diversity and especially the treatment of religious minorities, especially Sikhs. Not being on the ground and investigating it myself, you know, I do not reach fixed conclusions about this. But talk a little bit about how you could use a position as Ambassador, if confirmed, to advance what really is and should be a shared goal of both of our great democracies of religious tolerance.

Mr. JUSTER. As you mentioned, Senator, India has a great tradition of tolerance. It is a multi-religious country, and it has the values that we have in that area. Nonetheless, there are incidents that occur from time to time in the religious area that are troubling and that I would want to, if confirmed, work with the Indians on understanding better and seeking ways to improve that situation.

I happened to run into yesterday on my way out of the meeting with Chairman Corker Senator Brownback who is going to be, if confirmed, the U.S. Ambassador for International Religious Freedom. And I urged him to visit India. I know that his predecessor had done so, and that is certainly something that he is very cognizant of. And it is important that we have that dialogue and pursue these issues. Again, if confirmed, part of the challenge is to find out the most productive way to pursue them and to find the right interlocutors and way to make these points.

But India itself, as you know, has a very active civil society that raises these issues and discusses them. And ultimately as a democracy, they are going to have to come to grips with it. But we can play a very important role in terms of our viewpoints on them and our support in this area.

Senator Kaine. Thank you. It is a great ally and an important relationship. And I congratulate you for your nomination.

Thank you, Mr. Chair.

The CHAIRMAN. Thank you, sir.

Senator Cardin?

Senator CARDIN. I want to follow up on Senator Kaine's point and that is trying to find mechanisms in which we can advance some of these discussions.

India was a founding member of the Community of Democracies and the UN Democracy Fund. So they have a track record of international participation on human rights.

When I was in India, I had suggested that we should institutionalize an exchange on human rights, as we have done with other countries where we have a regularly scheduled opportunity to have bilateral discussions on the advancement of human rights.

There are many examples of countries which we have done this with. The one I think is perhaps the most successful has been Vietnam where we have regularly scheduled human rights sessions with a country that we had significant issues with. And I think it was one of the reasons why Vietnam was selected as a country to participate in the TPP because we had made significant advance-

ments on human rights and values so that we felt confident enough that we could enter into a trade agreement with Vietnam.

India, of course, is on a different level, and it is not a comparison as to where they are on human rights. But it does show the value of having these types of scheduled exchanges. It is not one-sided. It is shared practices in which we, as the two largest democracies, could show our leadership globally on democracy and human rights issues.

Would you consider that? I know I had support from the Government of India. They were interested in it. We did not pursue it to completion. And I would just ask that you look at that as a possible way to advance this agenda.

Mr. JUSTER. Thank you, Senator Cardin. It is certainly an issue that I would be delighted, if confirmed, to look at and to explore and to understand what has occurred in terms of raising that issue with the Indians. As I mentioned, they are a democracy that grapples with these issues, and we have to figure out the most appropriate way to interact with them to be productive in advancing the perspective that we have. But I would be more than happy, if confirmed, to continue to look at that idea.

Senator CARDIN. And we will be glad to work with you on that because there are different levels on which they could be done. We are not looking at it as a challenge to India but more how we share best practices as the two largest democracies and where each of us can improve—we have concerns in our own country; they have concerns in their country—how we can support each other in advancing our global leadership on democracy and human rights. I think India has a proud history here and joining the United States would give both of us, I think, international credibility.

I thank you and again thank you for your willingness to serve our country.

The CHAIRMAN. Senator Coons?

Senator COONS. Thank you, Chairman Corker and Ranking Member Cardin. And thank you for understanding the demands of many of us who have several different hearings to go between.

So I appreciate the opportunity to question you and thank you for your ongoing dedication to public service, Mr. Juster. I understand your mother is here with you today. Ma'am, thank you for raising a wonderful young man who is dedicated to serving his country, and to the other members of your extended family who are with you.

In April, Senator Merkley and I had an opportunity to travel to India. It was my first trip. He was returning, having been an intern in the State Department there, I think, 30 years ago. And we had an opportunity to see firsthand how our partnerships with the Indian Government help lift families and communities out of poverty and, in particular, help to empower women and girls. We also had a chance to talk about the strategic relationship between these two great, large democracies and how that might impact the strategic situation in the region. And although our strategic relationship is critical to the future of the region, we also sometimes overlook how far countries like India have come in fighting poverty and disease as a result of targeted interventions where USAID and in-

novative NGOs like CARE and the Gates Foundation and others have played a vital role.

So I have introduced a bipartisan bill that would require the U.S. Government to develop a 10-year strategy to end preventable maternal and newborn deaths by 2035 and to leverage commitments from the private sector, nonprofits, and partner countries. And in previous iterations, it has included innovative financing vehicles.

As Ambassador, how might you engage the Indian Government to help partner to prevent maternal and child deaths in India? And would you work with the private sector and innovative NGOs to try and make a significant difference in ending preventable maternal and child deaths?

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

By all means, that is a very important issue. My understanding is that there is an active health dialogue already with India in that in the embassy there are representatives of several of our agencies, including the Center for Disease Control, that are involved in that. But also, as you mentioned, it is critical that the civil society and the private sector be involved. And, again, if confirmed, that is something I am comfortable and used to working with and would want to advance every avenue that we can to assist and work with the Government of India at the state local level to deal with what is a tragic issue, would be deaths from childbirth and, quite frankly, to deal with other health concerns that may arise and need to be dealt with as well. I know that tuberculosis has been an area where the embassy has worked with the Government of India on and other challenges as they arise. We want to do so.

Senator COONS. Well, the very scale of India makes both, I think, morally compelling and challenging the opportunity to demonstrate interventions that can then have consequences not just on the Indian subcontinent but for the rest of the developing world. So my hope is that you will pursue that, assuming you are confirmed.

The H1B visa program allows highly skilled foreign workers to come to the United States. And there are some in Congress who have been sharply critical of it. President Trump has been critical of it. The administration temporarily suspended so-called premium processing for H1B visas in early March, which led to some concern in India. And I have heard some expressions of concern from Indian headquartered companies that also operate in the United States. When I visited our embassy in New Delhi and walked to the visa line to see the process that is followed for folks seeking to come to the United States, I saw many Indians trying to come to the United States to study at our top universities or to contribute to our economy in Silicon Valley.

But what is your opinion of the H1B program? How do you see it playing in the U.S.-India relationship? And will you work to support ongoing opportunities for highly skilled workers to come to the United States, if confirmed?

Mr. JUSTER. Well, first, I would note that the embassy or the mission in India processes I believe more visas a year than any other mission in the world. I think it is well over a million. And it is an enormous effort, and part of that is to protect our homeland. It is also to facilitate getting qualified people to come to our country.

As you know, the President in April issued an executive order for the administration to look into our overall visa policies, and that interagency process is not yet completed. So I am not really in a position to represent the administration on where they are.

Obviously, the H1B visa has been an important part of the India-U.S. relationship. I think there is a consensus that it should be directed to high quality jobs, and I think that message, from my understanding, is being heard in India, as well as in the United States. But again, the actual details on what will be the final policy on H1B remain to be determined.

Senator COONS. Well, thank you.

One last question, if I might, Mr. Juster, just a parochial concern. When it comes to addressing trade imbalances, some are familiar with a high quality source of protein called chicken, which happens to be the major agricultural export of both the States of Delaware and Maryland, among many others. And the Indian market is one from which we have been effectively excluded for a number of years, and I would hope, if you are to be confirmed, to have the opportunity to pursue further with you a discussion about how we might access the Indian market for this tasty, high quality American agricultural export.

Mr. JUSTER. Again, that is a troubling issue. Since 2006, I believe, there have not been any imports of poultry. There was a WTO case that the United States prevailed in, but in our view, India has still not complied with that. So this will be another of the trade and business issues that I, if confirmed, would be pursuing with the Indian Government.

Senator COONS. Great. Thank you very much.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you.

Thank you so much for being here today. You and I had ample time yesterday to talk through numbers of issues.

To your mother and two friends who have come today, typically when we have an extraordinarily well qualified person, there are very few people who come. It is usually when there is a controversial nominee that is here. So I want to second what Senator Coons said about raising a fine son. We are glad that someone of his ilk and qualifications and demeanor is going to be representing our country in India. I hope you will be swiftly confirmed.

For the record, there will be questions that will be asked. We will keep the record open until the close of business Thursday. We will have a recess period, as you know, in between. But if you could answer those questions fairly quickly, it will expedite your confirmation.

Again, thank you for your willingness to serve. Having dedicated, committed, intelligent people like you in these positions is very important to our country, and I thank you for your willingness.

Mr. JUSTER. Thank you very much, Chairman Corker, and I will do my best to get those questions back to you as quickly as possible. And again, I want to reiterate my desire to work with all members of the committee on issues and to, if confirmed, welcome you to visit India and certainly continue our dialogue.

The CHAIRMAN. I was a little too complimentary because now we have someone else. Would you like to ask a question?

Senator GARDNER. Thank you, Mr. Chairman. I will be brief.

Mr. Chairman, this committee has structured the portfolio that we work with a little bit differently than perhaps the State Department or the Department of Defense does. India is actually in a different subcommittee in this committee than the portfolio and how it is handled at the State Department. Would it be helpful if we had sort of a realignment on those issues?

Mr. JUSTER. I do know that the State Department is looking at an overall set of organizational issues. I am not in a position to say what they will do overall. But I can tell you that I referred to the Indo-Pacific region. I certainly consider India critical to Asia, as well as to South Asia and Central Asia. I was mentioning earlier that one of the challenges is the military has a Pacific Command that goes right between the border of India and Pakistan, and part of the job of Ambassador and what I would do, if confirmed, would be to make sure I have a good relationship with both the Pacific Command and the Central Command. And I would make sure again, if confirmed, that I would be working closely with people who are involved in our Asian and East Asian policy as well as the South Asia. But as to how the Department may be organized, I am really not in a position to speak to that.

Senator GARDNER. Thank you for that. I think as the committee looks to reorganize in the next Congress, that is something that we might consider. So thank you.

The CHAIRMAN. With that, the meeting is adjourned.
[Whereupon, at 10:50 a.m., the hearing was adjourned.]

Additional Material Submitted for the Record

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO
KENNETH IAN JUSTER BY SENATOR BENJAMIN L. CARDIN

Question 1. 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 participated in human rights and democracy issues for many years. When I worked at the Department of State from 1989 to 1993, I was one of the key officials involved in establishing and managing U.S. assistance programs to Central and Eastern Europe and the former Soviet Union. This included working with the National Endowment for Democracy (NED) and the American Bar Association's (ABA) legal assistance programs to advance the rule of law. I also developed the proposal that created the Citizens Democracy Corps, a nonprofit organization that mobilizes U.S. private sector expertise to assist the countries of Central and Eastern Europe and the former Soviet Union to build democratic institutions and free market economies. After leaving the U.S. Government early in 1993, I served during the 1990s and 2000, on a pro bono basis, as the outside legal counsel of the NED. I also joined the Advisory Board of the ABA's Central and East European Legal Initiative (CEELI). Subsequent to my service as Under Secretary of Commerce from 2001 to 2005, I became a Board Member of Freedom House in 2009 and served as Chairman from 2014 to 2017.

While the various organizations with which I have worked on human rights and democracy issues each has had a significant impact on conditions in other countries, one program at Freedom House that I would highlight, and which I emphasized as Chairman, is the Emergency Assistance Program. This assistance reaches frontline activists at their moment of greatest need, helping them survive attacks, giving them the means to resume their critical work and, in many cases, literally saving lives. During my time on the Board of Freedom House, this program provided assistance to approximately 3,000 human rights defenders.

Question 2. What are the most pressing human rights issues in India? What are the most important steps you expect to take—if confirmed—to promote human rights and democracy in India? What do you hope to accomplish through these actions?

Answer. India has a rich heritage of cultural, ethnic, and religious diversity; a vibrant civil society; strong democratic institutions; and a tradition of adherence to the rule of law. However, as with many countries, India faces pressing human rights challenges. The most significant of these, as cited in the State Department's annual Human Rights Report, include instances of security force abuses; corruption, which contributes to ineffective responses to crimes, including against women, children, and historically disadvantaged groups; and societal violence based on gender, religious affiliation, or caste or tribe. Other significant human rights issues include disappearances, hazardous prison conditions, and instances of arbitrary arrest and detention. Trafficking in persons, including bonded and forced labor and sex trafficking, also remains a serious problem, as noted in the State Department's Trafficking in Persons Report.

If confirmed, I will lead Mission India's engagement on human rights issues. I will commit to engaging openly and honestly on human rights with the full range of stakeholders, including, but not limited to, representatives of the Government, civil society and NGOs, and India's many faiths, castes, and tribes. I will ensure that Mission India fulfills its obligations to monitor and report on human rights issues and collaborate with the Indian Government and civil society to share best practices and promote programs and activities to raise awareness and support individuals and groups that have been victims of abuse. By engaging directly with the Government of India, I would hope not only to strengthen our bilateral cooperation to combat human rights challenges, but also to demonstrate global leadership as two leading democracies committed to supporting civil society and upholding democratic values, transparency, and the rule of law.

Question 3. 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 India in advancing human rights, civil society and democracy in general?

Answer. India has a longstanding tradition of pluralism, the rule of law, and protection of minority rights. However, as in many countries, uneven enforcement of civil liberty protections, corruption, lack of political will, and lack of capacity can, at times, undermine the enforcement of laws. If confirmed, I will lead Mission India's efforts to engage with the full range of stakeholders—from the Government, to victims, to civil society—so as to better understand the barriers to achieving justice for victims and how we can effectively engage to help prevent future abuses.

Question 4. Will you and your embassy team actively engage with India to address cases of persons otherwise unjustly targeted by India?

Answer. If confirmed, I and Mission India will engage with the Indian Government on such cases, and will voice our strong support for India's constitution, adherence to the rule of law, and due process.

Question 5. 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 lead and direct the Embassy's engagement with the Indian Government, as well as with human rights groups, civil society, and other non-governmental organizations in India and in the United States. I also will ensure that the Embassy continues to vet thoroughly all individuals and units nominated for U.S.-funded security assistance, in accordance with the Leahy Law. If we identify credible information indicating a gross violation of human rights, we will take the necessary steps in accordance with the law to ensure that responsible parties do not receive U.S.-funded assistance. We also will work with the Indian Government, where applicable, to identify any cases of individuals who should be or have been brought to justice in the interest of remediating units restricted from receiving assistance.

Question 6. How will you approach human rights issues with the Indian Government? Will it be public, private, and will you engage local and state governments as well?

Answer. If confirmed, I am committed to engaging the Government of India on human rights issues in a frank and open manner, including representatives of state and local governments as appropriate. While some of this engagement may be public, some undoubtedly will be in private government-to-government discussions. If confirmed, I intend to exercise my best judgment and discretion as Ambassador to

determine the most appropriate and effective means of engagement to advance our priority to support human rights in India.

Question 7. What will you do to promote, mentor and support your staff that come from diverse backgrounds and underrepresented groups in the Foreign Service?

Answer. My experience in government and in the private sector, as well as my involvement with non-governmental organizations, has given me the opportunity to build and be a part of high-level teams with diverse members. I am committed to the principles of diversity and equal employment opportunity. If confirmed, I will seek to foster a work environment that recognizes the contributions of all employees, and I will make sure they have information available about the Department's Diversity and Inclusion Strategic Plan, foreign affairs affinity organizations, and opportunities specific to various groups.

Question 8. What steps will you take to ensure each of the supervisors at the Embassy are fostering an environment that is diverse and inclusive?

Answer. If confirmed, I will strongly encourage all supervisors to take available courses on equal employment opportunity principles, diversity, leadership and management, and related issues. I also will urge supervisors to include unconscious bias and similar topics when they mentor junior colleagues. I will direct supervisors to provide opportunities, transparently and fairly, to all entry- and mid-level professionals. By providing time for professional development discussions to address diversity, I will highlight that this is a priority for the State Department as well as a priority for me as Ambassador.

Question 9. If confirmed, how will you defend against conflicts of interest influencing Trump administration policies, particularly the status of President Trump's multiple active real estate projects in India? Do you commit to bring to the committee's attention (and the State Department Inspector General) any change in policy or U.S. actions that you suspect may be influenced by any of the President's business or financial interests, or the business or financial interests of any senior White House staff?

Answer. I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

Question 10. Do you commit to inform the committee if you have any reason to suspect that a foreign government, head of state, or foreign-controlled entity is taking any action in order to benefit any of the President's business or financial interests, or the interests of senior White House staff?

Answer. I commit to comply with all relevant federal ethics laws, regulations, and rules, and to raise concerns that I may have through appropriate channels.

Question 11. Do you or do any members of your immediate family have any financial interests in India?

Answer. The State Department Ethics Office and the Office of Government Ethics have reviewed my assets and determined that none of my holdings pose a substantial risk of creating a conflict of interest during my service as Ambassador to India. I am committed to ensuring that my official actions will not give rise to a conflict of interest. I will divest my interests in any investments the State Department Ethics Office deems necessary in the future to avoid a conflict of interest, and will remain vigilant with regard to my ethics obligations.

Question 12. Please describe your role as a board member for the company Gold Reserve Inc. During your time on the board, did Gold Reserve Inc. conduct any business in Venezuela? If so, what was the nature of that business?

Answer. I served as a member of the Board of Directors of Gold Reserve Inc. from March 2015 to January 2017. Some brief background about Gold Reserve is necessary to understand my role on the Board. Gold Reserve acquired and began developing a gold and copper project in southeastern Venezuela in 1992 and, from 1992 to 2009, invested close to \$300 million in acquisition, land exploration, development, equipment, and engineering costs. In April 2008, the Government of Venezuela arbitrarily revoked the previous authorization for Gold Reserve to proceed with construction of this project. Accordingly, in October 2009, Gold Reserve initiated an arbitration under the rules of the International Centre for the Settlement of Investment Disputes (ICSID) of the World Bank to obtain compensation for the losses caused by the actions of Venezuela. In September 2014, the ICSID Tribunal unanimously granted Gold Reserve an Arbitral Award totaling (i) \$713 million in damages, plus (ii) pre-Award interest, and (iii) legal costs and expenses, for a total of \$740.3 million, with the Award also accruing post-Award interest. The Government of Venezuela did not comply with the Award and, instead, challenged its validity. This required Gold Reserve to initiate a series of legal actions to seek to enforce

the Award and also provide the basis, if necessary, for attaching assets of the Government of Venezuela. Shortly thereafter, the senior partner of a firm that is a large shareholder of Gold Reserve, who knows me well, including my extensive prior legal experience in international arbitrations and the enforcement of arbitral awards, asked me if I would be willing to join the Board in order to help provide advice on their legal activities. The Board subsequently invited me to become a Director in March 2015.

During my service as a Director, the Chairman of the Board, the CEO, and the President held periodic settlement discussions with representatives of the Government of Venezuela and eventually executed a settlement agreement. The settlement agreement included a schedule of payments by Venezuela for the Award plus interest and entering into an agreement for the formation of a jointly owned company to develop a gold and copper project on some of the original property plus an adjacent property. My role, and that of other members of the Board, was to advise on the settlement discussions and authorize and approve the settlement agreement. I never met with any Venezuelans during this process nor did I travel to Venezuela.

Question 13. If confirmed, how do you plan on working with Indian leaders on improving market access in India to improve U.S.-India bilateral trade?

Answer. U.S.-India bilateral trade has more than doubled in the past decade, from \$45 billion in 2006 to more than \$114 billion in 2016. If confirmed, I will try to continue to build on that momentum. Working with the teams at the Office of the U.S. Trade Representative, the Commerce Department, the State Department, and others in the interagency, I intend to bring all of Mission India's resources and expertise to bear on behalf of U.S. companies and their interests. It is also important to note that USTR, with participation from the State Department and the interagency, led a delegation to New Delhi on September 20 to press the India on the need for concrete outcomes at the upcoming Trade Policy Forum on October 26.

Question 14. From your perspective, what are the biggest impediments to a fuller economic relationship with India?

Answer. India embarked upon economic liberalization in 1991, and the growth that has followed has been impressive. However, further reforms are needed to sustain high growth. We have had a robust economic relationship with India for many years and have consistently engaged with the Government of India on the most significant impediments to a greater economic relationship, including tariff and non-tariff barriers to trade, constraints on access for U.S. companies to the Indian market, tax and regulatory policies, and insufficient intellectual property rights protection and enforcement. Despite these challenges, we believe India offers tremendous potential for increased trade and investment, and the United States is well positioned to partner with India to advance growth and prosperity for both our countries in the years ahead.

Question 15. Please share your views on the importance of the sanctity of contracts between U.S. companies and the Indian Government. What steps will you take to ensure that contracts between U.S. companies and the Indian Government are honored?

Answer. As a lawyer, I place great value on contract sanctity, as it provides the legal certainty that companies need to engage with confidence in business transactions. Questioning the sanctity of contracts would undermine U.S. and global investor confidence and, ultimately, commercial relationships. I would note that Prime Minister Modi has made improving India's standing in the World Bank's Ease of Doing Business rankings a primary focus. The United States has consistently highlighted that the rule of law, dispute settlement, and contract enforcement are critical components of a robust, welcoming business climate. These are factors that U.S. and international companies consider when deciding whether to do business with India, and it is in India's interest to recognize and enforce contracts with the private sector. If confirmed, I will strongly advocate with the Government of India to ensure the sanctity of contracts.

Question 16. Do you believe it was the right decision to withdraw from the Paris Accords? Do you agree with the scientific consensus on climate change that humans are an overwhelming cause of global warming?

Answer. Given my understanding that the scientific literature identifies both human activity and natural variability as important influences on the climate, I believe there should be a balanced approach of being environmentally friendly and reducing emissions, while doing so in a manner that does not put at risk American prosperity. In announcing the administration's plan to exit the Paris Agreement, the President expressed concerns that this Agreement as currently written would harm the American economy and disadvantage American workers. The President also in-

icated that he is open to re-negotiating the Paris Agreement if the terms are more favorable to the United States. Nevertheless, the administration is committed to a clean environment, including clean air and clean water, and the United States continues to reduce greenhouse gas emissions through innovation and technology breakthroughs. The United States stands ready to work with other countries, including India, to help them access and use fossil fuels more cleanly and efficiently, and help deploy renewable and other clean-energy sources, given the importance of energy access and security to global peace, security, and prosperity.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO
KENNETH IAN JUSTER BY SENATOR JEFF FLAKE

Question 1. In its 2017 Action Report on International Parental Child Abduction (IPCA), the State Department identified 13 countries that “demonstrated a pattern of non-compliance according to the criteria established in the law.” One of the 13 countries identified is India, which is not a party to the Hague Convention. Approximately 66 percent of cases filed with the State Department remain outstanding for longer than one year, and the State Department has identified India as being “non-compliant” with efforts to resolve these kinds of cases since 2014. In Arizona, there are at least two constituents with outstanding cases involving India.

- How do you plan to address the systemic non-compliance with the Indian authorities involved with IPCA cases?

Answer. I take the issue of parental child abduction very seriously. If confirmed, I will encourage the Government of India to accede to the 1980 Hague Convention on the Civil Aspects of International Parental Child Abduction. I and Mission India also will advocate with the Government of India for action to resolve pending abduction cases. In addition, we will engage civil-society groups and left-behind parents, both in India and the United States, on this important issue.

Question 2. What mechanisms will you recommend the State Department employ in order to achieve resolutions to the outstanding cases?

Answer. If confirmed, I will continue the State Department’s effort to employ a broad range of political and public diplomacy approaches to encourage India’s accession to the Hague Convention and to resolve pending abduction cases. I believe consistent engagement will be needed to achieve progress in resolving abduction cases and moving toward a systemic resolution to this important issue.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO
KENNETH IAN JUSTER BY SENATOR ROBERT MENEZES

Question 1. Child abduction is an issue that affects my constituents directly, and is particularly problematic when talking about India—a country that has not signed the 1980 Hague Convention, and is one of only 13 countries cited as non-compliant by the State Department in the 2017 Annual Report on International Child Abduction. Per that same report, the largest number of international abduction cases of New Jersey children involve India.

If confirmed, how will you work towards the return of the many American children abducted to India? How will you negotiate India’s accession to the 1980 Hague Convention or another bilateral agreement to resolve future child abduction cases between the United States and India?

Answer. I take the issue of parental child abduction very seriously. If confirmed, I will encourage the Government of India to accede to the 1980 Hague Convention on the Civil Aspects of International Parental Child Abduction. I and Mission India also will advocate with the Government of India for action to resolve pending abduction cases. In addition, we will engage civil-society groups and left-behind parents, both in India and the United States, on this important issue.

Question 2. If India continues to be non-compliant, what steps would you take to hold their government accountable and continue to fight for the rights of the American Citizen parents left-behind?

Answer. If confirmed, I will continue the Department’s efforts to employ a broad range of political and public diplomacy approaches to encourage India’s accession to the Hague Convention and to resolve pending abduction cases. I believe consistent engagement will be needed to achieve progress in resolving abduction cases and moving toward a systemic resolution of this important issue.

Question 3. India remains on the USTR's Priority Watch list in the "Special 301" Report in 2017. Prime Minister Modi promised to promote a more fair, competitive, and transparent regulatory framework, but we have seen little tangible progress.

- What would you do to encourage Prime Minister Modi to improve governance structures in India that are affecting our U.S. businesses on a daily base? What would you do to raise the issue of IP protection and enforcement with the Indian Government?

Answer. Strong protection and enforcement of intellectual property rights is essential to incentivizing and compensating American artists, inventors, and innovators for their ideas and creativity, and stimulating global economic growth. If confirmed, I will actively encourage Indian Government officials, in meetings and in public forums, to strengthen India's intellectual property rights regime so as to bring India's laws, regulations, and enforcement activities in line with global best practices. I would note that the U.S. Government maintains a robust dialogue with the Indian Government on intellectual property rights through the USTR-led Trade Policy Forum, among other bilateral mechanisms.

Question 4. In particular, I have been tracking closely the case of New Jersey-based MCT Dairies that mistakenly sent a payment of more than \$130,000 to Punjab National Bank in India in 2014 and is still waiting for their money to be returned.

- What would you do to ensure our U.S. Embassy is representing the interest of MCT and similar U.S. companies in India?

Answer. I appreciate you bringing this matter to my attention. If confirmed, I will vigorously support and advocate for U.S. business interests abroad, including following up on this specific case.

Question 5. Since 2005, we have raised these and many other issues regarding economic and trade barriers with India at the Trade Policy Forum, but we have seen limited results. Do you believe that this mechanism has served to advance U.S. economic interests or should it be reformed and how?

Answer. U.S.-India bilateral trade has more than doubled in the past decade, from \$45 billion in 2006 to more than \$114 billion in 2016. If confirmed, I will try to continue to build on that momentum. Working with the teams at the Office of the U.S. Trade Representative, the Commerce Department, the State Department, and others in the interagency, I intend to bring all of Mission India's resources and expertise to bear on behalf of U.S. companies and their interests. It is also important to note that USTR, with participation from the Department and broader interagency, led a delegation to New Delhi on September 20 to press the Indian Government on the need for concrete outcomes at the upcoming Trade Policy Forum on October 26. I will be in a better position to assess the effectiveness of the Trade Policy Forum after I observe its meetings and activities.

Question 6. I am troubled by India's crackdown on foreign aid to NGOs on suspicion of engaging in religious conversions. More than 11,000 nongovernmental organizations have lost their licenses to accept foreign funds since Prime Minister Modi took office in 2014, starving important NGOs of access to financial resources. Many of these charities are American and have been providing vibrant services to the people of India for years.

- What can the US do to protect a vibrant civil society in India and respect for religious freedom?

Answer. Under the Indian constitution, protections for freedom of conscience and belief are very strong. I believe it is important for India to uphold these constitutional safeguards, particularly for members of religious minorities, in keeping with the country's democratic values and history of pluralism and tolerance. I am aware of Indian regulations that have adversely affected the operations of a number of foreign-funded NGOs. If confirmed, this is an issue that I intend to examine carefully. I believe it is imperative that the Government of India protect space for civil society, and that all parties work together in a spirit of transparency.

U.S. officials have frequently engaged with Indian Government and Indian civil society, including religious communities, to discuss religious freedom issues and to underscore the importance of religious tolerance. In December 2016, the U.S. Ambassador-at-Large for International Religious Freedom visited New Delhi and discussed religious freedom, tolerance, and non-discrimination, and opportunities for greater U.S.-India collaboration. In addition, Mission India regularly organizes outreach events with the full range of minority communities and participates in reli-

gious holiday celebrations of many faiths. If confirmed, I intend to continue this active engagement.

RESPONSES TO AN ADDITIONAL QUESTION FOR THE RECORD SUBMITTED TO
KENNETH IAN JUSTER BY SENATOR JOHN BARRASSO

Question 1. Since 2012, India has imposed an anti-dumping duty on imports of soda ash from the United States. The duty was set to expire July 3, 2017. Instead, it was extended by the Indian Government until July 2, 2018. U.S. domestic soda ash producers have expressed concern with the Indian Government's review of the legal justification for extending the soda ash duty. Specifically, U.S. soda ash producers have been troubled by the Indian Government's actions, which seem aimed at extending the duty, contrary to long-standing, standard practices.

- As the U.S. Ambassador to India, do you commit to assisting the U.S. soda ash industry to ensure the WTO-consistent application of India's anti-dumping laws and practices?

Answer. If confirmed, one of my priorities as Ambassador will be to promote U.S. exports to India and seek to ensure that India complies with its WTO obligations. I would work closely with representatives of the U.S. Trade Representative, the Department of Commerce, and others on these issues. Collectively, we would seek to assist the U.S. soda ash industry with regard to its concerns about India's application of its anti-dumping laws and practices.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO
KENNETH IAN JUSTER BY SENATOR JEANNE SHAHEEN

Question 1. Disputes along the India-Pakistan border represent a potential flashpoint for conflict between two nuclear-armed neighbors. In April 2017, U.S. Ambassador to the United Nations Nikki Haley told reporters that the Trump administration would seek to "find its place to be a part of" efforts to de-escalate India-Pakistan tensions. The long-standing U.S. position on this matter has been that such issues should be resolved between India and Pakistan. What is your understanding of the administration's policy with regard to this issue?

Answer. My understanding is that the administration's policy is consistent with the longstanding position that the United States supports bilateral efforts by India and Pakistan to resume dialogue and reduce tensions. With regard to Jammu and Kashmir, U.S. policy has not changed. The administration supports bilateral dialogue between India and Pakistan, with the two countries to determine the pace, scope, and character of that dialogue.

Question 2. I have heard serious concerns from colleges in New Hampshire about the sudden and significant decline in student visas issued by U.S. consular officers in India beginning in 2016. Several of our schools have seen visa denial rates for their accepted students from India skyrocket to more than 90 percent. This has had a severe economic impact on these schools and their communities, and it damages America's reputation abroad. Foreign citizens who study at American colleges and universities not only make substantial contributions to local American communities, they also gain a broad understanding of our country and our people, which they bring back with them to their home countries. If confirmed, will you ensure that all visa applications received in India are carefully and appropriately adjudicated?

Answer. My understanding is that approximately 166,000 Indian students studied in the United States in 2016. If confirmed, I will seek to ensure consistent and objective visa adjudication standards for all applications received in Mission India. I agree that foreign students contribute to the diversity of our education institutions, bring valuable skills and knowledge to our classrooms, and contribute to advancements in academic and vocational fields through their work and research. I will seek to ensure that those applicants who qualify for student visas receive them promptly, consistent with our responsibility to administer U.S. immigration law and ensure the integrity and security of our country's borders.

RESPONSES TO ADDITIONAL QUESTIONS FOR THE RECORD SUBMITTED TO
KENNETH IAN JUSTER BY SENATOR JEFF MERKLEY

Question 1. In light of the current humanitarian crisis involving the Burmese Government's campaign of ethnic cleansing against the Rohingya, there are disturbing reports that some in the Indian Government are trying to expel up to 40,000 Rohingya refugees who have lived in India for more than a decade, having fled past campaigns of persecution. As Ambassador, would you advocate for India to turn its efforts to finding options to normalize the status of the resident, law-abiding Rohingya in a manner that would permit them to remain in India without fear of expulsion?

Answer. I am aware of press reports regarding statements allegedly made by some Indian Government officials about Rohingya refugees who are currently living within India's borders. Senior U.S. Government officials have called for respect for the rights of the Rohingya people and are working closely with the United Nations, other international organizations, and the diplomatic community to try to bring an end to the crisis in Burma, which also is having a significant impact on the South Asia region. If confirmed, I will closely monitor the Rohingya refugee crisis and ensure that our Embassy supports the U.S. Government's ongoing commitment to helping the Rohingya people.
