

**NOMINATIONS OF THE 113TH
CONGRESS—FIRST SESSION**

HEARINGS

BEFORE THE

**COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE**

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

—————
MAY 7 THROUGH DECEMBER 17, 2013
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Printed for the use of the Committee on Foreign Relations



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**NOMINATIONS OF VICTORIA NULAND,
DOUGLAS LUTE, AND DANIEL BAER**

THURSDAY, JULY 11, 2013

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

Hon. Victoria Nuland, of Virginia, to be Assistant Secretary of State for European and Eurasian Affairs
Douglas Edward Lute, of Indiana, to be United States Permanent Representative on the Council of the North Atlantic Treaty Organization
Daniel Brooks Baer, of Colorado, to be U.S. Representative to the Organization for Security and Cooperation in Europe

The subcommittee met, pursuant to notice, at 2:25 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Christopher Murphy, presiding.

Present: Senators Murphy, Cardin, Shaheen, Kaine, Johnson, Risch, Rubio, McCain, Barrasso, and Paul.

**OPENING STATEMENT OF HON. CHRISTOPHER MURPHY,
U.S. SENATOR FROM CONNECTICUT**

Senator MURPHY. I call this nomination hearing to order.

Today, the Senate Foreign Relations Committee will consider three nominations: Victoria Nuland to be the Assistant Secretary of State for European and Eurasian Affairs; Douglas Lute to be the U.S. Permanent Representative to NATO; and Daniel Baer to be the U.S. Ambassador to the Organization for Security and Cooperation in Europe.

Before we begin, let me remind members that the deadline for submission of questions for the record is the close of business, this Monday.

First, let me welcome our nominees as well as your families:

Our first nominee, Victoria Nuland, is a 29-year veteran of the Foreign Service. She most recently served at the State Department as the spokesperson there, but Ambassador Nuland has worked at the highest levels of both Republican and Democratic administrations, earning the respect of her colleagues at every step along the way. She served with integrity and dedication as the Special Envoy for Conventional Armed Forces in Europe, the U.S. Permanent Representative to NATO, and the Principal Deputy National Security Advisor to Vice President Cheney. As her colleagues note, her

20 years of work as an expert specifically on Russia, as well as her talents as a diplomat, negotiator, and strong voice for democracy and human rights, makes her ideally suited for the position of Assistant Secretary for Europe and Eurasia.

Victoria is originally from my home State of Connecticut, so I am especially pleased to preside over her confirmation hearing today. She is here with her family—her parents, as well as her husband, Robert, and her son, David. We welcome them, as well.

Daniel Baer is the Deputy Assistant Secretary in the Bureau of Democracy, Human Rights, and Labor, currently at the U.S. Department of State. Prior to joining the administration in 2009, he had teaching positions at both Georgetown and Harvard. And during his time in academia, the private sector, and government, Dr. Baer has distinguished himself as a talented diplomat and passionate defender of human rights, and I believe that he is an excellent choice for our Ambassador to the OSCE.

He is here today with his partner, Brian Walsh, and we welcome him.

Douglas Lute has long had a distinguished career in both military and civilian service. He is currently serving as the Deputy Assistant to the President and Coordinator for South Asia and the White House national security staff. He retired from Active Duty in the United States Army as a lieutenant general in 2010, after 35 years of service. General Lute's previous positions include time at the U.S. European Command in Germany and as the commander of U.S. Forces in Kosovo, where he first worked with NATO.

General Lute, we thank you for your service. We look forward to working with you in your new position, and we also welcome your wife, Jane, who is here today.

I congratulate all of you on your nominations.

Let me say that, as we are going to be talking about Europe today, probably the most overused word in the foreign policy community today is "pivot." There is no doubt that America has new and important diplomatic, economic, and security interests in Asia, and there is no doubt that the original reason for many of our values-based alliances with Europe—the cold war—is no longer present today. But, today, no less than ever before, Europe, as a unit and as European nations individually, remain America's most important allies to be found anywhere on the globe. Our most important security relationship is with Europe. When confronting a global crisis, the first place we almost always turn is to our European allies. Our most important economic relationship is with Europe. That is why we are reinvesting in this side of the relationship, with a kickoff, this week, of negotiations on the Transatlantic Trade and Investment Partnership.

In a lot of ways, as the United States and Europe face the new economic growth in Asia, as we look at communal security challenges in places like Syria, Iran, and Afghanistan, our alliance is now more important than ever before.

So, if confirmed, Ambassador Nuland, you will be formulating U.S. policy toward Europe at a crucial moment in our alliance's history, and I look forward, today, to hearing your thoughts, for instance, on how the State Department can assist the U.S. Trade

Representative in moving forward a potentially transformational economic deal with Europe. We need to hear from you as to how we continue to maneuver an increasingly complicated—to frankly use a generous term—relationship with Russia. How do we work together on common goals, like arms control and Middle Eastern stability while not letting them off the hook for a dangerous downward turn in the treatment of civil society? And, while we welcome the EU's emergence as a leader in the Balkans, how do we work with our partners in Europe to continue to integrate these fragile nations into the world community?

General Lute, you are going to be working with NATO partners to bring our troops home from Afghanistan, while, at the same time, formulating the future role of the alliance. NATO still remains the world's preeminent security alliance. But, to remain strong, you are going to continue the work of your predecessor in emphasizing the importance of smart defense, of interoperability and coordinated strategic planning.

And, Dr. Baer, you are going to be going to an organization that, more than any other, represents our ideals, and yet you will be faced with the challenge—maybe more of a challenge today than ever—of putting those ideals into action.

So, I congratulate each of you on your nomination. And my hope is that the full Senate will work quickly and positively on your confirmations.

At this point, I turn it over to Senator Johnson for opening remarks.

**STATEMENT OF HON. RON JOHNSON,
U.S. SENATOR FROM WISCONSIN**

Senator JOHNSON. Thank you, Mr. Chairman. Appreciate your opening remarks, and I certainly appreciate, also, the distinguished service that the nominees have already provided to their Nation, and truly appreciate the fact that you are willing to step up to the plate again and serve your Nation in new capacities, here. So, we have some, I think, first-class nominees here, and I am looking forward to your testimony.

What is being contemplated, however, in the United States Senate, I think, requires some comment, and I would like to utilize my opening remarks to talk about what we were talking about in both of our caucuses, that the majority is contemplating taking action, breaking precedent, basically breaking the rules to change the Senate rules in a way that I believe would be incredibly damaging, if not very destructive, to the United States Senate, this institution that we totally revere. And it is doing it on the basis of what, I think, certainly the folks on our side of the aisle believe is a manufactured crisis. It has to do with nominations and, supposedly, Republican obstruction and, apparently, our blocking of nominations. But, here are the facts.

In the 111th Congress, there were 920 of President Obama's nominations confirmed, only one was rejected. In the 112th Congress, 574 nominations were confirmed, only two were rejected. During the 113th Congress, our current Congress, there have been 66 nominees confirmed, with only one being rejected. Hardly a record of obstruction.

In terms of Cabinet nominees, just in terms of the length of time it has taken to get confirmation, President Obama, his Cabinet nominees have taken 51 days, on average. During President Bush's administration, it was 52 days. During President Clinton's administration, it was 55 days. Again, President Obama has been, certainly, given due consideration. His nominees have been, really, moved forward very rapidly.

In this term, in his second term, President Obama has already confirmed 28 judges—or we have—the Senate's confirmed 28 judges, compared to 10 judges in President Bush's second term.

This is manufactured crisis. And I am not the only one that believes that the nuclear option would be incredibly damaging. This is the words of Majority Leader Harry Reid when he wrote a book, in March 2009. He said, "The nuclear option was the most important issue I had ever worked on in my entire career, because if that had gone forward, it would have destroyed the Senate as we know it." That is not the only thing Senator Harry Reid has mentioned about breaking the rules to change the rules. He said, "In violating 217 years of standard procedure in the Senate, changing the rules by breaking the rules is about as far as you could get from a constitutional option." He also said, "For people to suggest that you can break the rules to change the rules is un-American."

The only way you can change the rule in this body is through a rule that now says, "To change a rule in the Senate rules to break a filibuster still requires 67 votes." You cannot do it with 60 votes. You certainly cannot do it with 51. Now we are told the majority is going to do the so-called "nuclear option." The Parliamentarian would acknowledge it is illegal, it is wrong, you cannot do it, and they would overrule it. It would simply be, "We are going to do it because we have more votes than you." You would be breaking the rules to change the rules. That is very un-American.

And finally, he said, "The American people, in effect, reject the nuclear option because they see it for what it is, an abuse of power, arrogance of power." Lord Acton said, "Power corrupts, and absolute power corrupts absolutely." That is what is going on. The rules are being changed in the middle of the game. They are breaking the rules to change the rules. Regardless of one's political affiliations, Americans understand this is a political power-grab, a partisan political grab.

Vice President Biden commented on this when he was a Senator. He said, "The nuclear option is ultimately an example of the arrogance of power. This is a fundamental power-grab by the majority party. It is nothing more or nothing less."

Former Senator Christopher Dodd, in his farewell address, said, "But, whether such a temptation is motivated by a noble desire to speed up the legislative process or by pure political expedience, I believe such changes would be unwise. To my fellow Senators who have never served a day in the minority, I urge you to pause in your enthusiasm to change the Senate rules."

Now, Senator Murphy, neither one of us, unfortunately, had the pleasure of serving with Senator Robert C. Byrd, from West Virginia, somebody who, certainly as I watched the Senate from afar, was acknowledged as somebody who revered the Senate, who fully understood the rules. We, unfortunately, did not get to have him

speak to us during orientation, but he gave a very famous orientation speech on December 3, 1996, for that incoming Senate class, and I would like to take some time—because I think his words bear repeating.

He said, “Let us clearly understand one thing. The Constitution’s Framers never intended for the Senate to function like the House of Representatives”—in other words, be a majoritarian body. “I have said that, as long as the Senate retains the power to amend and the power of unlimited debate, the liberties of the people will remain secure. The Senate was intended to be a forum for open and free debate and for the protection of political minorities. I have led the majority and I have led the minority, and I can tell you, there is nothing that makes one fully appreciate the Senate’s special role as the protector of the minority interests like being in the minority.

“Since the Republican Party was created, in 1854, the Senate has changed hands times 14 times, so each party has had the opportunity to appreciate, firsthand, the Senate’s role as guardian of minority rights. But, almost from its earliest years, the Senate has insisted upon its members’ rights to virtually unlimited debate. When the Senate reluctantly adopted the cloture rule in 1917, it made the closing of debate very difficult to achieve by requiring a supermajority and by permitting extended post-cloture debate.”

By the way, back then, the supermajority was two-thirds votes, now it is three-fifths.

“This deference to the minority view sharply distinguishes the Senate from the majoritarian House of Representatives. The Framers recognized that a minority can be right and that a majority can be wrong. They recognized that the Senate should be a true deliberative body, a forum in which to slow the passions of the House, hold them up to the light, examine them, and, through informed debate, educate the public. The Senate is the proverbial saucer intended to cool the cup of coffee from the House. It is the one place in the whole government where the minority is guaranteed a public airing of its views.

“Woodrow Wilson observed that the Senate’s informing function was as important as its legislating function. And now, with televised Senate debate, its informing function plays an even larger and more critical role in the life of our Nation. The Senate is often soundly castigated for its inefficiency, but, in fact, it was never intended to be efficient. Its purpose was, and is, to examine, consider, protect, and be totally independent—a totally independent source of wisdom and judgment on the actions of the lower House and on the executive. As such, the Senate is the central pillar of our constitutional system.

“The Senate is more important than any or all of us, more important than I am, more important than the majority and minority leaders, more important than all 100 of us, more important than all of the 1,843 men and women who have served in this body since 1789. Each of us has a solemn responsibility to remember that, and to remember it often.”

And finally, in a speech he gave on May 19, 2010, Senator Byrd said, “The Senate has been the last fortress of minority rights and freedom of speech in this Republic for more than two centuries. I

pray the Senators will pause and reflect before ignoring that history and tradition in favor of the political priority of the moment.”

I have that same prayer. I came to the Senate because this Nation is facing enormous challenges. You, in serving this Nation, will face enormous challenges. We simply cannot afford to damage this incredibly important institution, the United States Senate. And I hope our colleagues on the majority side contemplate exactly what they are doing.

But, with that, Mr. Chairman, I will turn it back over to you and look forward to the testimony.

Senator MURPHY. Thank you very much, Senator Johnson.

Let us go to our right to left, and we will start with Ambassador Nuland.

Welcome.

STATEMENT OF HON. VICTORIA NULAND, OF VIRGINIA, TO BE ASSISTANT SECRETARY OF STATE FOR EUROPEAN AND EURASIAN AFFAIRS

Ambassador NULAND. Thank you very much, Mr. Chairman, Ranking Member Johnson, all the members of this committee.

I am honored to come before you to be considered for the position of Assistant Secretary of State for European and Eurasian Affairs, and I am grateful for the confidence that President Obama and Secretary Kerry have shown in me. If confirmed, I pledge to work with all of you to protect and advance U.S. interests, in promoting security, prosperity, democracy, and human rights in Europe and Eurasia, and working with our allies and partners there to advance our shared global interests.

I am also delighted to share this panel today with my colleagues and friends, Doug Lute and Dan Baer. I can think of no better partners to provide vital U.S. leadership at our two essential transatlantic multilateral institutions.

As a lifetime Europeanist, I have witnessed firsthand some of the most profound moments of change in Europe and Eurasia. From my days as a young political officer in Moscow, when I stood on Red Square on New Year's Eve in 1991, when the Soviet flag came down and the Russian flag went up, to the brutal wars in Bosnia and Kosovo, the enlargement of NATO and the EU, the creation of the euro. I know that, when Europeans and Americans join forces in defense of our common security and values, we are more effective than when we work alone, whether it is in Afghanistan, Iran, Mali, Burma, countering terrorism, promoting nonproliferation, good governance, human rights, development, health, or a cleaner planet. America needs a strong, confident Europe, and our European allies depend on America's unwavering commitment to their security and our continued support for Europe's prosperity, its cohesion, and its growth.

As we look at the agenda ahead of us, our first task is to revitalize the foundations of our global leadership and our democratic, free-market way of life. We need growth, we need jobs, on both sides of the Atlantic. The Transatlantic Trade and Investment Partnership, that Senator Murphy mentioned, that we began this year with the EU could support hundreds of thousands of additional jobs. But the T-TIP is about more than our economic

underpinnings. T-TIP is also a political and strategic investment in our shared future and our effectiveness as global leaders in the 21st century.

We have also got to focus on the unfinished work within Europe. Today, we have a real chance to capitalize on changing attitudes and circumstances to address the 40-year-old division of Cyprus. Kosovo and Serbia have made important commitments toward long-term reconciliation, and those deserve our support. And we must not break faith with other members of our European and Eurasian family, who have been trapped for too long in frozen conflicts and territorial disputes.

We must also do more to defend the universal values that bind us. The quality of democracy and rule of law in Europe and Eurasia is gravely uneven today; and, in some key places, the trends are moving in the wrong direction. If, as a transatlantic community, we aspire to mentor other nations who want to live in justice, peace, and freedom, we have got to be equally vigilant about completing that process in our own space.

And we must also continue to work together beyond our shores. As the President has said so many times, as you have said, Mr. Chairman, Europe is our global partner of first resort. Whether in Afghanistan, Libya, working on Iran, on Syria, the United States and Europe are strongest when we share the risk and the responsibility and, in many cases, the financial burden of promoting positive change.

When we can, we also have to work effectively with Russia to solve global problems. With respect to Iran, DPRK policy, Afghanistan, counterterrorism, and nuclear arms control, we have made progress in recent years, and the President's looking for opportunities to take our cooperation to the next level. However, we must also be very frank when we disagree with Russian policy, whether it is with regard to weapon sales to the Assad regime or with regard to the treatment of civil society, political activists, and journalists inside of Russia.

Finally, we have got to be attentive to the fast-changing energy landscape of Europe and Eurasia. We welcome the many steps that Europeans have taken to diversify their energy market. If confirmed, I will work to ensure that U.S. companies continue to play a leading role in this dynamic market. As the President said in Berlin last month, "Our relationship with Europe remains the cornerstone of our own freedom and security." If confirmed, I pledge to work with all of you to seize the opportunities before us to revitalize and deepen our ties with Europe and to ensure we continue, together, to have the will, the trust, and the capability to advance our shared security and prosperity and to meet our many global challenges together.

Thank you.

[The prepared statement of Ambassador Nuland follows:]

PREPARED STATEMENT OF VICTORIA NULAND

Thank you, Mr. Chairman, Ranking Member Johnson, and all the members of this committee. I am honored to come before you to be considered for the position of Assistant Secretary for European and Eurasian Affairs, and I am grateful for the confidence that President Obama and Secretary Kerry have shown in me. If confirmed, I pledge to work with all of you to protect and advance U.S. interests by

promoting security, prosperity, democracy and human rights in Europe and Eurasia, and working with our allies and partners there to advance our shared global interests.

I am also delighted to share the panel today with my colleagues and friends, Doug Lute and Dan Baer. I can think of no better partners to provide vital U.S. leadership at our two major TransAtlantic multilateral institutions.

As a lifetime Europeanist, I have witnessed firsthand some of the most challenging and profound moments of change in Europe and Eurasia's recent history—from my days as a young political officer in Moscow when I stood on Red Square on New Year's Eve 1991 as the Soviet flag came down and the Russian flag went up, through the bloody and agonizing Bosnia and Kosovo wars, to the birth of the EURO, and the enlargement of NATO and the EU to include much of Central Europe. I have also learned through decades of shared effort that when Americans and Europeans join forces in defense of our common security and values, we are stronger and more effective than when we work alone—from Afghanistan to Iran to Mali to Burma; from countering terrorism to promoting nonproliferation, good governance, human rights, development, health and cleaner planet. America needs a strong, confident Europe. And our European allies depend on America's unwavering commitment to their security, and our continued support for Europe's prosperity, cohesion, and growth.

As we look at the agenda that lies ahead of us, our first task with our European allies is to revitalize the foundations of our global leadership and our democratic, free market way of life. We need growth and jobs on both sides of the Atlantic. The TransAtlantic Trade and Investment Partnership that we began negotiating this week with the EU could support hundreds of thousands of additional jobs and strengthen our international competitiveness. But T-TIP is about more than our economic underpinnings. T-TIP is also a political and strategic investment in our shared future and our effectiveness as global leaders in the 21st century. When we break down trade barriers between us, we also strengthen our ability to raise international standards in favor of free and open societies.

We must also focus on the unfinished work within Europe. Today, we have a real chance to capitalize on changing attitudes and circumstances to address the 40-year-old division of Cyprus. Kosovo and Serbia have made important commitments toward long-term reconciliation, thanks to the good offices of EU High Representative Ashton. We need to support the full implementation of these agreements, and with them, the integration of both countries into European structures. Croatia's acceptance into the European Union last week sets a powerful example for other Balkan States. And we cannot break faith with other members of our European and Eurasian family who have been trapped for too long in frozen conflicts and territorial disputes.

We must also do more to defend the universal values that bind us. While all states in the EUR region hold elections and most have democratic constitutions, the quality of democracy and the rule of law in Europe and Eurasia is gravely uneven, and in some key places, the trends are moving in the wrong direction. Too many citizens do not feel safe criticizing their governments, running for office or advancing a vibrant civil society. In too many places, press freedom is stifled, courts are rigged and governments put their thumbs on the scales of justice. If, as a Trans-Atlantic community, we aspire to support and mentor other nations who want to live in justice, peace, and freedom, we must be equally vigilant about completing that process in our own space. Our democratic values are just as vital a pillar of our strength and global leadership as our militaries and our economies.

We must also continue to work together beyond our shores to advance security, stability, justice and freedom. As the President has said so many times, Europe is our global partner of first resort. Our investment together in a safe, developing, democratic Afghanistan is just one example. Even as we wind down the ISAF combat mission in 2014, we will keep our promise to support the ANSF and Afghanistan's political and economic development. More than a decade of deploying together in that tough terrain has also made our NATO alliance more capable, more expeditionary and better able to partner with countries across the globe. As we look to future demands on our great alliance—and they will come—we must build on that experience, not allow it to atrophy. In these difficult budget times, that will require working even harder to get more defense bang for our buck, Euro, pound, krone and zloty with increased pooling, sharing and partnering to ensure NATO remains the world's premier defense alliance and a capable coordinator of global security missions, when required.

America's work with European partners and the EU across Africa, in Asia, on climate and on so many other global challenges must also continue. Today, the most urgent focus of common effort should be in Europe's own backyard and an area of

vital interest to us all: the broader Middle East and North Africa. From Libya, to Tunisia, to Egypt, to Lebanon, to Iran, to Syria, to our work in support of Middle East peace, the United States and Europe are strongest when we share the risk, the responsibility and in many cases, the financial burden of promoting positive change. When we join forces with Canada, our Gulf partners and others, the effect is even stronger.

When we can, we must also work effectively with Russia to solve global problems. With respect to Iran, DPRK policy, Afghanistan, counterterrorism and nuclear arms control and nonproliferation, we have seen important progress in the past 4 years, and the President is looking for opportunities to take our cooperation to the next level. However, we must also continue to be frank when we disagree with Russian policy, whether it's with regard to weapons sales to the Assad regime in Syria or the treatment of NGOs, civil society and political activists or journalists inside Russia. And we must encourage the next generation of Russians and Americans to reject zero sum thinking, and instead invest in the ties of business, culture, and people that will create opportunities for both of us.

Finally, we must be attentive to the fast changing energy landscape of Europe and Eurasia, and the opportunities and challenges that brings. Europeans have taken important steps to diversify their energy market with new routes, new regulations, new power plants and LNG terminals, and investments in new energy sources. We welcome these developments, which are also creating opportunities for U.S. firms. If confirmed, I will work to ensure our companies continue to play a leading role in this dynamic market.

As the President said in Berlin last month, our relationship with "Europe remains the cornerstone of our own freedom and security. Europe is our partner in everything we do . . . and our relationship is rooted in the enduring bonds . . . (of) . . . our common values." In every decade since World War II those bonds have been tested, challenged and in some quarters, doubted. In every decade, we have rolled up our sleeves with our European Allies and partners and beat the odds. These times of tight money, unfinished business at home and competing priorities abroad are as important as any we have faced. If confirmed, I pledge to work with all of you to seize the opportunities before us to revitalize and deepen our ties with Europe, and to ensure we continue to have the will, the trust, and the capability to advance our shared security and prosperity and to meet our many global challenges together.

Senator MURPHY. Thank you.
General Lute.

STATEMENT OF DOUGLAS EDWARD LUTE, OF INDIANA, TO BE UNITED STATES PERMANENT REPRESENTATIVE ON THE COUNCIL OF THE NORTH ATLANTIC TREATY ORGANIZATION

General LUTE. Thank you, Mr. Chairman, Ranking Member Johnson, and all the members of this committee.

I am honored to be considered, today, for the position of Permanent Representative to the North Atlantic Treaty Organization. I am grateful for the confidence that President Obama has shown in my nomination. And, if confirmed, I pledge to work with all of you to represent, faithfully, America's interests in NATO, the alliance that, since 1949, has served as the cornerstone of our security interests.

It is a privilege today to sit here and appear alongside Victoria Nuland and Daniel Baer, two distinguished colleagues. If we are confirmed, the three of us will join the corps of U.S. officials devoted, full-time, to securing our interests in Europe and beyond. I could have no better teammates.

At the outset, I want to recognize and thank my wife, Jane, who joins me here today, along with my sister, Pat. Jane recently completed service as the Deputy Secretary at the Department of Homeland Security. Her public service also includes work in several foundations and over 6 years in the United Nations Department of Peacekeeping Operations. Together, we have served the Federal

Government for a combined total of nearly six decades, with both of us beginning as Army officers right out of college. We both took initial assignments in Germany at the height of the cold war; Jane in Berlin, and I along the East-West German border. I would not be here today without her support.

This opportunity for me to serve once again with NATO began with that first assignment in Germany, and it continues to this day. I was in Germany when the wall fell, in 1989. I remember well that, on September 11, 2001, NATO, for the first time ever, invoked Article V of the Washington Treaty in response to the terrorist attacks here in America, demonstrating that an attack on one is an attack on all. Later, I commanded U.S. forces in NATO's Peace Enforcement Mission in Kosovo, an important crisis response on the periphery of NATO. Most recently, I have spent the last 6 years in the White House, focused on the wars in Iraq and Afghanistan, where, again, NATO has played important roles. If confirmed, I look forward to this opportunity to proudly serve my country again in NATO.

Much has changed in Europe over the past several decades, but there has been one cornerstone for transatlantic security: NATO. Large multilateral institutions like NATO do not adapt quickly or easily; yet, in the last 20 years, we have seen NATO adjust to the end of the cold war, expand its membership to former enemies, extend its reach to threats on its periphery, and adapt its defense structures to emerging threats. No one would have believed, in 1989 when the wall fell, that NATO would conduct operations in places like the Balkans, Afghanistan, and Libya.

Serious challenges lie ahead for NATO. The key operational challenge is Afghanistan, where NATO leads, today, a coalition of 50 nations. We are on a path to pass full security responsibility to Afghan forces by the end of 2014, next year. This is a path set by NATO and the Afghans, together, at the Lisbon summit in late 2010, and it was refined last year in Chicago.

Several weeks ago, the Afghans reached a very important strategic milestone along that path as they assumed the lead for security across the entire country, with NATO passing into a support-and-advisory role. But, the military campaign is only one part along this path, and it represents only one variable in a very complex equation that includes: political transition that culminates next April in the Presidential elections; it includes economic transition, which has Afghanistan adjusting to the reduced presence of Western forces; it includes a political process that explores the potential of the Afghan Government talking to the Taliban, with an effort to bring an Afghan solution to this conflict. Finally, Afghanistan lives in a very tough neighborhood, and regional dynamics will play a major role.

None of this work will be completed in the next 18 months, by December 2014, so NATO and the United States are both planning for a military presence beyond 2014, with a mission to continue to train, advise, and assist Afghan forces. Such a post-2014 mission requires a political agreement with the Afghan Government, and our negotiators are making progress in advance of next year's Afghan election season. Afghanistan has been NATO's largest oper-

ation. Drawing it to a responsible close will be a significant challenge in the next several years.

NATO also faces a fundamental policy challenge, and that is the growing gap between NATO's mission and the resources allies commit to fulfilling that mission. This ends/means gap is centered on the imbalance between America's defense resources committed to the alliance and those of the other allies. All 28 members of the alliance benefit from that membership. All 28 have to contribute equitably. This is especially true as NATO recovers from a decade of operations in Afghanistan and faces new challenges, like missile defense and cyber security.

There are ways to approach this challenge, including smart defense, pooling and sharing high-end resources, and exploring specialization among allies, and, finally, nurturing partnerships that extend the reach of NATO beyond the core 28 members. But, this ends/means gap may be the most severe challenge the alliance has faced since the end of the cold war.

NATO operates on a firm foundation of shared democratic values that bind together the 28 member nations. Because of these shared values, I am confident that NATO can, today, fulfill its three core tasks—collective defense, crisis management, and cooperative security—while also addressing the challenges of the future. If confirmed, I will do my best to represent American interests in the most successful, most durable alliance in history, the North Atlantic Treaty Organization. I ask for this committee's support.

[The prepared statement of General Lute follows:]

PREPARED STATEMENT OF DOUGLAS LUTE

Thank you, Mr. Chairman, Ranking Member Johnson, and all the members of this committee. I am honored to be considered for the position of Permanent Representative to the North Atlantic Treaty Organization (NATO). I am grateful for the confidence that President Obama has shown in me by this nomination. If confirmed, I pledge to work with all of you to represent faithfully America's interests in NATO, the alliance that since 1949 has served as the cornerstone of our security interests.

It is a privilege to appear alongside Victoria Nuland and Daniel Baer, two distinguished colleagues. If we are confirmed, the three of us will join the core of U.S. officials devoted full time to securing our interests in Europe and beyond. I could have no better teammates.

At the outset, I want to recognize and thank my wife, Jane, who joins me here today. Jane recently completed service as the Deputy Secretary of the Department of Homeland Security. Her public service also includes work in several foundations and over 6 years in the United Nations Department of Peacekeeping Operations. Together we have served the Federal Government for a combined total of over six decades, with both of us beginning as Army officers right out of college. We both took initial assignments in Germany, Jane in Berlin and I along the East-West German border, at the height of the cold war.

This opportunity for me to serve once again with NATO began with that first assignment and continues to this day. I was in Germany when the Wall fell in 1989. I saw Germans from the east walk across no-mans-land to buy fresh fruit in the west. I remember well that on September 11, 2001, NATO for the first time ever invoked Article V of the Washington Treaty in response to the terrorist attacks here in America, demonstrating that an attack on one is an attack on all. Later I commanded the U.S. forces in NATO's peace enforcement mission in Kosovo, a crisis response mission on the periphery of NATO. Most recently, I have spent the last 6 years in the White House focused on the wars in Iraq and Afghanistan, where again NATO has played key roles. If confirmed, I look forward proudly to this opportunity to serve my country again in NATO.

Much has changed in Europe over the past several decades, but there has been one cornerstone for trans-Atlantic security—NATO. Large multilateral institutions like NATO do not adapt quickly or easily. Yet in the last 20 years we have seen NATO adjust to the end of the cold war, expand its membership to former enemies,

extend its reach to threats on its periphery, and adapt its defense structures to emerging threats. No one would have believed in 1989 when the Wall fell that NATO would conduct operations in the Balkans, Afghanistan, and Libya.

Serious challenges lie ahead for NATO. The key operational challenge is Afghanistan, where NATO leads a coalition of 50 nations. We are on a path to pass full responsibility to Afghan forces by the end of 2014, a path set by NATO and the Afghans at the Lisbon summit in late 2010 and refined last year at the Chicago summit. Several weeks ago the Afghans reached a strategic milestone along that path as they assumed the lead for security across the entire country, with NATO passing into a support and advisory role. But the military campaign is only one part of a complex equation to stabilize Afghanistan and ensure it is not a safe haven for al-Qaeda. The outcome will not rely solely on NATO. Perhaps most important, Afghan political transition culminates next April in the Presidential elections. Economic transition must adjust to the reduced presence of NATO forces. A political process that explores the possibility of Afghan Government talks with the Taliban is struggling at its outset. Finally, Afghanistan lives in a tough neighborhood, and regional dynamics will play a major role. None of this work will be fully completed in the next 18 months, so NATO and the United States are planning for a military presence beyond 2014, with the mission to continue to train-advise-assist the Afghan forces. Such a post-2014 mission requires a political agreement with the Afghan Government and our negotiators are making progress in advance of the Afghan election season. Afghanistan has been NATO's largest operation. Drawing it to a responsible close will be a significant challenge in the next several years.

NATO also faces a fundamental policy challenge—the growing gap between NATO's mission and the resources allies commit to fulfilling that mission. This ends-means gap is centered on the imbalance between America's defense resources committed to the alliance and those of other allies. All 28 members benefit from the alliance; all 28 have to contribute equitably. This is especially true as NATO recovers from a decade of operations in Afghanistan and faces new challenges like missile defense and cyber security. There are ways to approach this challenge, including "smart defense," pooling and sharing high-end resources, exploring specialization among allies, and nurturing partnerships beyond the core 28 members. This ends-means gap may be the most severe challenge the alliance has faced since the end of the cold war.

As we look to the future, the alliance is committed to keeping open the door to NATO membership. Our position is clear: Membership must be earned. Candidate nations must meet standards.

Beyond adding new members, NATO effectively extends its reach through partnerships based on reciprocity, mutual benefit, and mutual respect. Today NATO's partners include countries from the Middle East, Africa, and from across Asia. These partnerships broaden and increase the flexibility of NATO-led coalitions, expand and diversify NATO's political influence, and are a vehicle to emphasize common values. Recent NATO operations in Afghanistan and Libya have benefited from significant partner contributions.

NATO's partnership with Russia—the NATO-Russia Council—provides an important venue for frank political dialogue and can lead to practical cooperation, as in Afghanistan today. Areas of cooperation include counterterrorism, counternarcotics and nonproliferation. This partnership also faces challenges including missile defense cooperation and defense transparency. The NATO-Russia Council remains an important channel to address mutual interests and potential areas of cooperation.

NATO operates on a firm foundation of shared democratic values that bind together the 28 member nations. Because of these shared values, I am confident NATO can today fulfill its core tasks of collective defense, crisis management and cooperative security, while addressing the challenges of the future. If confirmed, I will do my best to represent American interests in the most successful, most durable alliance in history, the North Atlantic Treaty Organization. I ask for this committee's support.

Senator MURPHY. Thank you, General.
Dr. Baer.

**STATEMENT OF DANIEL BROOKS BAER, OF COLORADO, TO BE
U.S. REPRESENTATIVE TO THE ORGANIZATION FOR SECURITY
AND COOPERATION IN EUROPE**

Dr. BAER. Thank you, Mr. Chairman, Mr. Ranking Member, and members of this committee.

It is an honor to come before you as the President's nominee to serve as the United States Permanent Representative to the Organization for Security and Cooperation in Europe, and I am grateful for the confidence that President Obama and Secretary Kerry have expressed through this nomination.

I am humbled to be here in front of you, and also humbled to be here with two great American public servants, Ambassador Nuland and Ambassador-designate Lute. If we are confirmed, I look forward to working with each of them, and with all of you, to advance U.S. interests.

I have worked closely with Toria over the last few years, and she has been, not only a great friend, but a great partner in fighting for human rights. I would also like to acknowledge my family—my parents, thank them for the investment of love and resources in my future; my wonderful siblings; my sister, Marrett, who is here today—and my partner, Brian, who, though seated three rows behind me, is always standing beside me.

Mr. Chairman, for the past 4 years, I have had the privilege of serving as Deputy Assistant Secretary in the State Department's Bureau of Democracy, Human Rights, and Labor. In this capacity, I have welcomed the opportunity to contribute to a long tradition, sustained through both Republican and Democratic administrations, of putting human rights at the center of U.S. foreign policy. This experience has deepened my conviction that human rights must be at the core of any successful long-term strategy for peace and security, and that U.S. leadership is as crucial today as it was when Eleanor Roosevelt helped draft the Universal Declaration of Human Rights almost 70 years ago. There is no genuine security or lasting peace in the absence of respect for human rights and adherence to the rule of law. Recent history has shown us that the apparent stability afforded by repressive regimes is illusory, and, because of this, when states violate the rights of their citizens and fail to uphold international obligations, it is not merely internal affairs, but the rightful concern of the entire international community.

The OSCE is unique in having embraced a comprehensive approach to security at its founding and is the only regional security organization that places the political/military, economic and environmental, and human dimensions of security on an equal footing. The 57 participating states have recognized that whether and how an OSCE state is implementing its commitments is a legitimate concern for all participating states. This principle is part of a broader framework of highly elaborated human rights, cooperative security, and rule-of-law norms that are reflected in the mandates of OSCE institutions and field operations, enabling them to respond to a range of challenges, from attacks on media freedom to ethnic tensions across the OSCE, from Vancouver to Vladivostok. From election observation to arms control, military transparency, and confidence-building regimes, from the quiet diplomacy of the

High Commissioner on National Minorities to the exchange of technical expertise in combating trafficking, supporting women entrepreneurs, or maintaining border security, the OSCE's resources encompass expertise and established habits of cooperation that cannot be replaced, recreated, or duplicated.

Challenges to security, human rights, and rule of law are prevalent across the OSCE space, including intolerance and xenophobia, corruption, flawed elections, declining military transparency, and unresolved conflicts. Some participating states are failing to uphold and implement their commitments, including as they relate to fundamental issues, such as media freedom and the role of civil society. This is troubling, but it cannot, and does not, change the fundamental truth on which the OSCE is based, that the three dimensions of security are interconnected and must be advanced together. Shortcomings reinforce the fact that the work goes on and that we need the OSCE to continue to address challenges in a practical, principled manner in order to achieve true comprehensive security for all citizens throughout the OSCE space.

If confirmed, in all my efforts my priority will be to leverage and strengthen the OSCE as an institution that efficiently and effectively advances American and European interests.

Ambassador Nuland and Ambassador-designate Lute have laid out the enduring and unquestionable U.S. interests in a strong, democratic, prosperous, and secure Europe as a central component of maintaining our own national security in the 21st century. By supporting robust and deep transatlantic ties through our bilateral diplomacy, maintaining the strength and agility of our NATO alliance, and continuing to advance transatlantic cooperation through a comprehensive approach to security issues like those at the center of the OSCE's work, the U.S./European relationship will remain a foundation for progress toward a more peaceful and democratic world.

Thank you again for having me. If confirmed, I will look forward to working with members of this committee and, of course, with the Helsinki Commission. And I welcome your questions.

[The prepared statement of Dr. Baer follows:]

PREPARED STATEMENT OF DANIEL B. BAER

Thank you, Mr. Chairman, Mr. Ranking Member, and members of the committee.

It is an honor to come before this committee as the President's nominee to serve as the United States Permanent Representative to the Organization for Security and Cooperation in Europe (OSCE), and I am grateful for the confidence that President Obama and Secretary Kerry have expressed through this nomination.

I am humbled to be here in front of you, and also humbled to be in such good company, with Ambassador Nuland and General Lute. I look forward to working with each of them—and with you—to advance U.S. interests if we are confirmed. I have worked closely with Tora over the last few years, and she has been not only a great friend but also a great partner in fighting for human rights.

Mr. Chairman, for the past 4 years I have had the privilege of serving as a Deputy Assistant Secretary in the State Department's Bureau of Democracy, Human Rights and Labor. In this capacity, I have welcomed the opportunity to contribute to a long tradition—through both Democratic and Republican administrations—of putting human rights at the center of U.S. foreign policy and to be part of that team that helps shape our response to emerging human rights challenges, such as growing threats to Internet freedom.

This experience has deepened my conviction that human rights must be at the core of any successful long-term strategy for peace and security, and that U.S. leadership in advancing human rights is as critical today as it was when Eleanor

Roosevelt helped draft the Universal Declaration of Human Rights almost 70 years ago. Today, no serious observer can doubt the link between human rights and security. We know that respect for human rights cannot be relegated to the “nice to have, but not essential” category, because there is no genuine security in the absence of respect for human rights and adherence to the rule of law. Recent history has shown us that the apparent stability afforded by repressive regimes is often proven illusory. And we know that because of this, when states violate the rights of their citizens and fail to uphold their international human rights obligations, it is not merely “internal affairs” but the rightful concern of the entire international community.

The OSCE is unique in having embraced this comprehensive approach to security at its founding, and is the only regional security organization that places the human, economic and environmental, and political-military dimensions of security on an equal footing. The 57 participating States of the OSCE have recognized that whether and how an OSCE State is implementing its OSCE commitments is a legitimate concern for all participating States.

This principle is part of a broader framework of highly elaborated human rights, cooperative security, and rule of law norms that are reflected in the mandates of the OSCE institutions and field operations, enabling them to respond to a range of challenges—from attacks on media freedom to ethnic tensions—across the OSCE—from Vancouver to Vladivostok. From election observation to arms control and military transparency and confidence-building regimes; from the quiet diplomacy of the High Commissioner on National Minorities to the exchange of technical expertise in combating trafficking, promoting good governance in the public and private sector, supporting women entrepreneurs, or maintaining border security; the OSCE’s resources encompass expertise and established habits of cooperation that cannot be replaced, recreated or duplicated.

Over almost four decades—from its origin at the signing of the Helsinki Final Act in 1975, to its emergence as the OSCE in 1990 when Europe and Eurasia were undergoing deep and turbulent transformation, we have witnessed enormous progress toward our goal of a Europe whole, free, and at peace. But there is still more work to be done.

The “Helsinki+40” process, a 3-year framework for action leading up to the 40th anniversary in 2015 of the signing of Helsinki, provides an opportunity for participating States to reaffirm existing OSCE commitments and to bolster the Organization across all three dimensions. Helsinki+40 should promote trust and mutual confidence in the political-military realm, help revitalize conventional arms control as well as confidence and security-building regimes, and seek to address the protracted conflicts in the OSCE space. The security afforded to OSCE participating States is often uneven, particularly in the so-called “gray zones” of Europe. We should aim to rebuild an environment at the OSCE where military transparency is the norm, creating a more stable security environment for all.

In the economic and environmental dimension, we will maximize fully the OSCE’s unique position to leverage the connection between human rights, accountable and responsive government, and economic prosperity. We will continue to promote good governance and prioritize the organization’s work to improve trade and transport connections, notably at border crossings, where good governance practices and efficient customs procedures are helping to increase trade volumes between participating States and improve income generation for small business entrepreneurs.

If confirmed, I will work with my colleagues across the administration, as well as in Congress, to advance a vision that preserves what we value most about the OSCE, including its comprehensive approach to security, while developing a strategic framework that addresses 21st century challenges, leveraging U.S. resources together with those of our partners to achieve results. And even as we aim to rebuild an environment at the OSCE where military transparency is the norm, the OSCE can leverage its security cooperation experience and knowledge, reaching out to other regions on measures for nonproliferation of weapons of mass destruction and confidence- and security-building regimes.

Challenges to security, human rights and rule of law are prevalent across the OSCE space including intolerance and xenophobia, state-sponsored corruption, flawed elections, declining military transparency, and unresolved conflicts. Some participating States are failing to uphold and implement their commitments, including as they relate to fundamental issues such as media freedom, investigative journalism and the role of civil society. This is troubling. But it cannot and does not change the fundamental truth on which the OSCE is based: that the three dimensions of security are interconnected and must be advanced together. Shortcomings reinforce the fact that the work goes on, and that we need the OSCE to continue

to address challenges in a practical, principled manner, in order to achieve true, comprehensive security for all citizens throughout the OSCE space.

I know that some experts and some OSCE states have expressed doubts about the Organization's efficiency and effectiveness. We need to make a clear-eyed assessment of the OSCE and address these concerns. We should deal with challenges in a practical way that reaffirms our shared values and principles. The OSCE remains the only regional organization that includes all of Europe and Eurasia as well as Canada, the United States, and most recently Mongolia. Though its scope can make consensus difficult, it also makes the organization that much more powerful when we find ways to address challenges together.

And we should remember that when shared political will exists, the results are impressive. The OSCE's role in facilitating the peaceful participation in Serbian elections for dual nationals in Kosovo last year is a case in point. Based on the OSCE's success in that challenging mission, the EU has called on the organization to help administer local elections in northern Kosovo this fall, a key aspect of the recent normalization agreement between Serbia and Kosovo.

Looking to the decade ahead, the OSCE has the potential to play a pivotal role in advancing interests we share with OSCE participating States, including support for democratic development, economic integration, and security in Central Asia, as well as contributing to ongoing transitions on the periphery of the OSCE space among our Mediterranean Partners and in Afghanistan. The OSCE has expertise and experience that is directly relevant to our Partners' aspirations.

In all of my efforts, if confirmed, my priority will be to strengthen the OSCE as an institution that efficiently and effectively advances American and European interests in maintaining and deepening comprehensive security. The sustained commitment of the United States and other like-minded democracies is essential to the establishment of rights-respecting and sustainable institutions, military transparency and cooperative security, increased engagement with civil society, and greater adherence to rule of law and respect for human rights across the OSCE space. No state can achieve this outcome alone; we need strong partners and organizations such as the OSCE.

Ambassador Nuland and Ambassador-designate Lute have laid out the enduring and unquestionable U.S. interest in a strong, democratic, prosperous and secure Europe as a central component of maintaining our own national security in the 21st century. By supporting robust and deep transatlantic ties through our bilateral diplomacy; maintaining the strength and agility of our NATO alliance; and continuing to advance trans-Atlantic cooperation through a comprehensive approach to security issues like those at the center of the OSCE's work, the U.S.-European relationship will remain a foundation for progress toward a more peaceful and democratic world.

Thank you again for having me and I welcome your questions.

Senator MURPHY. Thank you, again, to all of our nominees.

Let me start with questions to you, Ambassador Nuland. Let me draw on your years of expertise with respect to Russia. This is an immensely important relationship; and, given all of the attention on the disputes we have, it sometimes belies the fact that we are actually at work with them on a variety of issues in which we have deep mutual interests, whether it be antiterrorism efforts, missile defense, or the work we have done together with respect to Afghanistan.

That being said, as I mentioned in my opening statement, we cannot let them off the hook with respect to the fairly severe downward turn that the Kremlin's take on civil society has undergone. As I have said before, if you are sitting in front of a court today accused of political crimes, you are less likely to be acquitted than you were during the Great Purge.

So, we can attack the issue of United States-Russia relations from a number of perspectives, but let me ask you to talk about this. What are the right pressure points upon Russia to try to turn around, I think, this very detrimental turn that has come in the way in which Putin and others are treating civil society and political dissidents?

Ambassador NULAND. Well, thank you, Senator. I certainly share your concern about the internal political environment in Russia. As I said at the outset, I agree with you, as well, that, wherever we can, as we tried to do with the Soviet Union, we have to try to work with Russia in our common interests. And we have had some success in that regard, particularly on some of the foreign policy issues that we share.

With regard to our support for democratic change, for reform, for those speaking out for a pluralistic society with rule of law, we have to, despite the environment, continue to do what we can to work with those Russians who are willing to work with us. If we are not able to support them as fully as we used to inside Russia, we still need to make support available in other ways. And I will, if confirmed, be eager to work with all of you on this committee to look for more ways to do that.

In addition, we have to speak out, as you said and as I said in my opening, when we disagree. And we have to work more intensively and more cohesively with our European allies and partners, because, when we speak together about our concerns, our voice is even stronger.

Thanks.

Senator MURPHY. Let me ask you one question about the trade agreement. How worried are you about the ability of Europe to be on the same page throughout these negotiations? We have seen, just over the past week, France seems to—at every turn, trying to—try to find an excuse to postpone or maneuver the beginning stages of these negotiations. There are two sets of negotiations happening; one between European nations and one between the United States and Europe. What is your role, in coordination with the Trade Representative, in trying to make sure that Europe speaks with one voice throughout these negotiations?—which is the only way that we are going to end up getting a product which is as big and bold as we all hope we can get.

Ambassador NULAND. Thank you, Senator. Well, you are right that, on the one hand, it is a bilateral trade agreement between the United States and the European Union, but it is obviously a trade agreement between the United States and the 28 member states of the European Union, if we are able to be successful. So, we do have an interest in the European position remaining clear, remaining cohesive. I think we have a role to play, at the State Department, through our 28 embassies, in continuing to help make the case, along with our colleagues in USTR who lead these negotiations, for a trade agreement that will increase jobs on both sides of the Atlantic, and will reduce barriers. We need to be coordinated in the way we use our public diplomacy and the way we work with business groups on both sides of the pond.

And, as I have said in some of my calls to meet some of you in advance of this hearing, I also hope that we will have bipartisan support in the Senate and in the House for working closely with parliamentarians in Europe, and particularly with Members of the European Parliament, who will have responsibilities for ratifying this agreement. I know some of them were here to see some of you, just in the last week, and we thank you for taking the time to do that.

But, we are going to have to provide a clear sense of the landscape in Europe and where we have points of agreement, where we have difficulties emerging in member states from our embassies. And we are going to have to provide a strong American voice out in Europe through our embassies. And I look forward to supporting USTR and Mr. Froman in that regard, from EUR, and also working with our Under Secretary for Economic Affairs at the Department.

Senator MURPHY. Well, Senator Johnson and I have already led several of those conversations with our parliamentary colleagues from Europe. We hope that we will continue that.

General Lute, I think, today there is only about three or four nations in NATO that are at the targeted percentage of GDP dedicated to defense. And clearly, the way things are going with respect to the European economy, we probably cannot bet on that number getting any better. So, we are having a conversation, one that occurred in Chicago at the last summit, about specialization.

The Europeans, though, believe that that has to be a two-way street, that if they are going to be asked to specialize, so should we, and that we might, as part of that negotiation, consider giving up some of our capabilities on, maybe, some nonintegral defense platforms, to our European allies.

Talk to me about both the European and the American will to get into a serious conversation about specialization, which ultimately could solve the problem, today, of the United States picking up 75 percent of the tab for NATO.

General LUTE. Thank you, Senator. I think the specialization argument largely hinges on different views of a balance—different views among the 28—of a balance between full-spectrum ability by each of the 28 to fulfill their Article V commitments for mutual defense. And, on the one hand, those capabilities, balanced against, as you—suggesting, increased efficiency across the 28, by way of specialization—national specialization.

If you look at the 28 allies today, clearly the United States has full-spectrum capacity in every defense realm. But, there are only a couple of other allies that even approach that. And even those who approach the full-spectrum capability can do so for only limited durations before they again rely on us.

I think the Secretary General and NATO already have begun to move down the path of some specialization. You see this by way of the pooling of resources, especially high-end, high-tech, expensive niche capabilities, like the airborne—or, air-ground surveillance system, based on the pooling of resources to buy the Global Hawk surveillance aircraft; you see it with AWACs; you see it with the C-17 pool of lift resources.

I must tell you that, in my view, we should not relent on the 2-percent goal. We should let no one off the hook, that equal membership means equal contributions. And 2 percent is the standard. But, at the same time, we should pursue these kinds of efficiencies, that it could include national specialization, because the reality is that the economic pressures across the 28 members is not likely to relent in the next 5-plus years.

Senator MURPHY. Including on this Nation, as well.

General LUTE. Exactly.

Senator MURPHY. I have run out of time, so I will turn it over to Senator Johnson.

I will just mention that we may have votes, at some point over the course of this hearing. We hope that not to be the case, but, if we do have time for a second round—we will have to inquire—you, Dr. Baer.

Turn it over to Senator Johnson.

Senator JOHNSON. Thank you, Mr. Chairman.

And again, I would like to thank all the nominees for taking time to meet with me. I enjoyed the conversations. And again, I appreciate your service to the country.

And, Ambassador Nuland, I particularly want to say thank you for coming in, you know, during, kind of, the height of the talking-points controversies, sitting down with me in my office and explaining a few things.

Unfortunately, there are an awful lot of questions that still remain about what happened following Benghazi, and, quite honestly, even before it. For example, we still have not been given the names or access to the survivors. I asked General Dempsey, in a Budget Committee hearing, you know, really what was the status of the commander in-extremis force that was on patrol in—or, actually, on training in Croatia. Still have not found out what the end-plus time was, in terms of their ready reaction. So, there are still an awful lot of questions.

And, you know, during the hearings of this full committee, both—with Secretary Clinton, in response to my question, when she uttered, you know, “At this point, what difference does it make?”—or, I guess, “At—what difference, at this point, does it make?”—the question I have is, Do you believe that, in your role representing the United States Government, that the American people deserve the truth out of members of the administration?

Ambassador NULAND. Senator, the American people deserve the truth, this body deserves the truth, those of us who were friends of the victims, as I was, deserve the truth, yes.

Senator JOHNSON. In reviewing the change from the talking points—original talking points, and how they were sanitized—it is pretty remarkable how sanitized they really were. And I know you had some participation in there. In your September 14 e-mail, it states that changes made to the CIA talking points still, “don’t resolve all of my issues or those of my building leadership.” Can you just tell me who that “building leadership” was? who you were referring to there?

Ambassador NULAND. Senator, I very much appreciate the opportunity to talk about my role in the talking-points issue. With your forbearance, I would like to give a little bit of background before I answer your specific question.

First, I just want to make clear that, when I was reviewing these talking points, which was only on the Friday evening of September 14, they were not for a member of the administration to use; they were talking points that the CIA was proposing to give to members of the House Intelligence Committee—

Senator JOHNSON. Correct.

Ambassador NULAND [continuing]. To use. Right? So, that was the first thing.

Second, I was not in a policy role in this job; I was in a communications role. So, my responsibilities were to ensure consistency of our public messaging, but not to make policy. So, I never edited these talking points, I never made changes. I simply said that I thought that policy people needed to look at them.

Also by way of background, by the time Friday came around, as spokesperson for the Department, I had already given three public briefings on Benghazi. The first was on Wednesday evening. I gave a background briefing in which I clearly said that this had been a complex attack, it was an attack by extremists. Then I gave two briefings at the podium: my regular midday briefing on Thursday, and my midday briefing on Friday. In those briefings, I was on agreed interagency talking points in which I noted, again and again, our firm commitment to investigate, fully, what had happened. But, I declined to give any more details, citing the need to have a full investigation, and particularly the integrity of the FBI's investigation.

So, when I saw these talking points on Friday night, just a few hours after that had been my guidance, they indicated a significant evolution beyond what we had been saying at noon. And it was on that basis that I raised three questions, in my communications role.

The first was—and, again, these were for Members of the House to use, not for an administration official to use—so my first question was with regard to consistency. It struck me as strange that we were giving talking points to Members of the House that went considerably further than what we, in the administration, had been saying at that point. And I felt that if House Members were going to say this, we, government communicators, should be able to say it, too.

The second was that I had been under very tight guidance that we must do and say nothing that would prejudice the integrity of the FBI's investigation, so I wanted to make sure that the CIA had actually checked with the FBI and Justice, and that they were comfortable with these talking points.

The third concern that I had was with regard to the second-to-last paragraph of the talking points, as I was looking at them, which made reference to past agency reporting about the situation in Benghazi. And, frankly, Senator, I looked at them, and they struck me as a partial rendering of some of the background information behind the situation, and I was concerned that giving them to the—out this way would encourage Members of Congress and members of the public to draw inaccurate conclusions about our respective agency's role in the entirety of the Benghazi issue. So, I did not change them—

Senator JOHNSON. OK, let us not—

Ambassador NULAND [continuing]. I did not edit them—

Senator JOHNSON. OK, I appreciate that, but—

Ambassador NULAND [continuing]. Yes.

Senator JOHNSON [continuing]. I think your specific quote in your e-mail about that penultimate point was that you were concerned that Members of Congress would beat the State Department. So, you were a little more concerned about the State Department getting beat up by Members of Congress than potentially getting the

truth out to the American people. I mean, that would be my concern, in terms of interpretation of that.

Ambassador NULAND. Sir, as I said, my concern was that this was not an accurate representation of the—

Senator JOHNSON [continuing]. OK.

Ambassador NULAND [continuing]. Full picture—

Senator JOHNSON [continuing]. But, again, let us—

Ambassador NULAND [continuing]. That they were—

Senator JOHNSON [continuing]. Just get back to some facts.

Ambassador NULAND. Yes.

Senator JOHNSON. So, who would be the “building leadership” that were not—or that were not satisfied with the resolution of suggested changes to the talking points? Who would those people be?

Ambassador NULAND. So, after my first e-mail with these concerns, the agency came back with another draft, but that draft continued to make reference to the past agency reporting that I thought was a prejudicial way of characterizing it. So, it was on that basis that I raised objections again.

Senator JOHNSON. OK, but—

Ambassador NULAND [continuing]. And here, this was—

Senator JOHNSON [continuing]. Ambassador Nuland, I am running out of time, so, you know, I—

Ambassador NULAND [continuing]. Yes.

Senator JOHNSON [continuing]. I just really wanted some—just facts. I mean, who were the “building leadership” that you are referring to that was not satisfied with the suggested changes? Who would those individuals be?

Ambassador NULAND. Again, I—

Senator JOHNSON. And then, further—because I will—the next question would be, Who was at the deputy’s meeting? Who were those people?

Ambassador NULAND. With regard to “building leadership,” I was concerned that all of my bosses at the policy level would—needed to look at these to see if they agreed with me that they were—

Senator JOHNSON. And who would those bosses be?

Ambassador NULAND [continuing]. Potentially inaccurate.

Senator JOHNSON. What about names? I mean, who were those individuals?

Ambassador NULAND. Well, obviously, as I reported to the full spectrum of Under Secretaries and Deputy Secretaries and everybody—

Senator JOHNSON. Were there particular—

Ambassador NULAND [continuing]. At the Department—

Senator JOHNSON. Were there particular people that were concerned about the changes that were not being made?

Ambassador NULAND. The only person that I consulted with that night was my regular reporting channel, with regard to issues that I was not able to solve at my level. So, our regular procedure, when I, as spokesperson, could not solve an issue at my level, was—or when I thought that there needed to be more policy input versus communications input—was to send my concerns up to the Deputy Chief of Staff for Policy. That is what I did that night. I—

Senator JOHNSON. And that—

Ambassador NULAND [continuing]. Did not—

Senator JOHNSON [continuing]. Person is?

Ambassador NULAND [continuing]. Consult with anybody else.

Senator JOHNSON. And that person is?

Ambassador NULAND. At the time, that was Jake Sullivan.

Senator JOHNSON. OK, thank you.

Ambassador NULAND. And he is on the e-mails, as you can see them, as they—

Senator JOHNSON. Thank you, Mr. Chairman.

Ambassador NULAND [continuing]. Were released to you.

Senator MURPHY. Thank you.

Senator Cardin.

Senator CARDIN. Thank you, Mr. Chairman.

Let me thank all three of our nominees for their extraordinary service to our country over many years. And we thank you for your willingness to assume these new responsibilities. And I particularly want to acknowledge your families, because this is a family sacrifice, and we very much appreciate your willingness, at this important juncture in American diplomacy, of taking on these responsibilities.

I want to spend a moment, since I have Mr. Baer and Ambassador Nuland here, to discuss the Helsinki Commission and human rights. I particularly want to acknowledge Senator McCain, on this day, where, as you might have seen, the Russian courts held Mr. Magnitsky guilty of certain crimes; whereas, the international community knows full well that Mr. Magnitsky was the victim.

My question, basically, to Mr. Baer and Ambassador Nuland, is that—we have worked very closely together, the administration and Congress, on human rights issues, good-governance issues, on economic-stability issues for countries in Europe, Central Asia, and partner countries within the OSCE, all coming under, Ambassador Nuland, your portfolio in the new position on which you have been nominated, and to, Mr. Baer, your responsibility in Vienna. I would like you to comment as to how important you see the relationship to the Helsinki Commission and to the Congress in the work that you do to advance the priorities of America in its participation in the OSCE.

Dr. BAER. Thank you very much, Senator Cardin, and thank you for your leadership on human rights across the world. The last time I testified for you was on Asia; and so, it is a pleasure to have a conversation about a different part of the world this time. And thank you for your leadership on the Helsinki Commission, as well.

I see the Helsinki Commission as one of the unique gifts that whoever is fortunate enough to be serving as the U.S. Ambassador to the OSCE has, because, if confirmed, it would be a real boon to be able to have that institutional connection to Congress that is really unique in the world. And, as you know, there is somebody from the Commission who serves on the staff of the mission in Vienna. There is also a detailee from the State Department who serves on the staff of the Commission. And there is, you know, an opportunity for open communication and collaboration on the full range of OSCE issues—political/military, economic/environmental, human rights issues—on an ongoing basis. And, if confirmed, that

is an asset that I would look forward to leveraging to the fullest extent.

Senator CARDIN. Thank you.

Ambassador NULAND. I fully agree with what Dr. Baer has said. In my long experience working with the Bureau and serving in Europe, Helsinki principles, the Commission, are the foundation of all we do together. They undergird our values. And when we stray from those values, all we need to do is look back at that document from 1975. So, I look forward to working on these issues with Dan, if confirmed, and with you, Senator, and with this whole committee.

Senator CARDIN. Thank you. One of the most challenging countries will be Russia. We have already talked about Russia a couple of times. Russia's participation within many international organizations has been challenging. They have committed to the Helsinki principles, but, at opportunities that they can undermine those principles, they have done that, whether it is election monitoring, whether it is the Magnitsky issues. Ambassador Nuland, as you are responsible, with the present administration, to develop agendas for the bilaterals and the international organizations, can you assure this committee that human rights with Russia will remain a high-priority issue?

Ambassador NULAND. Absolutely, Senator. I have never, in my career, been shy about speaking out about human rights, and I will certainly continue to do so, if confirmed.

Senator CARDIN. And, Mr. Baer, you are going to be confronted with some tough choices with Russia. They are going to say, "You need our consensus; therefore, back off," on different issues. Will you commit to us that the United States will stand strong on the human rights basket within the OSCE as it relates to Russia?

Dr. BAER. Senator, you have my full commitment to stand strong. It is part of the reason why I am interested in serving, is to stand strong for human rights.

Senator CARDIN. Thank you.

Mr. Chairman, I will yield back the balance of my time.

Senator MURPHY. Thank you.

Senator Risch.

Senator RISCH. Thank you.

Ms. Nuland, I do not want to dwell on the Benghazi question, but the Benghazi question is there, and it has not been answered. And I have got some questions maybe you can help me with.

The administration is focused on this—hiding behind a curtain of, "Oh, well, we are doing an investigation." And they have done that since day one on this. And, when we get briefed on stuff, this is the only situation, in my experience here, that they have done this.

Senator McCain and I sat in a briefing—what was it, a week after, or 10 days after? We had the Secretary of State, the head of the CIA, the number two in the FBI, and we asked them, "Who did this?" Because that was the question. The American people wanted to know who did this. Was this a protest gone bad, or was this, indeed, a terrorist attack? Which, of course, we all know it was. These people told us they did not know. Now, we are 10 days out, and they are telling us that they do not know.

Since then, we have run into a number of people who have said that they advised both the State Department and virtually every agency of government that it was, indeed, a terrorist attack, and they told them that in real time.

When was the first time that you were advised that this was a terrorist attack?

Ambassador NULAND. Senator, I do not recall the precise date that we moved to being confident that it was a terrorist attack, but I do recall that the President made reference, in that first week, to a terrorist attack, and I believe that Secretary Clinton did, as well, on the Friday. So, my talking points would obviously have derived from what they were ready to say and what the intelligence indicated.

Senator RISCH. Well, of course, Susan Rice was on TV, telling people that, indeed, they did not know whether it was a terrorist attack. You are aware of that, are you not?

Ambassador NULAND. I am aware of those programs, yes.

Senator RISCH. What other information did you have that this was a terrorist attack, and when did you get it, within the first 48 hours?

Ambassador NULAND. Senator, I just need to remind that I was not in a policy job, I was in a communications job at that time, so I was, frankly, not reading intelligence reporting, because it was difficult to keep one brain for the public and one brain privately. So, I was the conveyor of agreed policy and agreed decisionmaking about what we could say publicly. So, I really—you know, I think it was quite clear, when the President made his first reference to terror, that this is what we were dealing with. But, I never took an intelligence briefing, myself, that week.

Senator RISCH. Since then, have you gone back and looked at that intelligence information you had, that you had access to?

Ambassador NULAND. Sir, it was not something that I was privy to, because I did not need it in the jobs I was in.

Senator RISCH. Did you help in choosing Susan Rice to speak on the Sunday talk shows?

Ambassador NULAND. No, sir.

Senator RISCH. Did you brief her at all?

Ambassador NULAND. No, sir.

Senator RISCH. You had no conversations with her prior to—from the time of the attack until she appeared on the Sunday talk shows?

Ambassador NULAND. I had no conversations with Susan Rice, herself. I had—we had interagency discussion, which her staff participated in, on the days that I briefed, which was the Wednesday, the Thursday, the Friday. I never spoke to her. I, frankly, never saw the talking points that were prepared for her, in final form. As I said, when I saw the talking points, they were for members of the House Intelligence Committee.

Senator RISCH. Mr. Baer, Senator Shaheen and I had the honor and privilege of representing the United States at the October 1st elections in Georgia, as overseers. And we came back, gave our reports, and what have you. I was interested in the report from the OSCE on the subsequent elections that took place in April. And I

realize this is dated just July 9. It is dated Warsaw, July 9. Have you had an opportunity to review their report on this?

Dr. BAER. I have not yet, sir.

Senator RISCH. OK. Thank you.

Ms. Nuland, the Georgians are concerned regarding getting back Abkhazia and South Ossetia. I met with our Ambassador yesterday, and we had a robust discussion about this. What is your view of that situation and the likelihood that they are going to get back those two provinces in the near future?

Ambassador NULAND. Thank you, Senator. And thank you for taking time to see Ambassador Nordland. I appreciate that very much. We, as a Department, appreciate that.

Senator, the sovereignty and territorial integrity of Georgia is absolutely vital and essential. The United States has supported that from the moment of Georgia's independence. It is personally important to me. This was an issue that came up quite clearly when I was in the job as Special Envoy for Conventional Forces in Europe. And, as you may know, we were trying to look at how we might update that treaty, and we came to consensus within NATO about how that might be done. We came to consensus among most of the 35 members who were party to the treaty—36. But, we were unable to come to consensus with Russia because of the problems agreeing on territorial integrity issues, both with regard to Georgia and with regard to Moldova. And it was my judgment and my recommendation to the Secretary at that time that we call off the negotiations because it was not possible to settle the issue without impugning those basic principles of democracy in Europe.

Senator RISCH. Is there any plan, at this point, that you are putting forward, to assist the Georgians in recovering these two provinces? The Russians refuse to leave. Obviously, that is a huge issue. Do we have a plan in that regard?

Ambassador NULAND. Senator, we have been active in supporting efforts that Tbilisi, that the Georgians themselves, have initiated to try to reach out to the people of Abkhazia and the people of South Ossetia so that they can have a better understanding that their future would be bright in Georgia, itself, and to impact and give them a better understanding of the conditions in that country. Because, as you may know, the media environment is controlled pretty heavily. We will continue to do that, and we will be—continue to be guided by Georgian efforts to work on these issues.

Senator RISCH. Thank you.

My time is up. Thank all three of you for your service to the country.

Thank you, Mr. Chairman.

Senator MURPHY. Thank you.

Senator Kaine.

Senator KAINE. Thank you, Mr. Chair.

And, to the witnesses, my best. Thank you for your service.

Senators do a lot of things, but there are actually not that many things we do that are part of our written job description in the constitution. Article II, Section 2 says that the President shall make appointments to executive positions, and that that shall be done with the advise and consent of the Senate. That same section stipulates that "advise and consent" is supermajority when it is about

treaties, but not supermajority when it is about appointments. I wish you the best as we move forward. And it is good to be about this work.

General LUTE, my questions are really going to be, for you, about Afghanistan, because of the karma of a Foreign Relations Committee meeting I was in earlier today, in the same room, that was all about Afghanistan. We heard a number of witnesses—Ambassador Dobbins, Dr. Peter Lavoy, Stephen Hadley, former National Security Advisor, Ahmad Nadery, from a elections foundation—Free and—Elections Foundation in Afghanistan, and Sarah Chayes, from the Carnegie Endowment for International Peace. I asked a basic, kind of, threshold question of the witnesses, to which they all agreed, and I wonder if you do, and that question was, Was it their opinion that a strong majority of the Afghanistan population wanted there to be a residual United States and NATO force, post 2014? And they all said that they believed a strong majority of the Afghan population wanted that. Is that your sense, as well?

General LUTE. It is, Senator. And all our opinion polling and our work across the political spectrum in Afghanistan supports that view.

Senator KAINE. And just—I know, from your background, that you were—you have been deeply involved in questions about Iraq, as well. Was there similar polling done or a similar effort to undertake what the Iraqi population sense was about that question?

General LUTE. I do not know that there is a close parallel with the Iraq experience in this regard. There certainly was among the two political classes, the two political elites, the two sets of political elites. I do not recall, from my Iraq experience, that kind of countrywide opinion poll—

Senator KAINE. And just—

General LUTE [continuing]. Popular opinion.

Senator KAINE [continuing]. Just from your—and regardless of polling, just from your experience in the area, do you have a sense, of your own, about the Afghan population for a desire for a follow-on residual force, versus that desire in the Iraqi population at the time?

General LUTE. I think there are two things that clearly underline Afghan interest in a continuing Western presence of some sort beyond 2014. One is the question of just raw resources. The Iraqi people always knew that they did not really require external resources to prosper as a nation, and clearly the Afghans know that they do require external resource.

The other thing is the neighborhood. Iraq lives in a difficult neighborhood. But, I would argue, Afghanistan lives in a worse neighborhood.

Senator KAINE. Yes.

General LUTE. And it is very clear, from even the last 30 years of experience, that all Afghans understand that very clearly.

Senator KAINE. General Lute, your opening testimony talked a little bit about the need for the residual force. And there is obviously all kinds of debates going on about potential size, and I am not going to get into that. But, Stephen Hadley testified—and I thought it was an interesting bit of testimony that was both writ-

ten and then I followed it up orally—that his recommendation was that the United States should announce, relatively promptly, with some clarity, the size of a robust follow-on force, and that, if that happened, there would be the following consequences. It would create more confidence among the Afghan population in the runup to the 2014 elections. It might encourage more candidates to consider standing for election, which would be a positive thing. It would potentially deter or dissuade some who want to manipulate either the bilateral security agreement negotiation process or the elections, themselves. And he also indicated, in oral, not written, testimony, but that a relatively prompt and certain statement from the United States about the follow-on force might also promote prompt and certainty—certain commitments to be made from the partners—the NATO partners that we have in Afghanistan. That was if you will just take it from me—I think I have done a pretty fair job of summarizing the written testimony—do you—What would your opinion be of that testimony?

General LUTE. So, certainly those factors ring true to me. I would just argue—and I actually heard Steve's presentation.

Senator KAINE. Oh, OK.

General LUTE. I would argue that the size and scale, scope of the U.S. military presence in Afghanistan beyond 2014 is one factor in Afghan confidence, but maybe it is not the dominant factor. I think equally dominant or equally important will be the smoothness, the efficiency of the political transition, which I know also the testimony covered in a lot of detail this morning. I think Afghans need to see that, under the constitution, for the first time, that they can efficiently and smoothly, peacefully transfer political power from the Karzai regime of the last 10 years to whoever succeeds President Karzai.

I think, frankly, that that is the dominant factor in Afghan confidence. There are others, as well. They need to see that their security forces are going to be sustained. And, of course, the international community, alongside NATO, has taken steps to secure that funding beyond 2014 so that they can feel confident in that way. They need to see that their economy's not going to crumble. And the international community, last July in Tokyo, marshaled the resources for 4 years, beginning in 2013 through the transition period, to fill the budget gap between what the Afghan budget can provide for itself and the needs of the country itself.

So, there are a number of confidence factors, one of which might be U.S. military presence, but I am not even sure it is the dominant one.

Senator KAINE. Would you agree that the commitment of the U.S. and NATO allies to a presence might have an effect upon the smoothness of the transition, to the extent that it might encourage people to run for office, to the extent that it might give people some confidence going into the election season? Would you agree that U.S. and NATO commitments, vis-a-vis the residual force, might be a factor in the smoothness of a political transition, which I agree is ultimately the most important element that we are looking at?

General LUTE. I think it is a factor, Senator. I think, alongside that factor, though, is the political factor, the political commitment made by NATO in Lisbon in 2010, and by the United States, by

way of our strategic partnership agreement last spring, that, politically, we are committed to be there beyond 2014, and then also the counterpart economic commitment made both for security assistance—that is, to sustain the Afghan forces—but, beyond that, for economic assistance. And then, finally, I think the presence of some residual force would be a factor.

Senator Kaine. Great.

Thank you, Mr. Chair.

Thank you, to the witnesses.

Senator Murphy. Thank you.

Senator Rubio.

Senator Rubio. Thank you, to all the nominees, for your service and for being here today.

Ms. Nuland, I wanted to, first, say that I think there is very little debate on this committee about your qualifications to serve in this post. And, as I mentioned to you yesterday, the only reason you are getting questions, quite frankly, about the Benghazi issue, is because you were in that policy role. And, because the committee is not holding any further hearings on it, you are, quite frankly, the only witness we have—on questions with regards to these things that we want answers to. So, I wanted to briefly touch on it, hopefully in an effort to expedite the hearing and maybe close the book on it.

I read your e-mail, that is now available, that is dated the 14th of September at 7:39 p.m. You raised two concerns, primarily. The first was that there were mentions of Ansar—Ansar al-Sharia—in the context of that September 11, 2012, attack and that you did not want to prejudice the investigation. The second concern talked about the agency having produced—“agency” being the CIA—having produced numerous pieces of information on the threat of extremists linked to al-Qaeda in Benghazi and eastern Libya. Those were the two concerns that you raised in that e-mail.

So, on point No. 1, about the mention of Ansar al-Sharia and prejudicing the investigation, did the FBI share that concern?

Ambassador Nuland. Senator, thank you for that.

I want to clarify here that, with regard to the substance of mentioning Ansar al-Sharia, I did not have concerns about that.

Senator Rubio. OK.

Ambassador Nuland. As I mentioned earlier, it was not for me to decide what we knew, nor what we could declassify. I assumed, that evening, that if the agency was prepared to have Members of Congress name Ansar al-Sharia, that their information was solid and it was releasable to the public.

My concerns were the two that I mentioned earlier; namely, that I did not understand why Members of Congress could say more about it than we could, in the administration; and, second, that we had been under tight guidance not to prejudice the investigation, so I wanted to make sure my CIA colleagues had cleared these points with the FBI and Justice. I was later reassured that they had.

Senator Rubio. OK, good. Then, the second question I had is on point No. 2, and it is the one about the agency having produced numerous pieces of information on the threat of extremists linked to

al-Qaeda in Benghazi and eastern Libya. We now know that that is accurate, correct?

Ambassador NULAND. The agency had produced some pieces. My concern was not about the accuracy of what was on the paper, Senator; my concern was that it was an incomplete representation—and, frankly, a prejudicial one, I felt—of the totality of the situation in Benghazi. I had been under pretty tight instructions, for the 3 days running up to that, along the following lines: that we were to stay, as the State Department, very tightly lashed up as an interagency community, with regard to what we could say, and that the integrity of the investigation was paramount, that we had to get all of the facts so that we could learn the lessons from this tragedy; and that I had to be extremely attentive to the equities of other government agencies—there were a number of other government agencies that had very sensitive equities in this; and that that was the environment that all of us should be operating in. So, my concern, when I saw that particular paragraph, which was retained, was that it might not be in that spirit. And again, I did not edit them, I simply asked—

Senator RUBIO. Right.

Ambassador NULAND [continuing]. That policy people above me check my instincts.

Senator RUBIO. Those instructions that you have just highlighted for us, were they from Mr. Sullivan?

Ambassador NULAND. They were from the entire leadership of the Department, that we needed to get the facts and we needed to learn the lessons of Benghazi, and that we needed to be good colleagues in the interagency, yes.

Senator RUBIO. Does that—so, does the entire leadership include Secretary Clinton?

Ambassador NULAND. Secretary Clinton was, as she testified, herself, the leader in saying we had to get to the bottom of this, that we had to take responsibility for what had gone wrong, and we had to fix it. Yes, sir.

Senator RUBIO. Did you have any conversations with Secretary Clinton about the talking points or the specific concerns that you raised?

Ambassador NULAND. At no point, that evening or subsequently, did I talk about the talking points with Secretary Clinton.

Senator RUBIO. You did talk to them with Mr. Sullivan about these concerns, however?

Ambassador NULAND. I did not.

Senator RUBIO. So, the—your concerns were unilateral—these were concerns based on the instructions you had received from your leadership, but not concerns that they specifically told you to have.

Ambassador NULAND. Correct. And, as I said before, and as the e-mails indicate, whenever I had a problem that I could not solve at my level, or a concern that what I was being asked to clear was not a communications question but a policy question, I referred it to the Deputy Chief of Staff for Policy, which is what I did that night.

Senator RUBIO. So, just to close the loop on it, you had instructions on what the tone and tenor of talking points should be from

the State Department's position. You reviewed and made decisions on the talking points, based on those instructions, but they did not specifically tell you, "Object to this point" or "Object to that point"?

Ambassador NULAND. At no point was I ever told to object to anything. I was acting on my instincts and asking for a higher level review to check them, and I did not make any edits, as I said.

Senator RUBIO. Thank you for your answers.

In the minute-and-a-half that I have left, I want to ask about Russia. We reset our relationship with Russia, about, I do not know, 3 years ago, 2½ years ago. What is your personal opinion of how that has worked out? And where are we today with Russia? Are we still in a reset mode, or are we in a reset of the reset? Where are we with Russia? And what is, in your view, the status of that relationship, given the reelection, I guess we should call it, of Mr. Putin, and the direction he has decided to take his country?

Ambassador NULAND. Senator, as I said at the outset, I do believe that we have made important progress with Russia in recent years, that the work we do together to contain and sanction Iran, the DPRK, our ability to exfil and move equipment from Afghanistan through Russia, our counterterrorism cooperation, and the New START Treaty, are valuable things that resulted from the reset. But, I also believe that, when we disagree with Russia, we have got to be absolutely clear. And you can see that that is clearly the case now, with regard to Russian policy in Syria. It is—we are—and you have seen Secretary Kerry's efforts to try to use the Geneva agreement that the Russians agreed to under Secretary Clinton to try to get to the negotiating table, but, at the same time—

Senator RUBIO. Can I interject at—

Ambassador NULAND. Yes, please.

Senator RUBIO [continuing]. That point? I am sorry to interrupt you, but—

Ambassador NULAND. Please.

Senator RUBIO [continuing]. I am going to run out of time.

I wanted to ask about that, in specific. What is your view, what are your hopes, what are the odds that Russia could be enticed or have any incentive to try to reach a negotiated settlement in the Syrian conflict that results in something that is in the national interests of the United States? Or are their interests, vis-a-vis Syria, so diametrically opposed to ours that any sort of arrangement there is almost impossible, realistically?

Ambassador NULAND. Senator, without delving too deeply into it in this setting, I would simply say that I believe that Russian views of the situation will very much be guided by the ground situation in Syria.

Senator MURPHY. Senator McCain.

Senator MCCAIN. Thank you very much.

And thank the witnesses. And, for the record, I have known and admired Ambassador Nuland for a long time. General Lute, you and I have been friends for many years. And, Mr. Baer, I congratulate you on your assignment.

I must say, the progress that you noted, Ambassador Nuland, is minuscule, as compared to what the Russians are doing. I am very disappointed in your answer. Did you see—did you see the—what—

the news report yesterday—yesterday—“Dead Russian Lawyer Magnitsky Found Guilty”? Did you happen to see that? Did you see that, Mr. Baer? Does that remind you of the good old days—of the bad old days of the Soviet Union, when we convict dead people? Doesn't that appall you, I would ask Secretary Nuland, and you, who are supposed to be an advocate of human rights? Isn't that outrageous, that a man, who we know was tortured to death by the Russian authorities—was guilty of nothing, and we are saying that it is valuable progress that the Russians are letting us transship some equipment back? Somebody's got their priorities screwed up, here.

I am proud to have worked with Senator Cardin on the Magnitsky Act. You both say, “Well, we will get tougher on them.” How about giving me some specifics? How could we get tougher? Do you know one of the ways we could get tougher?—is expand the scope of the Magnitsky Act and make some more Russians feel some pain. Obviously, they did not react well—or, they did not like the fact that we passed the Magnitsky Act.

I would like to hear, either now, verbally, or for the record, what, specifically, do you want to do to—we have reset back to 1955. And when I meet Mr. Broder and I meet the family of Sergei Magnitsky, and we have, now, a situation where it goes almost unremarked by our administration, when they try and convict a deadman—

I would be glad to hear your responses, and I hope they are a little more vigorous than what you have been giving, so far.

Ambassador NULAND. Thank you, Senator. And I appreciate—

Senator MCCAIN. By the way, I admire you very much, Ambassador. I do not admire your choice of spouses, but that is another issue. [Laughter.]

Ambassador NULAND. You have given me an opening, Senator. I neglected to thank my fabulous family—my parents and my—the two handsome gentlemen in the middle, there, my husband and my son, David, for coming, today. And I thank you for all the years that we have worked together, including when I was out at NATO.

I cannot disagree with you that it is a travesty of justice when one is putting energy into convicting a deadman rather than finding out who is responsible for his murder. When I was spokesperson of the Department, I was very proud to speak out forcefully on this issue, as well as on the Magnitsky legislation.

With regard to the legislation, our work on the list is ongoing, and we will add names, as we are able to.

Senator MCCAIN. You will.

Ambassador NULAND. We will.

Senator MCCAIN. You will.

Ambassador NULAND. Dan, I do not know if you want to add anything.

Senator MCCAIN. Mr. Baer.

Dr. BAER. What Toria said is absolutely right. My Bureau has been involved in producing the first list, and we do see it as an ongoing project, and we plan to add names to the list. And I certainly share your feeling of being appalled at the conviction of Magnitsky. It is a tragedy.

Senator MCCAIN. And again, I do not want to—I would rather ask a couple more questions, but I think it is important to point out that, literally on every major issue of significant consequence, that Mr. Putin has exhibited nothing but the most obdurate and, in many times, aggressive behavior. We know that the support that they are providing to Bashar Assad. We know of many of the other transgressions, including internally—and this is where your work comes in, Mr. Baer—the repression of the media, the—bringing people to court who disagree, the—the whole—it all smacks of the old Soviet Union, and it is—and we seem to want to think, somehow, that things will get better, when everything that I can see that has real consequence has been retrograde.

But, let me ask General Lute, real quick.

General, I was a little surprised you did not mention Syria in your comments. And I would like to have your comments about that. But, I would like for you to explain to the committee why the United States is negotiating or seeking to negotiate with a group, the Taliban, that refuses to renounce its relationship with al-Qaeda and refuses to commit, ahead of time, to respect for women's rights. Explain to me the logic there.

General LUTE. Well, as you know, Senator, right now we are not negotiating. What we are trying to do—

Senator MCCAIN. Oh, but we intend to.

General LUTE. We would like to explore the possibility of getting—

Senator MCCAIN. No, I have been briefed several times, and you have, too, General. Let us be clear that they were setting up the office in Qatar, and they—

General LUTE. Right.

Senator MCCAIN [continuing]. Were doing everything possible to have negotiations. Why do we want to have negotiations with an organization that refuses to renounce its relationship with al-Qaeda and refuses, as a precondition, to recognize women's rights?

General LUTE. The two things you mentioned, the support of al-Qaeda and the support, generally, for the Afghan Constitution, which includes the kind of women's rights provisions that you are suggesting, are both designed to be outcomes of a discussion with the Taliban. And so, the—

Senator MCCAIN. In other words—

General LUTE [continuing]. The attempts—

Senator MCCAIN [continuing]. It is on the table.

General LUTE. No, it is not on the table.

Senator MCCAIN. Why shouldn't it—

General LUTE [continuing]. Those are our—

Senator MCCAIN [continuing]. They—

General LUTE [continuing]. So—

Senator MCCAIN [continuing]. It is either on the table or it is a precondition, one of the two.

General LUTE. It is not a precondition to talks, it is a precondition to Taliban being considered reconciled and eligible to return to political life, under the constitution, in Afghanistan.

So, it is very much the distinction between preconditions and end conditions. And the idea that is under exploration is to see if you

can get into talks—most important, Afghan-government-to-Taliban talks—that see if those end conditions can, in fact, be met.

So, there is no supposing or imagining that reconciliation comes without achieving those three end conditions. The third one, by the way, is to end the violence.

Senator MCCAIN. Well, again, I think that if you—if we are going to really be interested in the Afghan people and their rights, those are preconditions. There can be no agreement without them, so they might as well be preconditions. And by not making them preconditions, we have somehow conveyed the impression to them that they are on the table. And that is—they are either on the table or they are preconditions. It is not, “the subject”—if they are the subject of negotiation, then they are the subject of negotiation.

My time has nearly expired.

I want you to say, a little bit, what you think we ought to be doing in Iraq, in light—in Syria—in light of the 100,000 people that have now been massacred. Do you believe that we should be moving forward with arms to the rebels and establishing a new—no-fly zone?

General LUTE. Well, Senator, first, I have to just say that I do not follow Syria like you and I used to follow Iraq together. It is about 15—actually more than 1,500 miles away from where I am—I focus, on Afghanistan and Pakistan. I think that, certainly, the situation in Syria is absolutely central to stability in a vital region. As much as Iraq was, 5 or 6 years ago, when we were there, and the numbers we ran, and as much as Iraq is today.

I support the administration’s policy of the blend of tools that are being applied, principally the diplomatic/political approach, to try to find a resolution, but—that approach, as supported by humanitarian support to the refugees to address the humanitarian crisis—and then, finally, the provision of means, to include lethal means, to the insurgents.

Senator MCCAIN. I thank the Chair.

Senator MURPHY. Senator Shaheen.

Senator SHAHEEN. Thank you, Mr. Chairman.

Ambassador Nuland, General Lute, Mr. Baer, thank you all very much for being here and for your willingness to serve the country.

Ambassador Nuland, I am going to begin with you and ask about Georgia. Senator Risch, who was here earlier, and I had the opportunity to be election monitors during their recent elections, last October. And I have watched, with some concern, to see that the government of Prime Minister Ivanishvili has arrested a number of the folks who were in opposition to them, and am concerned about the kind of signal that sends about what is happening to their move to democracy in Georgia. And I wonder if you could assess for me how you think the progress is going under the new leadership, and whether you—what kind of action we are doing to try and continue to encourage Georgia to keep moving toward democracy.

Ambassador NULAND. Well, thank you, Senator. And I thank you and Senator Risch for being willing to be election monitors and for your long-time commitment to Georgia.

I share your concern. Georgia has come so far in recent years, including the elections last year, then the peaceful transfer of

power, the development of a vibrant multiparty parliament, greater media freedom, the efforts to curb police and prison abuses, and the continuity in foreign policy, but—and nobody wants to see Georgia slide backward.

We completely understand that this government ran and won on a platform of redressing past abuses, but we believe strongly in the primacy of the rule of law. And this cannot become cover for political retribution, or even the perception of political retribution. There has got to be full transparency, there has got to be due respect for the rule of law, because the world is watching. And this goes to the heart of Georgia's own aspirations, which we support, to join, fully, all the transatlantic organizations. So, Georgia's got to stay on a democratic path.

I am also, frankly, concerned about the economy. So, we want to see Georgians looking forward, not looking backward. And, if confirmed, I will be very vigorous on these issues, and I look forward to working with you and with other friends of Georgia here in the Senate.

Senator SHAHEEN. Thank you.

Let me just—to stay on Georgia, General Lute, one of the things that I have been encouraged about has been to hear Prime Minister Ivanishvili continuing the commitment to MAP for NATO and the continued commitment they have had to the conflict in Afghanistan. They have been a great partner in that effort.

So, can you talk about how you see, and what you see, in terms of their efforts to get MAP through NATO?

General LUTE. One of the great incentives, I think, for Georgia, to make the kind of reforms that were just addressed, is the potential to walk through the open door and gain membership in NATO. So, in this way, the NATO open-door policy really provides a very positive incentive for Georgians to look forward.

Georgia is on its path to meet the standards required for NATO membership. It has got work to do. I know that, by way of the NATO-Georgia Commission, that work is underway, so we join that effort, nationally, but we are joined by other members today, of NATO, to ensure that they understand what the path consists of and that they are making steady progress along that path.

Senator SHAHEEN. Thank you.

Let me ask another question about Afghanistan. One concern I have heard from some followers of the conflict there, and what we are hearing from Afghans themselves, is concern about the zero option: Should we withdraw all American troops? Can you talk about what—how that discussion is influencing what is happening on the ground in Afghanistan?

General LUTE. Thank you, Senator. So, as we deal closely with our Afghan counterparts, we remind them that the United States commitment beyond 2014 is embodied in a binding international executive agreement signed by President Obama and President Karzai more than a year ago. So, we already have a strategic partnership with Afghanistan that extends well beyond 2014. In fact, 10 years beyond 2014.

Likewise, NATO, in fact, beat us to the punch and established a strategic partnership of its own with Afghanistan in the Lisbon summit in November 2010.

So, the framework already exists for a continuing contribution, a partnership, beyond 2014. Beyond that, we have solidified those commitments beyond 2014 with the funding commitments, both to support the Afghan security forces, but also to the Afghan economy, beyond 2014.

So, I think, as we discussed earlier with Senator Kaine, this is a multipart package of political commitments, economic commitments, and security commitments.

And the last piece that needs to fall into place is exactly what will be the size and shape of a U.S. military presence, and then, beyond that, a NATO military presence. And that is still under negotiation. But, those negotiations are active, they are progressing, and we think we will see them through to a successful conclusion.

Senator SHAHEEN. Great, thank you.

Ambassador Nuland, on that same trip to Georgia last year, I had the opportunity to stop in Turkey and meet with the ecumenical patriarch of the Greek Church who was very impressive. And I wonder if you can—one of the things that I talked with him about was what was happening in Cyprus. And I know that Secretary Kerry has indicated this is an—we have an opportunity, here, with what he calls “a frozen conflict,” perhaps, to make some progress in addressing what has been a stalemate for a very long time, on Cyprus, between Greece and Turkey. I wonder if you can talk about whether there is—this is an opportunity, and how additional diplomatic engagement might help to change what has been a status quo for too long there.

Ambassador NULAND. Senator, I do believe we have an opportunity now. I think circumstances are changing, attitudes are changing, not just within Cyprus, but also in Greece and in Turkey, and we have to capitalize on that. We also have natural gas off the coast of Turkey, which is a—off the coast of Cyprus—which is a powerful motivator for getting to the solution that we all want, which is a bizonal, bicomunal federation that can share the benefits. And it is absolutely vital to Europe that Turkey—that Cyprus begin to prosper again, and I think that working on this could be a positive in that direction, as well.

Senator SHAHEEN. Thank you.

My time is up, but let me just say, in closing, I hope that we will continue to support the very positive progress that has been made between Serbia and Kosovo on settling their disagreements there. And anything we can do to support that, I think is very helpful.

Thank you.

Senator MURPHY. Senator Barrasso.

Senator BARRASSO. Thank you, Mr. Chairman.

Mr. Chairman, on May 10 of this year, the Republican members of this committee sent a letter to Chairman Menendez respectfully requesting additional committee hearings to review the open questions surrounding the September 11, 2012, terrorist attack in Benghazi, Libya. It has now been 2 months, and we have not heard back from Chairman Menendez about our request.

While the House of Representatives has been holding hearings and heard from numerous witnesses, including Mark Thompson, Acting Deputy Assistant Secretary of State for Counterterrorism; Greg Hicks, former Deputy Chief of Mission in Libya; and Eric

Nordstrom, former Regional Security Officer in Libya, those important witnesses have not had the opportunity to testify and provide answers in the Senate.

The American people have lingering questions about what happened on September 11, 2012, and why the State Department failed to protect our brave Americans in Benghazi, yet this committee has failed to schedule any additional hearings and has been attempting to avoid the issue altogether.

Ambassador Nuland, during an interagency e-mail exchange on September 14, 2012, you expressed concerns that the information you were providing could be used by Members of Congress to question the State Department for not paying attention to CIA warnings about the security situation in Benghazi. In an e-mail, you stated that you had, "serious concerns," about, "arming Members of Congress," with information from the CIA. You went on to say that, "Points should be abused—could be abused by Members to beat the State Department for not paying attention to agency warnings, so why do we want to feed that, either?"

Well, now the President has nominated you as Assistant Secretary of State for European and Eurasian Affairs. This handles a very critical region. I am concerned about your willingness to provide truthful and relevant information to the American people. And I say this because you have implied that it is dangerous to inform Members of Congress, who are the representatives of the American people.

So, my question is, Why should we believe that you will be open and forthcoming on the disclosure of important information to Congress, when you deliberately and intentionally withheld information about Benghazi from Congress and the American people while working at the U.S. Department of State as the spokesperson?

Ambassador NULAND. Senator, thank you for the opportunity to address this.

I am 400 percent committed to positive cooperation with the Congress, to sharing, fully, all information that we can.

As you recall, in that first week after the attack, there were numerous briefings, classified and some unclassified, and briefings thereafter of Members of the Senate, Members of the House of Representatives, that my bosses participated in. My concern was not, Senator, that evening, about sharing information with Congress. My concern was that these were talking points that the CIA was proposing that members of the House Intelligence Committee use with the media. And I felt that, if these were used with the media, they would give a mistaken and flawed perception of our respective agencies' roles in Benghazi. It was a partial representation of some of the information that we had had, some of the activity that we had been involved in together. So, I thought that, as media points—not as information to Congress; obviously, I have always, and will continue to, if confirmed, fully support transparency with the Congress and full cooperation with the Congress—my concern was that they were inappropriately crafted as points for the media, and they would be misleading.

Senator BARRASSO. So, you—I think you just used the phrase "partial representation." So, were your concerns with the Benghazi talking points that—were they made to shelter the State Depart-

ment from responsibility or accountability regarding the terrorist attacks in Benghazi?

Ambassador NULAND. Absolutely not, Senator. As I said earlier, we were under firm instructions, all of us, that what mattered most was a full and fair investigation of all of the facts so that we could learn the lessons and ensure that it never happened again. As I said earlier, I was personal friends with Ambassador Stephens. He was somebody I was very close to. For me, it is personal, to get to the bottom of this.

Senator BARRASSO. And I think the President, in his comments—as he said, as soon as he heard about the attack, he said, “No.1, I want to make sure that we are securing our personnel, doing whatever we need to. No. 2, we are going to investigate exactly what happened, so it does not happen again.” And, No. 3, he said, “We want to find out who did this so we can bring them to justice.”

In a letter dated December 18, Secretary Clinton stated, “We continue to hunt the terrorists responsible for the attacks in Benghazi, and are determined to bring them to justice.”

Today, July 11, it has now been exactly 10 months since the attacks. To your knowledge, are we any closer to identifying and bringing those terrorists to justice?

Ambassador NULAND. Senator, I share your frustration. As I said, as a citizen, I want to know what happened, as well. I have to tell you that, in my previous role as spokesperson of the State Department, and in my current capacity, I am not privy to information about how the investigation is going.

Senator BARRASSO. OK. In your written testimony, you talked about some things related to energy. You talked about that Europeans have taken important steps to diversify their energy market with new routes and new regulations.

I have introduced legislation enabling the United States to use its newfound abundance of natural gas to help our NATO allies diversify their energy imports in order to break Russian dominance over them through its control of their natural gas supply. Many experts have argued that U.S. natural gas exports can diminish the cartel behavior of rival suppliers, like Iran and Russia, help persuade allies to isolate these rogue states, like Iran, and encourage the decoupling of international gas prices from oil prices, which can reduce gas prices around the world.

Do you agree that natural gas exports, including LNG, can serve as an important diplomatic tool for the United States to strengthen our relationships with our allies and restore our standing throughout the world?

Ambassador NULAND. Senator, certainly the fast pace of change with regard to the natural gas picture in Europe is making a very valuable contribution to Europe’s energy security. And I think you know that the Department of Energy has approved some U.S. exports. It is obviously within the purview of the Department of Energy to decide if we can do more of that. But, the degree to which Europe has more diverse sources of natural gas, it is a good thing for Europe, and it is a good thing for the security of the transatlantic alliance.

Senator BARRASSO. It does seem that our energy resources can, at this point, increase our own economic competitiveness and en-

hance our power around the world. Do you support expediting LNG licenses to our NATO allies?

Ambassador NULAND. Again, Senator, this decision set is not within the purview of the State Department, it is within the purview of the Department of Energy, so I would not want to speak to decisions that they have to make. But, it is certainly the case that the more sources of natural gas for Europe—and they are really diversifying their LNG terminals now, they are also looking at shale gas, as you know, and we are very active in promoting that—the better for their security and for our common security.

Senator BARRASSO. Thank you.

Mr. Chairman, my time is expired. At this time, I would like to submit additional questions for written records.

Senator BARRASSO. Thank you, Mr. Chairman.

Senator MURPHY. Absolutely. Thank you, Senator Barrasso.

Senator MURPHY. Senator Paul.

Senator PAUL. Congratulations, to the panel, for your nominations.

Ambassador Nuland, where were you, the evening of Benghazi, during the attacks and in the aftermath?

Ambassador NULAND. I was at the State Department on September 11 until about 1 o'clock in the morning, sir.

Senator PAUL. Was Secretary Clinton there, also?

Ambassador NULAND. She was.

Senator PAUL. I did not hear you. Was or was not?

Ambassador NULAND. She was.

Senator PAUL. She was. Were you in the same room with Secretary Clinton during the period of time during the attacks?

Ambassador NULAND. For some of that period—she did a written statement on the attacks that evening. I worked with her on that written statement, but I was not with her the whole time, no.

Senator PAUL. OK. Did you have any conversations with anybody in Libya during the attacks or during the immediate aftermath?

Ambassador NULAND. No, sir.

Senator PAUL. With anybody from Special Operations Command in Africa?

Ambassador NULAND. No, sir.

Senator PAUL. No. Were you present during any conversations with Secretary Clinton with anybody in Libya?

Ambassador NULAND. No, sir.

Senator PAUL. Were you present with any conversations with Secretary Clinton and anyone from Special Operations Command in Africa?

Ambassador NULAND. No, sir.

Senator PAUL. Did you have any conversations with Secretary Clinton concerning reinforcements being sent from Tripoli?

Ambassador NULAND. No, sir. My role with her was purely with regard to communications.

Senator PAUL. You did not have any—

Ambassador NULAND. Public—

Senator PAUL. You were not present during any conversations—

Ambassador NULAND. No, sir.

Senator PAUL [continuing]. That had anything to do with sending reinforcements.

Ambassador NULAND. No, sir.

Senator PAUL. Were you present during any conversations with either—with yourself or with Secretary Clinton—of General Hamm, Admiral Losey, Lt. Colonel Gibson?

Ambassador NULAND. No, sir.

Senator PAUL. OK.

Have you ever had any conversations with Secretary Clinton concerning the purpose of the CIA Annex?

Ambassador NULAND. I am not quite sure what you—what you are asking, Senator.

Senator PAUL. What was the purpose of the CIA Annex in Benghazi?

Ambassador NULAND. Senator, I would be delighted to talk to you about the relationship between the State Department and the CIA in a separate setting, if that is helpful. I do not think it is appropriate—

Senator PAUL. Have you had any conversations with Secretary Clinton concerning the purpose of the CIA Annex?

Ambassador NULAND. Not with regard to the purpose, no. But, with regard to the responsibility of government communicators to protect the equities and requirements of all other agencies, yes.

Senator PAUL. Did you ever have a discussion with Secretary Clinton concerning the fact that the function and the activities of the CIA Annex may have had something to do with the attacks?

Ambassador NULAND. No, sir.

Senator PAUL. Are you personally aware of what the CIA Annex function is, or was?

Ambassador NULAND. Sir, I do not believe I have had a full briefing on what the activities were, no.

Senator PAUL. Have you read the New York Times article, from 2 weeks ago, that talks about the fact that the CIA has been involved with sending arms to Syria over the last year?

Ambassador NULAND. I did see that piece. I cannot assess its accuracy.

Senator PAUL. OK. Are you aware of the reports that a Turkish ship left Benghazi, or Libya, in the week preceding the Ambassador's killing, docked in Turkey, interviews have been conducted with the media, with the captain, distribution of the arms to Syrian rebels have been reported and discussed in the media? Are you aware of those reports?

Ambassador NULAND. I am not, Senator.

Senator PAUL. All right.

We have got a lot of questions. We have got a lot of very short answers.

How often in—with your tenure, is sort of your typical routine, as communications—or in charge of communications at the State Department—how often would you have personal contact with Secretary Clinton, or conversations?

Ambassador NULAND. When I was briefing, which was most days when we were home, I would see her every morning at our senior staff meeting. I would also support her when she had bilateral meetings with foreign visitors, particularly when there were press

conferences. That was our home drill. And then, I traveled with her on all of her foreign travel.

Senator PAUL. Right.

Part of the reason I bring up the CIA Annex is that, you know, we are in the process of becoming involved in a new war, in Syria, and there are many within the administration, which you will be part of, who argue for just doing this secretly, without votes; basically, to have a covert war. And that is basically what we are having now, according to articles concerning CIA activity in Syria, is that we are going to have a covert war, not a war where Congress votes on declaring war or votes on whether or not we should be involved.

The question, really, here, is a big question of whether or not, you know, we obey the Constitution, which says the Congress really declares war, the Congress makes these decisions, that, unilaterally, these decisions are not made without the approval of Congress or the people.

There is a question of the rule of law, basically. We have it on the books that says that, if there is a military coup, that foreign aid will end—not only if there is a military coup, if the military is involved in any way—in any substantial way, in removing a government from power. So, you can understand the—you know, the displeasure of some of us who believe in the rule of law, that, basically, this administration has said, “We are not going to obey the law, we are above the law, and we are just going to say it is not a coup.”

The problem, here, is that there is a certain lawlessness. There has been a big discussion on, you know, leaks from the NSA. People have said, “My goodness, these leaks are damaging national security.” Well, you know, what is also damaging to national security is when people come and lie to Congress. Now, I am not saying you did. You have said that it was classified, you cannot talk about it. But, if members of the administration are going to come to us and say, “Oh, I am just going to lie, because it is classified, and tell you the least untruthful thing,” what it does is, it really does damage the intelligence community, it damages the reputation of your administration, or the administration you will choose. It just—it damages the whole community, in a way, to say that it is OK to lie to Congress. That is basically what the opinion is now, and what is being told to the public, “It is fine to lie to Congress.” If that is true, it really damages the credibility of people who do things.

So, when I ask the question, which I understand your inability, maybe, to answer it because it may be classified—there are many of us who believe that it was—it had to do with an arms trade going out of the CIA Annex, and that perhaps people were unhappy about arms being taken from one group to another and sent to another, that may have incited the rioting and may have incited the terrorist attack. But, the problem is, we cannot ever get to the truth, because people just say, “Oh, it’s secret.” That is the problem with running a secret government and running secret wars. We do not get any oversight. We cannot have oversight because we do not have any information.

So, all I would say is that we need to think these things through. If you look at what the public wants right now, the public is not interested in a new war.

Thank you very much for your testimony.

Senator MURPHY. Thank you, Senator Paul.

We will do a second round, maybe of 5 minutes each, for members that are remaining.

Ambassador Nuland, I just wanted to expand upon the questions from Senator Shaheen on Turkey, just to ask a broader question. What Erdogan is doing is certainly not to the extent of what we have seen in Russia with Mr. Putin, but troubling nonetheless: the crackdown within Istanbul, his treatment of journalists, his disposition toward the military. What are the tools at our disposal to continue to raise these questions of a free and open civil society in Turkey?—given the same problem we have with Russia, in that we have so many irons in the fire, with respect to our very complicated security relationship with Turkey, that it often makes it difficult to put the issue of human rights and his treatment of political opponents front and center. What are the tools at our disposal to continue to press Erdogan with respect to the—some of the same issues, albeit to a lesser degree, that we are pressing Putin's government on, as well?

Ambassador NULAND. Thank you, Senator. Our alliance with Turkey, our relationship with Turkey, is absolutely critical, as you know, not just in the Eurasian space, but also in all of the work that we are doing now in the Middle East and North Africa, and particularly with regard to Syria. I think it is because we have such an intense and tight relationship, and because we have constant contact—I think Secretary Kerry's now made seven-plus trips to Turkey, the President talks regularly with President Erdogan—that we can speak very clearly and frankly when we have concerns about Turkey's democratic path—and we have done that at all levels, because it is—Turkey's democracy and the strength of it is important, not only for the country itself, not only as a NATO ally, but also because, as a majority Islamic population, Turkey's democracy is looked at by other countries around the world and in the region who aspire to be able to be Islamic and democratic at the same time.

So, these are the points that we will continue to make to the Turkish Government, that freedom of assembly, freedom of expression, protection of journalists, are fundamental democratic values that strengthen the country. And, in the context of the review that the Government of Turkey is doing now of the constitution, we are urging that these protections be strengthened and not lightened.

Senator MURPHY. Well, I thank you for raising the issue of constitutional reform. I hope that that will be an issue that we will continue to raise with them. I think that we should be troubled by the prospect of Erdogan trying to rearrange the constitution as a means of continuing his reign there beyond what has been expected by the people of Turkey. I appreciate your raising that.

General Lute, just very quickly, with regard to NATO enlargement, we have got a number of candidates, particularly in the Balkans. Can you just sort of speak very briefly about the commitment that you will have, as our Ambassador there, to actively work with

the Balkan nations who are in line for membership to go through the final stages of that process?

General LUTE. Yes, Senator, you have my personal commitment to do this. Of course, this is standing NATO policy, under the open-door provision. And it is longstanding U.S. policy, as well, that the door should be open, not only to the Balkan States that you are mentioning, but, as we mentioned earlier, Georgia, as well.

Senator MURPHY. Let me just, finally, before I turn it over to Senator Johnson—I do want to associate myself with at least the final comment made by Senator Paul. I know this is not particularly within your individual books of business, but it may be. I do think he raises a very important point about the interplay between overt and covert activity. And we have seen that produce fairly troublesome results for this Nation, but also for the State Department, in places like Pakistan, as we move forward in Syria, which is—you may have some interactions with.

I hope we look to prior history and understand that major military actions happening in a covert manner present problems, certainly with regard to oversight by the United States Congress, but also present problems within the administration, when there are entities negotiating with players across the globe who do not necessarily have control over all of the tools that are subject to those negotiations.

Senator Johnson.

Senator JOHNSON. Thank you, Mr. Chairman.

General Lute, as long as you did listen to the Afghanistan hearing—I was able to be there—here for the first hour, and could not ask questions, so let me ask you a couple of questions.

It was the—a comment was made that ISAF is providing critical support to the Afghan army and the police force, and that the elections were—I cannot remember the exact quote, but “absolutely essential,” in terms of progress being made in Afghanistan. But, there have been some real problems. Critical appointments have not been made.

The point I want to make is, if we are going to stop all military operations by the end of 2014, and basically turn it over to the Afghan army and police force by 2015, what if they are not ready? What is going to happen?

General LUTE. Well, the December 2014 goal to arrive at a point where the Afghans are fully responsible, as we said at Lisbon in 2010, at the end of this 4-transition process, is just that: a goal. And the reports—I think you heard, this morning, but the reports we consistently get, and have gotten for a number of years now, are that our military believes—and they have day-to-day, shoulder-to-shoulder contact with their Afghan counterparts—that we are on track, and that the remaining 18 months will complete that job to arrive at a position where they are fully responsible.

Now, I think you also heard, this morning, and we see in more routine reports, that there remain gaps today. Some of the ones most obvious are close-air support, medical evacuation, logistics. When you see—you see—

Senator JOHNSON. But, let me—I think that one—

General LUTE [continuing]. Newspaper reports on these, as well.

Senator JOHNSON [continuing]. One of the more critical gaps is managerial, at the officer level, which is an incredibly difficult gap to fill, isn't it, in just 18 months?

General LUTE. Well, Senator, you—I think you are right. You do not build an army in 4 or 5 years. And we have really only been seriously at the building of the Afghan army over the last 4 or 5 years. And that is why, beyond 2014, the work will not be done. And that is why we are committed to a training/advising/assisting mission even beyond 2014. As I mentioned earlier, that, of course, is—needs to be governed by a bilateral security agreement, which is under negotiation. So—

Senator JOHNSON. To what extent are militias being stood back up in Afghanistan?

General LUTE. I do not think this is a major change or a major initiative in Afghanistan today. The ethnic groups, especially in the rural areas that are quite remote from the population centers, the metropolitan population centers, have always been somewhat secured by local power brokers, who have armed contingents. And this is, to some extent, the natural state of affairs in Afghanistan. But, these are not dominant. And I can also tell you that, in the last several years, we have not seen a dramatic rise in the presence of these sorts of forces.

Senator JOHNSON. Do you think those militias are a stabilizing force?

General LUTE. I think they are a natural part of the security landscape in Afghanistan. We do not see them as a destabilizing force. They tend to stick quite close to their home turf. They are ethnically and tribally organized. And they do not present a, necessarily, destabilizing force.

Now, what is new to the scene is 350,000 Afghan National Security Forces, both army and police. And the standup of that national force is designed to be the glue that holds the very disparate regions of Afghanistan together.

Senator JOHNSON. OK.

Senator MURPHY. Senator Rubio.

Senator RUBIO. Thank you.

And I apologize for having to do this again, because this is not directly related to you, but I just want to clearly understand the timeline on the talking-points issue once more.

So, I want to go back. On October 10, Mr. Carney—Jay Carney—said that, “Again, from the beginning, we have provided information based on the facts as we knew they became available, based on assessments by the intelligence community—not opinions—assessments by the intelligence community. We have been clear all along that this was an ongoing investigation, that the more facts became available, we would make you aware of them, as appropriate, and we have done that.”

He went on to say, later, back in May, that, “What we said, and remains true to this day, is that the intelligence community drafted and redrafted these talking points.” That was then.

In fact, the President, on October 18 of last year, said, on “The Jon Stewart’s Show,” believe it or not, “But, everything we get, every piece of information we get, as we got it, we laid it out to the American people.”

That's the statements from the White House with regards to the talking points.

Now, the original CIA talking points were pretty blunt. They talked about "an assault on U.S. facilities in Benghazi as a terrorist attack conducted by a large group of Islamic extremists, including some with ties to al-Qaeda." That was the original talking points that the CIA circulated. But, then—well, the original talking points they prepared—they then circulated these talking points to the administration policymakers on the evening of Friday, September 14. They had changed "Islamic extremists with ties to al-Qaeda" to, simply, "Islamic extremists," but they also add a new context in the references to the radical Islamists. They noted—they pointed to Ansar al-Sharia's involvement, and they added a bullet point that highlighted the fact that the CIA had warned about another potential attack on U.S. diplomatic facilities in the region.

And that was the point where all the things we have talked about already began, right?—the e-mails circulating, you raised the concerns, et cetera, and overnight on the 14th. Then there was that meeting, on the 15th, of the—I do not want to mischaracterize the name of the group—"the deputies group." Is that right? You were not a part of that meeting, but there was a meeting. Correct?

Ambassador NULAND. Correct. My understanding was that this issue was taken up there, yes. I—

Senator RUBIO. So, you were not in the meeting.

Ambassador NULAND. But, I was not there.

Senator RUBIO. But, what we know from subsequent e-mails from someone—we do not know who it was—but, an e-mail to U.S. Ambassador Rice after the meeting, and it basically said, according to the e-mail there were several officials in the meeting that shared your concerns—you were not part of the deliberations—that the CIA talking points might lead to criticism that the State Department had ignored the CIA's warnings about an attack. And the e-mail also reported to Susan Rice that Mr. Sullivan would work with a small group of individuals from the intelligence community to finalize the talking points on Saturday before sending them on to the House.

So, that was what happened from that meeting, and then these changes came about, and then we get these talking points.

So, I guess the point that I want to raise is that, while, in fact, the intelligence community may have physically and technically written these talking points, the most substantive changes to the talking points—the most substantive changes to these talking points, from the original version, either—even the amended versions that were first circulated—the substantive changes came as a result of direct input from the State Department and from these—this deputies meeting. Is that—that is correct, right?

Ambassador NULAND. Senator Rubio, as you correctly pointed out, I cannot speak to the whole chain of events. When I received the talking points, on the evening of Friday the 14th, they said—they did not make reference to al-Qaeda, they made reference to Ansar al-Sharia.

Senator RUBIO. Right.

Ambassador NULAND. As I said, I had no difficulties, in substance, with that. When I, as a citizen, read the dozens and dozens

and dozens of e-mails that we released to the Congress, to the public, about this, it was clear to me, in reading those, as I am sure it was clear to you, that significant changes were made, apparently, inside the CIA before they—

Senator RUBIO. But, they were—

Ambassador NULAND [continuing]. Were circulated.

Senator RUBIO. Right. And I understand that the CIA typed the changes, but—

Ambassador NULAND. But, the—

Senator RUBIO [continuing]. The subsequent—

Ambassador NULAND. While they were in—while they were in clearance within the CIA—

Senator RUBIO. Right.

Ambassador NULAND [continuing]. Before they went into the—

Senator RUBIO. But, the point is that the major substantive changes came between Friday evening, after you and other State Department officials expressed concerns about criticism from Members of Congress, and the Saturday morning, following the deputies meeting. That is when the big changes to it came.

And the reason why that raises alarm is another e-mail, to Chip Walter, the head of the CIA's Legislative Affairs Office, from Secretary Petraeus, where he expressed frustration at the new scrubbed talking points, noting that they had been stripped of much of the content his agency had provided.

So, the point I am driving at has, quite frankly, nothing to do with you. But, the point that I just wanted to raise here is, in fact, when Mr. Carney and when the President says that these talking points were a product of the intelligence community, that is not accurate. These talking points were—may have been typed by the intelligence community, but these talking points were dramatically changed, directly at the input of non-intelligence-community individuals, primarily in the State Department and in this meeting of the deputies. That is where the changes were made. They did not come from the intelligence community. The intelligence community—in fact, its leader at the CIA—expressed frustration at the changes that had been made.

I know my time is up, but I have to get one real-quick question, and it has to do with—is—the START Treaty. Is Russia in compliance, in your opinion, with the New START? I know that is a big change of topic. [Laughter.]

Ambassador NULAND. Senator, at this—in this current state that I am in, I am not privy to all of the information with regard to compliance. If confirmed, obviously I would be fully transparent with you, within my responsibilities—

Senator RUBIO. OK.

Then, here's my—

Ambassador NULAND [continuing]. With regard to that—

Senator RUBIO [continuing]. Last question. Anyone who wants to answer it. Maybe, General, you could help with this. Did the administration seek or receive any input from our NATO allies, ahead of the President's announcement, 2 weeks ago, about additional cuts to U.S. strategic nuclear arsenal, beyond the limits imposed of New START? Did we talk to our NATO allies about it? And, if we did, what was their reaction?

General LUTE. Yes, Senator, I am not aware of that. I am obviously not following that issue at that time. I can investigate this and come back to you.

[The information requested of Ambassador Nuland by Senator Rubio follows:]

Following the 2010 Nuclear Posture Review, the President directed his national security team to conduct further analysis and review of the U.S. nuclear force structure and posture. The results of this analysis were announced during the President's speech in Berlin in June 2013, including his commitment to continued consultations with allies. The speech has been welcomed by our European allies and partners, as well as our key Asian allies. The United States regularly consults with our NATO allies about our commitment to further nuclear reductions and to maintain a safe, secure, and effective nuclear deterrent. Any changes in NATO's nuclear posture must be decided jointly by the alliance. This ongoing dialogue with NATO informed the analysis conducted by the United States and announced by the President in Berlin.

Senator MURPHY. Thank you, Senator Rubio.

Thank you very much for answering all of our questions. You have all acquitted yourselves very well. You all have had such impressive careers, and I am just so appreciative of the fact that you are ready to stand up for this Nation in a new capability. Congratulations on your nomination. And we look forward to your confirmation.

This hearing stands adjourned.

[Whereupon, at 4:25 p.m., the hearing was adjourned.]

ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

RESPONSES OF VICTORIA NULAND TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENEZDEZ

Question. Do you see the proposals put forward by the new Cyprus Government involving Famagusta as helpful in regenerating the efforts to resolve the political situation on the island?

Answer. We would support any agreement on Famagusta that is mutually acceptable to both parties. This issue underscores the need for a comprehensive settlement reunifying Cyprus as a bizonal, bicomunal federation. We firmly believe that a mutually acceptable settlement is in the best interests of the people of Cyprus, and we hope the parties will seize the opportunity to end the tragic division of the island once and for all.

Question. I noted with pleasure the spirit of religious cooperation demonstrated by the trip of Ecumenical Patriarch Bartholomew, the spiritual head of 300 million Orthodox Christians and the world's second-largest Christian Church, to Rome for the installation of Pope Francis, the head of the largest Christian Church, Catholicism. Historically, the Ecumenical Patriarch and Pope were both bishops in the same undivided Christian church until the year 1054. This trip marked the first such recognition between the two churches that has occurred in nearly 1,000 years and is a great tribute to the ecumenical spirit of both religious leaders.

- Can you share with the committee what you plan to do in working with Turkish Government officials to push for full religious freedom for the Ecumenical Patriarchate in Turkey?

Answer. The United States recognizes the ecumenical status of the Patriarchate, which is a part of the rich tradition of religious diversity in Turkey. As such, the United States fully supports efforts to reopen Halki Seminary, a vital institution of spiritual learning for Orthodox Christians around the world, as a symbol of the Turkish Government's commitment to ensure full religious freedom for all, including religious minorities. The Turkish Government's return of property surrounding the Seminary to the Church earlier this year was a positive step. If confirmed, I will continue to urge the Turkish Government to demonstrate its respect for religious freedom by working cooperatively with the Patriarchate to overcome legislative and political impediments hindering the reopening of this revered religious institution

and to resolve matters of importance to Orthodox Christians and other religious minorities in Turkey.

Question. Recent reports indicate that there may be good reason to question whether there's been mismanagement at the Holocaust Claims Conference. What steps has the U.S. Government taken to investigate whether \$57 million has been lost to fraud and what are we doing about it?

Answer. In late 2009, suspecting fraudulent internal activity, the Conference on Jewish Material Claims Against Germany ("the Claims Conference") retained outside counsel to conduct an independent investigation. The Claims Conference then presented evidence derived from this investigation to the FBI and the office of the U.S. Attorney for the Southern District of New York, which then launched an investigation into the fraud.

In May of this year, the Claims Conference's former Director of Hardship and Article 2 Funds, Semen Domnitser, and two coconspirators were convicted in federal court on charges of mail fraud and conspiracy to commit mail fraud. Twenty-eight others had already pleaded guilty. No Holocaust victims were deprived of any funds because of those crimes. After uncovering the fraud, the Claims Conference took steps to prevent its recurrence. It engaged Deloitte to conduct an independent review of all processing procedures and subsequently revamped them. Deloitte has prepared a report with preventative recommendations, including how to install appropriate safeguards, and the Claims Conference is currently in the process of implementing them. The Claims Conference also reviewed thousands of files, one case at a time, to identify fraudulent applications and instituted a process to obtain restitution. Whenever it came upon documents confirming fraud, the Claims Conference suspended improper payments and sought restitution. Legitimately eligible claimants, however, continued to be paid.

These losses to fraud must be measured against the overall accomplishment of the Claims Conference, a nongovernmental organization that since 1951 has sought a measure of justice for Holocaust survivors through negotiations with the German Government in order to provide payments both directly to individual survivors and grants to social welfare organizations serving survivors. As a result of these negotiations, the German Government has paid more than \$60 billion in indemnification for suffering and losses resulting from Nazi persecution. Claims Conference negotiations have also resulted in the disbursement of additional funds from German and Austrian industry, as well as from the Austrian Government. In May of this year the Federal Republic of Germany committed to providing approximately \$1 billion over a 4-year period for home care for Jewish Holocaust victims, with the annual amount increasing every year through 2017.

Question. In recent weeks Transnistrian authorities have acted to increase the security along their line of control to make it resemble an international border. Has the U.S. position on Moldovan sovereignty over Transnistria changed? If not what diplomatic actions have we undertaken to address this change in the status quo?

Answer. The United States strongly supports a peaceful and sustainable negotiated resolution of the Transnistria conflict through a settlement that provides a special status for Transnistria within Moldova's sovereign borders. The administration has underscored to both sides the importance of continuing to engage, compromise, and work toward a comprehensive settlement through the OSCE-sponsored 5+2 process. The administration has also called on both sides to refrain from any unilateral action that might impede the process or undermine confidence in the negotiations. The State Department will continue to raise these points and concerns with authorities in Chisinau and Tiraspol and work with its partners in the region to amplify this same message.

Question. President Obama has identified genocide prevention as a "core national security interest and core moral responsibility" of the United States. What role does genocide recognition play in combating future incidents of genocide? Do you have a personal view on U.S. recognition of the Armenian genocide?

Answer. The U.S. Government clearly acknowledges as historical fact and mourns that 1.5 million Armenians were massacred or marched to their deaths in the final days of the Ottoman Empire. These horrific events resulted in one of the worst atrocities of the 20th century, and the United States recognizes that they remain a great source of pain for the people of Armenia and of Armenian descent, as they do for all of us who share basic universal values. As the President emphasized in his April 24 Remembrance Day statements, the achievement of a full, frank, and just acknowledgement of the facts of what occurred in 1915 is in all our interests.

If confirmed, my duty would be to represent the policies of the President and administration faithfully, and to work with our allies and partners in Europe to make sure that such dark chapters of history are not repeated.

Question. The United States continues to support the democratic and economic development of Georgia—both through strong levels of economic assistance and a second Millennium Challenge Corporation compact with that country. What efforts are being made to ensure that U.S. assistance reaches all communities and regions in Georgia equally, including the impoverished region of Samtskhe-Javakheti, which is predominantly populated by Armenians?

Answer. U.S. Government assistance in Georgia supports democratic and economic development throughout the country, and this includes the Samtskhe-Javakheti region. Over the past 6 years, the U.S. Government has provided over \$240 million in assistance projects in Samtskhe-Javakheti, including through the Millennium Challenge Corporation (MCC). These assistance projects have ranged from rehabilitating public hospitals, helping farmers bring crops to market, fostering economic development, supporting civil society, and giving voice to the ethnic minority communities.

RESPONSES OF VICTORIA NULAND TO QUESTIONS SUBMITTED BY
SENATOR ROBERT P. CASEY, JR.

Question. After a meeting with Foreign Minister Kasoulides, Secretary Kerry stated, “We also look forward to working with the Foreign Minister and with President Anastasiades and others to try to move Cyprus forward on one of the world’s frozen conflicts. The United States supports a bizonal, bicomunal federation. We would like to see us unfreeze this conflict and be able to move to a resolution.”

- What is your assessment of the most effective way to unfreeze the Cyprus-Turkey conflict?
- Do you view the potential for gas exploration in Cyprus’s exclusive economic zone as beneficial or harmful to the efforts to solve the country’s political problem?

Answer. As I noted during the hearing, I believe that we have a real chance to capitalize on changing attitudes and circumstances to help address the 40-year-old division of Cyprus. A comprehensive settlement reunifying Cyprus as a bizonal, bicomunal federation will benefit the people of Cyprus and help strengthen regional stability by facilitating normalization of relations between Cyprus and Turkey. The Greek Cypriot and Turkish Cypriot leaders have confirmed their intention to resume the settlement process in October, and Turkey has also expressed its support for the settlement process. If confirmed, I will work both publicly and privately with the parties and with the United Nations to encourage a settlement.

The development of offshore energy resources should be a positive incentive for the parties to work toward a comprehensive settlement. We continue to believe that, in the context of an overall settlement, the island’s resources should be equitably shared between both communities.

Question. Ecumenical Patriarchate.—I noted the spirit of religious cooperation demonstrated by the trip of Ecumenical Patriarch Bartholomew, the spiritual head of Orthodox Christians, to Rome for the installation of Pope Francis. This trip marked the first such recognition between the two churches that has occurred in nearly 1,000 years and is a great tribute to the ecumenical spirit of both religious leaders.

- What do you plan to do to push for full religious freedom for the Ecumenical Patriarchate?

Answer. The United States recognizes the ecumenical status of the Patriarchate, which is a part of the rich tradition of religious diversity in Turkey. As such, the United States fully supports efforts to reopen Halki Seminary, a vital institution of spiritual learning for Orthodox Christians around the world, as a symbol of the Turkish Government’s commitment to ensure full religious freedom for all, including religious minorities.

The Turkish Government’s return of property surrounding the Seminary to the Church earlier this year was a positive step. If confirmed, I will continue to encourage the resolution of legislative and political impediments that are hindering the reopening of this important religious institution.

RESPONSES OF VICTORIA NULAND TO QUESTIONS SUBMITTED
BY SENATOR JAMES E. RISCH

Question. There has been speculation about a third trial of Khodorkovsky, Russia's longest serving political prisoner. What would be the implications for civil society and the democratic opposition in Russia if a third trial were pursued? What can be done by the United States or others to ensure Khodorkovsky is released as scheduled next year?

Answer. The Russian Government cannot nurture a modern economy without also developing an independent judiciary that ensures equal treatment under the law, advances justice in a predictable and fair way, and serves as an instrument for furthering economic growth.

The United States supports the rights of all Russians to exercise their freedoms of expression and assembly, regardless of their political views. These rights are enshrined in the Russian Constitution as well as in international agreements to which Russia is a party.

If confirmed, I will continue to express our concerns to Russia both publicly and privately about the Khodorkovsky case, selective prosecutions, and the corrosive effect on society when the rule of law is undermined by political considerations.

Question. It appears U.S. policy toward Central and Eastern Europe has lacked focus and this has contributed to the backsliding on economic and political developments you referenced in your testimony. What are your thoughts on how to fix this?

Answer. The countries of Central and Eastern Europe are, with one exception, strong allies and valued partners of the United States that have made critical contributions to NATO and have worked with us on other shared priorities around the world. If confirmed, I will seek to intensify our already active dialogue with these countries to advance our common interests on a broad range of security, economic, global and law enforcement issues.

Although we share with the people of the region a commitment to fundamental democratic values and human rights, we have concerns that some countries in the region have weakened the institutional checks and balances that are essential to democratic governance. We are honest with our friends about our concerns, both bilaterally and in venues such as the Organization for Security and Cooperation in Europe, and work with them to address these issues. If confirmed, I will also make it a priority to work actively with individuals and organizations in these countries who are striving to strengthen democratic institutions, civil protections, and the rule of law.

Belarus is an exception. In dealing with the Government of Belarus, we will continue to impose sanctions until the government releases all political prisoners and creates space for democracy.

Question. After decades of studied neutrality, the newly elected Government of Cyprus has decided to adopt a more prowestern foreign policy, including by seeking to join NATO's Partnership for Peace (PfP). Among other things, admission of Cyprus to the PfP would end the anomaly that Cyprus is presently the only significant country in Europe or Central Asia (other than Kosovo) that belongs to neither NATO nor the PfP.

- Does the Obama administration support Cyprus's aspiration to join the PfP? If confirmed as Assistant Secretary for European Affairs, will you work to help Cyprus gain admission to the PfP?

Answer. The United States has long supported Cyprus's aspiration to join the Partnership for Peace (PfP) Program. Since its start in 1994, the Partnership for Peace Program has been an important NATO tool seeking to promote reform, increase stability, diminish threats to peace, and strengthen security relationships between individual Partner countries and NATO, as well as among Partner countries.

If confirmed, I will continue to work for Cyprus' inclusion in the PfP.

Question. As you know, Cyprus has discovered significant offshore gas reserves which could provide a future revenue stream for the country, and could create the basis for energy cooperation with Israel. Expedient development of this resource, pursuant to international law, could substantially improve Cyprus's economic development and potentially act as a unifying factor in the eastern Mediterranean.

- Does the United States support the right of Cyprus to develop this resource?

Answer. The United States recognizes Cyprus' right to develop hydrocarbons resources in its Exclusive Economic Zone (EEZ). We continue to believe that, in the context of an overall settlement, the island's resources should be equitably shared

between both communities. And, that the development of offshore energy resources should be a positive incentive for the parties to work toward a comprehensive settlement.

Question. The stalled negotiations between Armenia and Azerbaijan over Nagorno-Karabakh continue to threaten the security and stability of the South Caucasus. It is even more concerning to see the United States, one of the cochairs to the Minsk Group, disengage from the region. Contrary to the passive U.S. role in the negotiations, Russia is very actively engaged. Former Russian President Dmitry Medvedev personally invested substantial political capital on advancing Russian interests in the South Caucasus vis-a-vis the Nagorno-Karabakh conflict. There is concern about a larger Russian military presence in the region, in the absence of U.S. engagement.

- What actions should the United States take to move the stalled negotiations forward?

Answer. As cochair of the OSCE Minsk Group, along with France and Russia, the United States plays a major leadership role in helping the sides find a peaceful solution to the Nagorno-Karabakh conflict. If confirmed, I will make this a priority. I will work with the sides, at the highest levels, to help them overcome the current impasse, and involve Secretary Kerry and the President, as appropriate, in our diplomacy. We will also continue to encourage near term confidence building measures that the sides can take to minimize the danger of incidents on the line of control and other actions that could take the process backward.

We will continue to stress that the parties themselves must find the political will to make the difficult decisions that a peaceful settlement requires. Any durable solution will require compromise from all sides. On June 18, Presidents Obama, Putin, and Hollande expressed their regret for the recent lack of progress, and called on the sides to recommit to the Helsinki principles, particularly those relating to the nonuse of force or the threat of force, territorial integrity, and equal rights and self-determination of peoples. We will also continue to emphasize that it is vital that the sides prepare their people for peace, not war, and avoid actions and rhetoric that could raise tensions or damage the peace process.

RESPONSE OF DOUGLAS E. LUTE TO QUESTION SUBMITTED
BY SENATOR JAMES E. RISCH

Question. As the Senate considers your nomination, we need to fully understand your views on what is arguably the most important arms control regime concerning the stability and security of our NATO allies—the Intermediate-Range Nuclear Forces (INF) Treaty. This agreement prohibits the production or flight testing of all ground-launched ballistic and cruise missiles with range capabilities between 500 and 5,500 kilometers, thereby promoting stability on the European Continent. As you are undoubtedly aware, however, Russian officials have made statements about the viability of the Treaty. For instance, on June 21, 2013, the Russian Presidential Chief of Staff stated that the INF Treaty “cannot exist endlessly.” Such statements obviously are cause for concern. I believe it would be helpful to hear your own perspective.

- Could you please provide your views on the importance of preserving the INF treaty over the next decade, including the impact of doing so on stability in Europe?
- Further, could you provide the administration’s current policy for information and intelligence sharing with our NATO allies relating to compliance and verification issues associated with the INF and other treaties of importance to NATO?
- Finally, can you assure the committee that our NATO allies have been fully and completely informed of all compliance and certification issues associated with the INF and other treaties?

Answer. The INF Treaty remains a significant achievement in nuclear arms control that contributes greatly to peace and security on the European Continent. It was the first arms control treaty to result in the elimination of an entire class of weaponry. It remains a vital element of the security architecture in the Euro-Atlantic region. Accordingly, it is critical that this treaty be preserved. The Russian Federation remains a party to the treaty and has not communicated to the United States an intention to withdraw from it. The reintroduction of INF class ground-launched missiles would destabilize and threaten the peace and security in Europe that the INF Treaty has helped ensure for over 25 years.

I want to reassure you that the administration is committed to maintaining a full and robust dialogue with NATO allies on the range of common security issues of concern, including those related to Russia. In fact, all allies share information bearing on our common security concerns. In addition, the administration regularly consults with allies on security and stability issues, at every level. For further information on these topics, we would be happy to brief you in a classified setting.

If confirmed, I personally commit both to representing these and all other American interests in NATO and to working with the Congress on these critical issues.

The administration is committed to working to seize the opportunities before us to revitalize and deepen our ties with Europe. We look forward to working with you on these and other important issues.

RESPONSES OF VICTORIA NULAND TO QUESTIONS SUBMITTED
BY SENATOR CHRISTOPHER A. COONS

Question. If you are confirmed, how will you approach the challenges in Cyprus? What role do you think the United States can play in supporting Cyprus in its efforts to end the division of the island? How do you think gas exploration in Cyprus' Exclusive Economic Zone will impact the political situation?

Answer. The U.S. Government is not a participant in the negotiations, but we have offered to provide any help that both sides would find useful. The administration will support the settlement process under U.N. auspices, which aims at achieving a bizonal, bicommunal federation, with political equality as stipulated in past United Nations Security Council Resolutions. As a friend to the people of Cyprus, the administration will continue to urge the leaders of both communities to engage constructively in the settlement process as the best way to reach an agreement. The administration will also engage Turkey and Greece to encourage reconciliation and reunification.

The development of offshore energy resources should be a positive incentive for the parties to work toward a comprehensive settlement. We continue to believe that, in the context of an overall settlement, the island's resources should be equitably shared between both communities.

Question. During your hearing you spoke at length about your concerns over human rights issues in Russia. Were you to be confirmed, how would you advise Members of Congress to approach our Russian Duma counterparts, with a view to seek changes to Russian legislation, such as the antigay propaganda bill? What would you do in your new role to support LGBT rights more broadly?

Answer. The administration has raised concerns about this legislation and other new laws negatively affecting civil society with Russian Government officials, both publicly and privately. If confirmed, I would encourage Members of Congress to do the same with their counterparts in the Russian Duma. The administration regularly supports congressional delegations visiting their Russian colleagues. Interactions of this kind provide an opportunity to urge Russia to honor its obligations and commitments with respect to freedoms of expression, association, and assembly.

Throughout my career, I have been an ardent supporter of LGBT rights, including most recently as State Department spokesperson when I spoke out regularly on these issues. If confirmed, I will work with our like-minded partners in all European countries and multilateral fora to protect the rights of LGBT individuals.

RESPONSES OF VICTORIA NULAND TO QUESTIONS SUBMITTED
BY SENATOR MARCO RUBIO

Question. What strategic goals does the President expect to accomplish in Europe by 2016?

Answer. Europe is our partner in everything we do around the world and as I said in my testimony, this administration's first task with our European allies is to revitalize the foundations of our global leadership and our democratic, free market way of life. We need growth and jobs on both sides of the Atlantic. The Trans-Atlantic Trade and Investment Partnership (T-TIP) that the United States and European Union began negotiating last week with the EU could support hundreds of thousands of additional jobs and strengthen our international competitiveness. But T-TIP is about more than our economic underpinnings. T-TIP is also a political and strategic investment in our shared future and our effectiveness as global leaders in the 21st century.

We must also focus on the unfinished work within Europe. Today, there is a real chance to capitalize on changing attitudes and circumstances to address the 40-year-old division of Cyprus. Kosovo and Serbia have made important commitments toward long-term reconciliation, thanks to the good offices of EU High Representative Ashton. And the United States cannot break faith with other members of our European and Eurasian family who have been trapped for too long in frozen conflicts and territorial disputes.

Together, the United States and Europe must also do more to defend the universal values that bind us. While all states in the EUR region hold elections and most have democratic constitutions, the quality of democracy and the rule of law in Europe and Eurasia is gravely uneven, and in some key places, the trends are moving in the wrong direction. Too many citizens do not feel safe criticizing their governments, running for office or advancing a vibrant civil society. In too many places, press freedom is stifled, courts are rigged and governments put their thumbs on the scales of justice. If, as a transatlantic community, we aspire to support and mentor other nations who want to live in justice, peace, and freedom, we must be equally vigilant about completing that process in our own space.

The United States and Europe must also continue to work together beyond our shores to advance security, stability, justice, and freedom. Our investment together in a safe, developing, democratic Afghanistan is just one example. As we look to future demands on our great alliance—and they will come—we must build on that experience, not allow it to atrophy. In these difficult budget times, that will require working even harder to get more defense bang for our buck, euro, pound, krone, and zloty with increased pooling, sharing, and partnering to ensure NATO remains the world's premier defense alliance and a capable coordinator of global security missions, when required.

America's work with European partners and the European Union across Africa, in Asia, on climate and on so many other global challenges must also continue. Today, the most urgent focus of common effort should be in Europe's own backyard and an area of vital interest to us all: the broader Middle East and North Africa. From Libya, to Tunisia, to Egypt, to Lebanon, to Iran, to Syria, to our work in support of Middle East peace, the United States and Europe are strongest when we share the risk, the responsibility, and in many cases, the financial burden of promoting positive change.

When this administration can, it must also work effectively with Russia to solve global problems. With respect to Iran, DPRK policy, Afghanistan, counterterrorism and nuclear arms control and nonproliferation, we have seen important progress in the past 4 years, and the President is looking for opportunities to take our cooperation to the next level. However, we must also continue to be frank when we disagree with Russian policy, whether it's with regard to weapons sales to the Assad regime in Syria or the treatment of NGOs, civil society, and political activists or journalists inside Russia.

Finally, the United States must be attentive to the fast changing energy landscape of Europe and Eurasia, and the opportunities and challenges that brings. We welcome these developments and need to ensure U.S. companies continue to play a leading role in this dynamic market.

As the President said in Berlin last month, "our relationship with Europe remains the cornerstone of our own freedom and security. Europe is our partner in everything we do . . . and our relationship is rooted in the enduring bonds . . . (of) . . . our common values." In every decade since World War II those bonds have been tested, challenged, and in some quarters, doubted. In every decade, we have rolled up our sleeves with our European allies and partners and beat the odds. These times of tight money, unfinished business at home and competing priorities abroad are as important as any we have faced.

If confirmed, I pledge to seize the opportunities before us to revitalize and deepen our ties with Europe, and to ensure we continue to have the will, the trust, and the capability to advance our shared security and prosperity and to meet our many global challenges together.

Question. Please explain how the administration is ensuring that growing attention to the Asia-Pacific region does not come at the expense of security commitments in Europe, the Middle East, and South Asia?

Answer. The administration's plan to "rebalance" our global posture to augment our focus on the Asia-Pacific region does not diminish our close and continuing partnerships with European and other allies. Reductions in U.S.-stationed forces in Europe will not impede our ability to fulfill our article 5 or other enduring security commitments to allies and partners. Rather, changes to U.S. force posture in Europe—such as deployment of missile defense assets to Europe and an aviation

detachment to Poland; steps to enhance our special operations capability; investment in shared NATO capabilities like Alliance Ground Surveillance (AGS) and a revitalized NATO Response Force—will yield a capable, more modern U.S. presence in Europe that will enable us to partner with Europeans and other allies on regional and global security operations, build partner capacity, and respond to future contingencies. Even after the cuts are implemented, over 60,000 U.S. servicemembers will remain in Europe, supporting our defense commitments to our allies and U.S., NATO-led, and coalition operations globally. We will maintain two brigade combat teams in Europe as part of a large, permanent military footprint, one of the largest military footprints outside the United States.

NATO will remain the cornerstone of transatlantic security, and our European allies—NATO allies in particular—are our partners of first resort for dealing with the full range of global security concerns.

Question. There is significant concern in the Senate about the administration's potential interest to conduct further nuclear reductions outside of a formal treaty process. If confirmed, how would you intend to keep the Senate informed about discussions with the Russians on this issue?

Answer. The administration is committed to continuing its consultations with Congress on arms-control-related issues.

Last month the President said in Berlin that he intends to seek further negotiated reductions with Russia. The administration has just begun to have conversations with the Russians about how this might proceed, so it is very early to know their level of interest and what might be possible. Clearly anything we do must be rooted firmly in our own national interests and must meet the national security needs of the American People.

If confirmed, I would look forward to working closely with the Senate on these issues as they would relate to my responsibilities for the bilateral relationship with Russia. I have the utmost respect for the Senate's prerogatives and responsibilities with regard to these issues.

Question. What is the administration's assessment of civil freedoms and government transparency in Russia? What factors are most threatening to the development of independent civil society in Russia? How has the environment in which independent civil society operate in Russia changed over the last 4 years? Is there more or less space for them to operate freely?

Answer. The administration is concerned about the sharply negative trends in democracy and human rights in Russia, particularly the shrinking space available for Russian civil society. In the wake of the mass public protests that followed parliamentary elections in 2011, the Russian Government has adopted a series of measures aimed at restricting the workings of civil society and limiting avenues for public expressions of dissent. These include laws increasing fines for public protests, restricting the funding of nongovernmental organizations, recriminalizing libel, expanding the definition of treason, and curbing the rights of members of minority groups. A number of activists, human rights defenders, and opposition leaders are facing charges and prison in what appear to be politically motivated cases, while civil society organizations like election monitor Golos face steep fines, criminal prosecution, and the suspension of their activities under the "foreign agent" law.

The administration continues to believe that political pluralism, democratic accountability, and respect for human rights and rule of law are the keys to unlocking Russia's enormous potential. We will continue in public and private to urge Russia to reverse the negative democratic trends. If confirmed as Assistant Secretary of State, I will make it a priority to support the work of those Russians that strive to create a more free, modern, and democratic country.

Question. Does the administration have the tools necessary to continue to help independent civil society organizations in Russia?

Answer. As you are aware, at the request of the Russian Government, USAID closed its mission as of October 1, 2012. The Russian Government has also enacted a series of laws in the last year that restrict cooperation between Russian nongovernmental organizations and foreign partners. I regret the decision of the Russian Government to end USAID's operations and am concerned by its actions against NGOs in recent months.

While these actions have changed how we work with Russian NGOs, the administration remains committed to supporting the development of civil society in Russia and to fostering links between Russian and American civil society. The tools we have include people-to-people ties and exchanges, public diplomacy outreach, and the activities of the Bilateral Presidential Commission. The administration also raises its concerns about restrictions on civil society with Russian officials, both

publicly and privately. If confirmed, I will keep Congress informed of efforts to enhance these links, and I look forward to consulting with Congress as we develop new tools to support the aspirations of Russian civil society.

Question. What is the administration's assessment of the prosecution in Georgia of officials from the previous government? What is the status of the rule of law and due process in Georgia?

Answer. We are closely following the criminal cases involving officials from the previous government in Georgia. Embassy Tbilisi personnel observe courtroom proceedings, and meet regularly with international monitors from the OSCE's Office for Democratic Institutions and Human Rights (ODIHR) and with representatives of both the Office of the Chief Prosecutor and the defendants. We continue to urge Georgia to conduct prosecutions with full respect for the rule of law while avoiding the perception or reality of political retribution. The cases are ongoing, and we will continue to watch them closely with these criteria in mind.

Question. Does the administration plan to review U.S. civilian assistance programs in Georgia in light of ongoing political developments in the country? If so, how?

Answer. U.S. assistance is an important means for us to achieve our foreign policy goals in Georgia, and a significant portion supports programs that strengthen the rule of law, civil society, and democratic institutions. We regularly monitor and review our foreign assistance programs in every country, including Georgia, in order to ensure their effectiveness, alignment with our foreign policy goals, and responsiveness to changing events on the ground.

If confirmed, I will keep a close watch on assistance to Georgia to ensure it supports that country's democratic development and the rule of law.

Question. What is the administration's position on the popular protests that broke out in Turkey in late May and on the Turkish Government's response? How is this likely to affect United States-Turkey relations and the regional picture?

Answer. We continue to monitor developments in Turkey closely. As we have stated repeatedly, as Turkey's friend and NATO ally, we are concerned about the excessive use of force by police in several instances, endorse calls for a full investigation, and welcome efforts to calm the situation through an inclusive political dialogue. The United States supports full freedom of expression and assembly, including the right to peaceful protest, as fundamental to any democracy. If confirmed, I will continue to urge Turkey to strengthen its constitutional and legal protections of human and civil rights.

Question. What practical steps could the administration take to work with Turkish authorities in order to meaningfully reduce their interference with the Ecumenical Patriarchate in Turkey, including full freedom to choose its leadership?

Answer. The United States supports the Ecumenical Patriarchate's right to choose its own Patriarch and its efforts to obtain citizenship for Greek Orthodox Metropolitans, as well as gain recognition of the Patriarch's ecumenical status from the Turkish Government. We will continue to urge the Turkish Government to demonstrate its respect for religious freedom by working cooperatively with the Patriarchate to resolve these and other matters of importance to Orthodox Christians and other religious minorities in Turkey.

Question. Secretary Kerry expressed an interest in helping resolve the Cyprus problem. What are some of the ways the Secretary can do so in practical terms?

Answer. The U.S. Government is not a participant in the negotiations, but we have offered to provide any help that both sides would find useful. We will support the settlement process under U.N. auspices, which aims at achieving a bizonal, bicomunal federation, with political equality as stipulated in past United Nations Security Council Resolutions. As a friend to the people of Cyprus, we will continue to urge the leaders of both communities to engage constructively in the settlement process as the best way to reach an agreement. We will also use our relationship with Turkey and with Greece to encourage reconciliation and reunification.

If confirmed, I will work with Secretary Kerry to look for opportunities to support the reunification talks through his personal diplomacy and travel.

Question. It is troubling to hear Iranian officials' aggressive rhetoric on Azerbaijan, including discussions at the Iranian Parliament questioning Azerbaijan's territorial integrity. How is the administration working with our Azeri partners to counter Iran's growing threats to the region?

Answer. The United States and Azerbaijan have clear, shared interests in building regional security, diversifying energy supplies, pursuing democratic and economic reforms, combating terrorism, and stemming the flow of illegal narcotics and weapons of mass destruction. The Government of Azerbaijan has played an important role in enforcing international sanctions against Iran.

U.S. and Azerbaijani security cooperation is focused on a number of relevant issues including: Caspian maritime domain awareness, border security, combating illegal trafficking, and NATO interoperability. We convene the U.S.-Azerbaijan Security Dialogue each year to review progress, raise important bilateral issues, and pursue additional areas of cooperation. We also work with Azerbaijan on counterterrorism, and continue to support Azerbaijan's independence by cooperating closely with Azerbaijan to diversify energy routes and resources for European markets.

RESPONSES OF DOUGLAS E. LUTE TO QUESTIONS SUBMITTED
BY SENATOR MARCO RUBIO

Question. Given your role in overseeing Afghanistan policy at the White House since 2007, what is your view about the appropriate role for NATO in Afghanistan after 2014?

Answer. At the end of 2014, the Afghan forces will be fully responsible for security across the country, having already assumed the lead for security countrywide with the June 18 announcement of the "Mid-2013 Milestone." As agreed at the Chicago summit, the new NATO mission after 2014 will train, advise, and assist the Afghan forces. It will be a narrowly focused, noncombat mission, significantly smaller than the current International Security Assistance Force (ISAF) mission. NATO's ongoing planning calls for a "limited regional approach" to cover the army corps and police regions, and also focuses on national institutions, including the security ministries and main training facilities.

Question. I'm concerned about reports that the President may decide to not leave any U.S. forces in Afghanistan after 2014. What are your thoughts on the appropriate post-2014 U.S. presence?

Answer. The President is still reviewing a range of options from his national security team with respect to troop numbers and has not made a decision about the size of a U.S. military presence after 2014. The President has made clear that—based on an invitation from the Afghan Government—the United States is prepared to contribute to NATO's train-advise-assist mission and also sustain a U.S. counterterrorism capability. A number of factors will define the U.S. contribution beyond 2014, including progress in our core goal to defeat al-Qaeda, progress with the Afghan National Security Forces (ANSF), the Afghan political transition, the potential for Afghan-led peace talks, regional dynamics, and completion of a U.S.-Afghan Bilateral Security Agreement (BSA) and a NATO-Afghan Status of Forces Agreement (SOFA). We've made significant progress on the text of a BSA, which is required for us to retain U.S. troops in Afghanistan.

Question. I've also been troubled by the administration's recent decision to apparently drop several key conditions before agreeing to talk to the Taliban. What role did you play in the formulation of U.S. policy on this issue and what is your assessment of the likelihood that such talks will further our goal of a stable democratic Afghanistan that respects the rights of women and minorities?

Answer. As we have long said, and as President Obama and President Karzai reaffirmed together in January, as a part of the outcome of any negotiations, the Taliban and other armed opposition groups must break ties with al-Qaeda, end the violence, and accept Afghanistan's Constitution including its protections for women and minorities. There is no purely military solution to the Afghan conflict. The surest way to a stable, unified Afghanistan is for Afghans to talk to Afghans. We have called on the Taliban to come to the table to talk to the Afghan Government about peace and reconciliation. Our goal remains for Afghans to be talking to Afghans about how they can end the violence, move forward, and rebuild their country, while protecting the progress made over the past decade.

Question. What are your views on Russia's behavior in Europe and what measures NATO can take to reassure our allies in Central and Eastern Europe, particularly the Baltic countries, about our commitment to their security?

Answer. The United States has made clear publicly that Europe—including Russia—remains a key partner in meeting 21st century security challenges throughout the world. NATO and Russia disagree on a number of important issues—Georgia,

Syria, and missile defense are among them—but we also have some areas of common concern, like Afghanistan.

The United States is committed to strengthening the NATO alliance, with the cornerstone of NATO being the mutual defense commitment in article 5 of the Washington Treaty. We have political consultations with all of our NATO allies at every level, including ministers, on the full range of security issues. Allies also raise concerns about Russian policy directly with Russia in the NATO-Russia Council, where the United States continues to urge frank political dialogue, including on areas where NATO and Russia disagree.

The United States is fully capable of and determined to fulfill its article 5 commitments, and will remain so even after our ongoing force posture changes in Europe are implemented. With respect to the Baltics, one example of our commitment to their security is that we have committed to extending NATO's Baltic Air Policing mission and are working with the Baltic States on their contributions to sustaining this initiative through host nation support. This mission exemplifies the spirit of Smart Defense, which will become increasingly important as we reconcile NATO's security requirements with budget realities.

RESPONSES OF VICTORIA NULAND TO QUESTIONS SUBMITTED
BY SENATOR JOHN BARRASSO

RUSSIAN ADOPTIONS

Question. On December 28, 2012, Russian President Vladimir Putin signed into law a bill ending the intercountry adoptions between the United States and Russia. The law prevents U.S. citizens from legally adopting Russian children. The Russian law went into effect on January 1, 2013.

On January 1, 2013, the United States Senate unanimously passed Senate Resolution 628, which voiced disapproval of the Russian law. It also urges Russia to reconsider the law and prioritize the processing of intercountry adoptions involving parentless Russian children who were already matched with United States families before the enactment of the law.

There are numerous families across this Nation who are already in the process of adopting children from Russia, including a family in Sheridan, WY. According to the Department of State, there are currently between 500 and 1,000 U.S. families in various stages of the adoption process.

- Since January 1, 2013, what specific efforts have the U.S. Department of State made on allowing those American families to finalize their pending adoption of Russian children?

Answer. The United States deeply regrets Russia's decision to ban the adoption of Russian children by U.S. citizens, restrict Russian civil society organizations working with U.S. partners, and to terminate the U.S.-Russia Adoption Agreement. The Department has repeatedly engaged with Russian officials at all levels and urged them to permit all adoptions initiated prior to the law's enactment to move forward on humanitarian grounds.

Despite the Department's continued efforts, Russian officials reiterated in our April 17 and June 25 U.S.-Russia adoption discussions that they will only permit those cases where an adoption ruling was issued before January 1, 2013, to be completed.

The Department continues monthly meetings with the Russian Embassy to provide information regarding the U.S. child welfare system and to discuss intercountry adoption matters. The Department also continues to correspond with families that have reached out to the Department on broad and case-specific issues and to hold conference calls for families.

- If confirmed, what specific actions do you plan on taking to help those families already in the process of adopting children from Russia to be able to complete the adoption process?

Answer. The Department has repeatedly engaged with Russian officials at all levels and urged them to permit all adoptions initiated prior to the law's enactment to move forward on humanitarian grounds.

Despite the Department's continued efforts, Russian officials reiterated in our April 17 and June 25 U.S.-Russia adoption discussions that only those cases where an adoption ruling was issued before January 1, 2013, may be completed.

If confirmed, I will continue to raise this issue with Russian officials at all levels and encourage intercountry adoption as an important child welfare measure. While Russia has the sovereign right to ban the adoption of its citizens, if confirmed, I

will continue to underscore that this ban hurts the most vulnerable members of Russian society. I will also continue to highlight the dedication of U.S. families to these children.

- Will you commit to addressing this problem directly to the Russian Government?

Answer. The Department has repeatedly engaged with Russian officials at all levels and urged them to permit all adoptions initiated prior to the law's enactment to move forward on humanitarian grounds. In this effort, the Department continues monthly meetings with the Russian Embassy to provide information regarding the U.S. child welfare system and to discuss intercountry adoption matters.

If confirmed, I will continue to raise this issue with Russian officials at all levels and encourage intercountry adoption as an important child welfare measure. While Russia has the sovereign right to ban the adoption of its citizens, if confirmed, I will continue to underscore that this ban hurts the most vulnerable members of Russian society. I will also continue to highlight the dedication of U.S. families to these children.

- Will you ensure that the U.S. Department of State works with impacted U.S. families to provide them with updates and information regarding their individual cases?

Answer. The Department continues to correspond with families that have reached out to the Department on both broad and case-specific issues, and to hold conference calls for families. The Department values the input of all families and has met with a number of prospective adoptive parents to further discuss this matter. If confirmed, I will continue to make it a priority for the State Department to continue working with all U.S. families impacted by this ban and to keep them fully informed.

RUSSIA'S SUPPORT OF SYRIA

Question. It appears the administration's policy is to basically continue to ask Russia to use its leverage to help stop the violence in Syria. It is clear Russia has no such interest in doing that.

The Washington Post reported at the beginning of June that "sophisticated technology from Russia . . . has given Syrian Government troops new advantages in tracking and destroying their foes, helping them solidify battlefield gains against rebels." The same article went on to quote a Middle Eastern intelligence official as saying "we're seeing a turning point in the past couple of months, and it has a lot to do with the quality and type of weapons and other systems coming from . . . Russia."

It is clear Russia's continued support for Syrian President Assad is one of the main reasons close to 100,000 have been slaughtered in the current conflict. Russia has vetoed every resolution to come before the United Nations Security Council on the matter, and has also voted against a nonbinding General Assembly Resolution. The absurdity of thinking Russia is going to cooperate with us on Syria is self-evident.

- Can you help me understand why the administration thinks Russia has any interest at all in helping in Syria?

Answer. Russia's continued support to the Assad regime—military and otherwise—only serves to prolong the suffering of the Syrian people. Since the Syrian uprising began, the State Department and the administration have been extremely vigorous, both publicly and privately, in exposing and demanding a halt to Russia's support to the regime and its vetoes of three Security Council resolutions. The administration opposes any arms transfers to the Syrian regime and has repeatedly and consistently urged Russia to cease arms transfers and sales to the Assad regime.

In our Syria discussions with Russia, we continue to make the case that Moscow's current course of action is exacerbating the very regional instability that Russia has asserted is a danger to its interests. We have urged Russia stop all support for the regime and instead use its influence to bring the regime to the negotiating table to find a political solution that expresses the sovereign will of all Syrians. If confirmed, I will place a high priority on our efforts to change Russia's current calculation and seek more cooperation to end the suffering in Syria.

- What kind of cooperation is the administration currently seeking from Russia on the situation in Syria?

Answer. The administration continues to urge Russia to end all support for the Assad regime, especially military support, and to use its influence to help get the

parties to the negotiating table to discuss a political transition, along the line agreed in the Geneva Communiqué.

- What steps are being taken to end Russia's support for the Assad regime and the Russian Federation's complicity in the crimes against humanity being committed inside Syria?

Answer. The United States opposes any arms transfers to the Syrian regime, which has used helicopters, fighter jets, and ballistic missiles to attack civilians. The administration has repeatedly and consistently urged Russia to cease arms sales to the Assad regime. Providing the regime with additional weapons inhibits reaching a negotiated political solution to the conflict and contradicts Russia's stated policy of seeking an end to violence.

The United States, European partners, and Syria's neighbors have been consistent and unequivocal in conveying to Russia that supporting the Assad regime with arms and access to Russian banks is not in Russia's long-term interest and is damaging to the region and to Russia's global credibility.

Question. Russia is essentially a serial violator of arms control treaties. When President Obama completed New START there were a number of issues outstanding on the original START. The State Department is unable to verify Russian compliance with the Biological Weapons Convention or the Chemical Weapons Convention, while it affirmatively finds Russian noncompliance with the Conventional Forces in Europe Treaty and the Treaty on the Open Skies.

In his April 2009 speech in Prague promising to rid the world of nuclear weapons, President Obama proclaimed "rules must be binding. Violations must be punished. Words must mean something."

When Russia violates arms control agreements while the United States adheres to them, Russia gains a military advantage that puts U.S. national security at risk. For example, the former Commander of U.S. Strategic Command, General Chilton, predicated his support for U.S. nuclear levels and New START on the assumption "that the Russians in the post-negotiation time period would be compliant with the treaty."

- Do you agree with the position that for the arms control process to have any meaning, parties must adhere to the treaty commitments they have made?

Answer. Yes, parties must adhere to their treaty commitments. The administration reports regularly to the Congress on arms control compliance matters through the annual report on "Adherence to and Compliance with Arms Control, Nonproliferation and Related Agreements and Commitments." The Compliance Report for 2012 was transmitted to the Hill on July 9.

Regarding compliance matters in general, the administration takes very seriously the importance of compliance with arms control treaties and agreements. When compliance questions arise, the administration raises them frankly with our treaty partners and seeks to resolve them, and the administration will continue to do so.

If confirmed, I will approach issues of noncompliance with arms control treaties and agreements with the utmost seriousness. I look forward to working on these issues closely with colleagues in the administration as they relate to my responsibilities for the bilateral relationship with Russia.

- Do you agree with the position of President Obama that violations of arms control obligations must be punished?

Answer. As President Obama said in Prague, violations must be punished. Regarding compliance matters in general, the administration takes very seriously the importance of compliance with arms control treaties and agreements. When compliance questions arise, the administration routinely seeks to resolve them with treaty partners, and the administration will continue to do so.

If confirmed, I will approach issues of noncompliance with arms control treaties and agreements with the utmost seriousness. I look forward to working on these issues closely with colleagues in the administration as they relate to my responsibilities for the bilateral relationship with Russia.

- How has the administration punished Russia for its noncompliance?

Answer. As you know, the Department reports regularly to the Congress on arms control compliance matters through the annual report on "Adherence to and Compliance with Arms Control, Nonproliferation and Related Agreements and Commitments." The Compliance Report for 2012 was transmitted to the Hill on July 9. The Compliance Report lists several instances of concerns with Russian compliance. It also makes clear steps the United States has taken to address those concerns. With regard to the Conventional Forces in Europe (CFE) Treaty, for example, in 2011 the United States announced that as a legal countermeasure in response to Russia's

2007 “suspension” of CFE implementation, we would cease implementing certain treaty provisions vis-a-vis Russia. All our NATO allies and two other treaty parties took a similar step.

The Department discusses compliance concerns with Russia in bilateral channels as well as in appropriate multilateral fora, and the Department will continue to discuss these issues and press for full compliance with and implementation of treaty obligations. The Department also keeps Congress informed of such matters, both through the compliance report and through interagency briefings with relevant congressional committees.

If confirmed, I will approach issues of noncompliance with arms control treaties and agreements with the utmost seriousness. I look forward to working on these issues closely with colleagues in the administration as they relate to my responsibilities for the bilateral relationship with Russia.

- Can you explain why the United States would enter into negotiations for future arms control treaties when there is evidence of a major arms control violations that remain unresolved with Russia?

Answer. The United States enters into and remains in arms control agreements that are in our national security interest. Russia is in compliance with the New START Treaty, which includes the right to conduct inspections of Russian strategic forces—an opportunity that the administration would not have without the New START Treaty.

Last month the President said in Berlin that he intends to seek further negotiated reductions with Russia. The administration has just begun to have conversations with the Russians about how this might proceed, so it is very early days to know their level of interest and what might be possible. Clearly anything we do must be rooted firmly in our own national interests and must meet the national security needs of the American people.

If confirmed, I would look forward to working closely with the Senate on these issues as they would relate to my responsibilities for the bilateral relationship with Russia.

Question. Presidential candidate Obama promised robust consultation with allies in developing the foreign policy of the United States. Specifically, for example, at the Munich Security Conference in 2009, Vice President Biden said we would develop missile defenses in Europe “in consultation with you, our NATO allies.”

The facts are, unfortunately, quite different, as “consult” has really turned out to mean “inform.” When President Obama in 2009, in a gift to the Russians, cancelled plans to deploy certain missile defense systems in Europe, the New York Times reported the Czech Republic was informed of this decision by “a hasty phone call after midnight from Mr. Obama to the Czech Prime Minister.”

This is particularly ironic, given that Senator Obama said on the floor on July 17, 2007: “The Bush administration has also done a poor job of consulting its NATO allies about the deployment of a missile defense system.”

- Do you pledge to consult with our allies in NATO and across Europe in developing U.S. foreign policy initiatives of consequence to them, especially U.S. arms control and missile defense plans?

Answer. Yes. As U.S. Ambassador to NATO from 2005 to 2008, it was my honor and privilege to maintain the closest possible consultations with our allies on all issues of shared concern, notably including missile defense. If confirmed, I look forward to resuming these relationships.

The administration regularly consults with allies on both arms control and missile defense. The United States works closely with our NATO allies regarding our commitment to further nuclear reductions and to maintain a safe, secure, and effective nuclear deterrent. During his recent speech in Berlin the President also reaffirmed the U.S. commitment to continued consultations with allies on future nuclear reductions. Similarly, the administration works closely with NATO allies and others on missile defense, regularly updating them and exchanging views on missile defense plans.

- Do you promise to share with [allies in NATO and across Europe] information we learn about Russia bearing on the security of our allies?

Answer. Yes. If confirmed, I look forward to maintaining the closest possible security consultations with our allies, and sharing relevant information, including with regard to Russia.

RESPONSES OF DOUGLAS E. LUTE TO QUESTIONS SUBMITTED
BY SENATOR JOHN BARRASSO

Presidential candidate Obama promised robust consultation with allies in developing the foreign policy of the United States. Specifically, for example, at the Munich Security Conference in 2009, Vice President Biden said we would develop missile defenses in Europe "in consultation with you, our NATO allies."

The facts are, unfortunately, quite different, as "consult" has really turned out to mean "inform." When President Obama in 2009, in a gift to the Russians, canceled plans to deploy certain missile defense systems in Europe, the New York Times reported the Czech Republic was informed of this decision by "a hasty phone call after midnight from Mr. Obama to the Czech Prime Minister."

This is particularly ironic, given that Senator Obama said on the floor on July 17, 2007: "The Bush administration has also done a poor job of consulting its NATO allies about the deployment of a missile defense system."

Question. Do you pledge to consult with our allies in NATO and across Europe in developing U.S. foreign policy initiatives of consequence to them, especially U.S. arms control and missile defense plans?

Answer. Yes. If confirmed, I pledge to continue the close discussions we have had with our NATO allies on the full range of security issues, including missile defense and arms control, as we seek to further deepen our ties with Europe. In my military career, from Europe and Kosovo to overseeing operations in Iraq and Afghanistan, I appreciate the value and importance of consulting with our allies. As Assistant Secretary-designate Nuland has also noted, the policy of this administration is that the United States works closely with our NATO allies regarding our commitment to further nuclear reductions and to maintain a safe, secure, and effective nuclear deterrent. During his recent speech in Berlin the President also reaffirmed the U.S. commitment to continued consultations with allies on future nuclear reductions. The United States is also firmly committed to engaging allies regularly regarding bilateral consultations with Russia on missile defense and soliciting their views.

Question. Do you promise to share with [allies in NATO and across Europe] information we learn about Russia bearing on the security of our allies?

Answer. Yes. If confirmed as United States Ambassador to NATO, I look forward to maintaining the closest possible security consultations with our allies, and sharing relevant information, including with regard to Russia. We regularly consult with NATO allies on the full range of security issues, including those related to Russia, at every level. All allies share information bearing on our common security concerns. In addition to discussions within NATO, which inform our approach to issues including arms control and missile defense, we have also briefed allies on our bilateral conversations with Russia, as appropriate. NATO allies also raise questions and concerns about Russian policy directly with Russia in the NATO-Russia Council, where the United States continues to urge frank political dialogue, including on areas where NATO and Russia disagree.