

**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
—

Printed for the use of the Committee on Foreign Relations



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**NOMINATIONS OF CATHERINE NOVELLI,
CHARLES RIVKIN, TINA KAIDANOW, PUNEET
TALWAR, MICHAEL HAMMER, KEVIN WHITA-
KER, AND BRUCE HEYMAN**

WEDNESDAY, DECEMBER 11, 2013

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

Catherine Ann Novelli, of Virginia, to be Under Secretary of State for Economic Growth, Energy & Environment; Alternate Governor of the International Bank for Reconstruction and Development; Alternate Governor of the Inter-American Development Bank; Alternate Governor of the European Bank for Reconstruction and Development

Hon. Charles Rivkin, of California, to be Assistant Secretary of State for Economic & Business Affairs

Hon. Tina S. Kaidanow, of the District of Columbia, to be Coordinator for Counterterrorism, with the rank and status of Ambassador at Large

Puneet Talwar, of the District of Columbia, to be an Assistant Secretary of State for Political Military Affairs

Hon. Michael A. Hammer, of the District of Columbia, to be Ambassador to the Republic of Chile

Kevin Whitaker, of Virginia, to be Ambassador to the Republic of Colombia

Bruce Heyman, of Illinois, to be Ambassador to Canada

The committee met, pursuant to notice, at 10:04 a.m., in room SD-419, Dirksen Senate Office Building, Hon. Robert Menendez (chairman of the committee) presiding.

Present: Senators Menendez, Durbin, Corker, McCain, and Rubio.

**OPENING STATEMENT OF HON. ROBERT MENENDEZ,
U.S. SENATOR FROM NEW JERSEY**

The CHAIRMAN. This hearing of the Senate Foreign Relations Committee will come to order. Today as we approach the holiday recess, we have seven well-qualified nominees for the committee's consideration. We welcome them to the Senate. We welcome their family members who are joining us today to offer their support, and we know how proud you all must be. And as always, I encour-

age our nominees when it is their time before the committee to feel free to introduce family members or friends because they, too, are making a sacrifice in service to the Nation, and we appreciate their willingness to share you with our country, and for that fact, with a country that you will be assigned to or the charge for which you have.

These nominees, if confirmed, will have some of the most important positions in the State Department and in this hemisphere. We are considering nominees for the two top economic posts in the State Department at a time when our country is pursuing the most ambitious trade agenda in generations. Our companies and workers are facing tougher competition than ever before. The global energy landscape is changing radically and at a time when the world faces serious environmental threats; nominees who will oversee State's counterterrorism and political military affairs at a time when the State Department's role in counterterrorism and diplomacy is more important than ever; nominees who will serve as our Ambassadors to three of our most important allies in this hemisphere—Canada, Chile, and Colombia.

Let me remind everyone that the record will remain open until 12 o'clock tomorrow, Thursday. And before I introduce our first panel, let me turn to Senator Corker, the distinguished ranking member, for his comments.

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

Senator CORKER. Thank you, Mr. Chairman, and I want to thank the two nominees for their willingness to serve in this capacity. I think, you know, our country, so many of our citizens, as one would expect, are focused inward these days because of the economic situation we find our country in and some of the fiscal issues. And I think it is difficult sometimes to champion the kind of activities that these two are going to be involved in. But we have 4½ percent of the world's population. We have 22 percent of the world's gross domestic product.

And what that does is improve the quality of lives and the standard of living of people in Illinois, and New Jersey, and Tennessee, and yet sometimes we do not do a very good job of advocating for that and championing that. And I really do appreciate the fact that we have two nominees that are well qualified, that very much understand the importance of our involvement with other countries economically, and I think they are going to do a very good job in their roles. They are well qualified. I appreciate the time they have spent in our office, and I look forward to this hearing, Mr. Chairman.

The CHAIRMAN. Well, with that ringing endorsement, we can call the hearing to an end. [Laughter.]

Senator CORKER. That would be fine with me. I have plenty to do today. I mean, it would be great if they introduced their families, and I think they would like to leave here feeling as if they are Henry Kissinger. [Laughter.]

So maybe we could do that and move the hearing on.

The CHAIRMAN. All right. Thank you, Senator Corker. I know that Senator Durbin is here to introduce one of our nominees who

is in a subsequent panel, Bruce Heyman, and I know the distinguished whip's time is limited, so if you want to make an introduction now before the committee, we are happy to entertain that.

Senator DURBIN. Thanks, Mr. Chairman and Senator Corker. And thanks to the two nominees before us, Ms. Novelli and Mr. Rivkin, who has told me that he has Chicago roots. All the nominees reach out for connections, and that is a very good one for me.

But I know on the third panel there is going to be another friend of mine, who has been nominated by the President to serve as Ambassador to Canada, Bruce Heyman. It is an honor for me to introduce him. His home now is in Illinois. He is here with his wife, Vicki, and their three children, David, Liza, and Caroline, and we welcome them.

He is a managing director in investment management and regional head of the Private Wealth Management Group at Goldman Sachs, where he has worked since 1980. Active member of the community, member of the Chicago Council on Global Affairs, Northwestern Memorial Hospital Foundation, Facing History and Ourselves, and the Committee for a Responsible Federal Budget, among other things; a magna cum laude graduate from Vanderbilt University with a B.A. and M.B.A.; served as the president of the alumni board of his alma mater's Graduate School of Management; broad experience facing many different challenges, and the right person for this job.

The United States and Canada have a unique, positive, strong relationship forged by geography, shared values, and common interests, and I am sure that Ambassador Heyman—and he will be the Ambassador—will continue in that great tradition. We are proud of our friends north of the border, and we have a strong relationship with them in so many ways.

Bruce, it is good to see you here today. The members of this committee look forward to hearing from you. I am sure they will see, as I have, that you will be serving the American people and the United States in keeping our friendship and alliance with Canada stronger than ever.

Thank you, Mr. Chairman.

The CHAIRMAN. Thank you, Senator.

Well, let me introduce our first panel. Catherine Novelli, nominated to be the Under Secretary of State for Economic Growth, Energy, and Environment. Ms. Novelli has had a distinguished and highly successful career in both the public and private sectors. She has shown a deep personal commitment to public service over several decades—former assistant U.S. Trade Representative for Europe and the Mediterranean. She coordinated U.S. trade and investment policy for over 65 countries of Western Europe, Central Europe, Russia, the CIS, the Middle East, and northern Africa regions in that position. And in prior roles as USTR, she has taken a lead role in many of the important U.S. trade negotiations in Europe, Russia, the Middle East, and north Africa over the last 25 years.

Most recently, she has served as vice president of Worldwide Government Affairs at Apple, heading a multinational team responsible for Apple's Federal, international, State, and local gov-

ernment relations and public policies. We welcome you to the committee.

Charles Rivkin has been nominated as Assistant Secretary of State for Economic and Business Affairs. He has appeared before our committee before, has served for the last 4 years, I think, with distinction as the U.S. Ambassador to France and Monaco. He is well known as the president and CEO of award-winning entertainment companies, including the Jim Henson Company and WildBrain, to mention some. And he has been credited with great success in expanding public diplomacy efforts.

Your full statements are going to be entered into the record without objection, so we would ask you to summarize them in about 5 minutes or so so that we can enter into a conversation with you. And again, if you have family members or friends here with you, please introduce them to the committee.

Ms. Novelli.

STATEMENT OF CATHERINE ANN NOVELLI, OF VIRGINIA, TO BE UNDER SECRETARY OF STATE FOR ECONOMIC GROWTH, ENERGY, AND ENVIRONMENT; ALTERNATE GOVERNOR OF THE INTERNATIONAL BANK FOR RECONSTRUCTION AND DEVELOPMENT; ALTERNATE GOVERNOR OF THE INTER-AMERICAN DEVELOPMENT BANK; ALTERNATE GOVERNOR OF THE EUROPEAN BANK FOR RECONSTRUCTION AND DEVELOPMENT

Ms. NOVELLI. Thank you, Chairman Menendez, and Ranking Member Corker, and Senator Durbin. It is a great privilege to appear before you today as the nominee for Under Secretary of State for Economic Growth, Energy, and the Environment. I am humbled by the confidence that the President and Secretary Kerry have placed in me by nominating me for this position.

I would like to introduce my husband, David Apol, and my daughter, Katerina, who along with my son, Daniel, have been a constant source of support and inspiration over the course of my career. Daniel wanted to be here today, but his plan was disrupted by his end of semester exams.

I would also like to pay a special tribute to my parents, Albert and Virginia Novelli, both first generation Italian-Americans who are a shining example of the opportunities this country presents to succeed through determination and hard work. My dad, who passed away this summer, was a World War II veteran, and his 30-year career in service to his country was a lesson to me in the value and reward of public service.

I am excited about the prospect of returning to government to serve. I hope to bring a very special practical perspective to policy-making and implementation of policy based on my work in both the public and private sectors.

In my more than 20 years of public service, primarily at the U.S. Trade Representative's Office and also at the Department of Commerce, I learned how important clear and transparent rules of the road are for U.S. companies seeking to sell products or invest. I have also seen how clear rules promote growth in our economic partners and, thus, create jobs for Americans. For the past almost 7 years, I have had the honor of working for Apple and have expe-

rienced firsthand the challenges that face one of America's most innovative companies in order to compete in markets around the world.

President Obama has made clear that our No. 1 goal must be to promote growth, create jobs, and strengthen the middle class. If confirmed, furthering U.S. competitiveness will be my top priority. The State Department has an important role to play in these efforts by insisting on written rules of the road for all global economic players, and helping to create a level playing field through muscular advocacy for U.S. companies.

I will also make it a priority to ensure that the State Department fully and effectively integrates our energy security, environmental, and commercial policies to best support our broad national interests. The International Energy Agency estimates that the world will need nearly \$17 trillion in power sector investment alone through 2035. The types of energy investment decisions countries around the world make over the next 20 years will have powerful impacts on our energy security, environment, and America's commercial prospects.

The intersection between U.S. energy security, economics, and environment also extends to policies surrounding the world's oceans. Oceans cover almost three quarters of our planet. They are vital resources for food, for transportation, and for energy. Many jobs and economies around the world depend on the living marine resources in our oceans. I will make it a priority to engage with our partners, stakeholders, as well as the members of this committee to ensure that our oceans are healthy and sustainable and that we are striking the right balance in this important area.

In all of these areas—business, energy and environment—U.S. ingenuity and creativity has played a critical role. My work at both USTR and Apple has convinced me of the importance of doing everything within my power to support innovation and entrepreneurship. Innovation and entrepreneurship have fueled American economic growth since the founding of our country. For example, in an area with which I am very familiar, an independent economic study traced the creation of over 750,000 U.S. jobs in the past 5 years just to the app economy alone. With so much at stake, I plan to make promoting the policies that will keep markets open for our scientists, inventors, and creators a key focus of my tenure at the State Department.

The U.S. Senate has been an important partner for the administration on a broad range of economic policy issues, including the ones I just mentioned. I welcome the insight the members of this committee bring to our international economic challenges, and if confirmed, I hope to work closely with you in support of our country's economic interests.

Thank you for considering my nomination. I would be pleased to answer any questions that you may have.

[The prepared statement of Ms. Novelli follows:]

PREPARED STATEMENT OF CATHERINE A. NOVELLI

Thank you, Chairman Menendez and Ranking Member Corker, and all the members of this committee. It is a great privilege to appear before you today as the nominee for Under Secretary of State for Economic Growth, Energy and the Envi-

ronment. I am humbled by the confidence that the President and Secretary Kerry have placed in me by nominating me for this position.

I would like to introduce my husband, David Apol, who, along with my daughter, Katerina, and son, Daniel, has been a constant source of support, and inspiration over the course of my career. Katie and Daniel wanted to be here today, but their plan was disrupted by their end of semester exams at school. I would also like to pay a special tribute to my parents, Albert and Virginia Novelli, both first generation Italian Americans who are a shining example of the opportunities this county presents to succeed through determination and hard work. My dad, who passed away this summer, was a World War II veteran and his 30-year career in service to his country was a lesson for me in the value and reward of public service.

I am excited about the prospect of returning to government to serve. If confirmed, I hope to bring a very practical perspective to policymaking and implementation of policy based on my work in both the public and private sectors. In my more than 20 years of public service, primarily at the U.S. Trade Representative's Office and also at the Department of Commerce, I learned how important clear and transparent rules of the road are for U.S. companies seeking to sell products or invest. I have also seen how clear rules promote growth in our economic partners and thus create jobs for Americans. For the past almost 7 years, I have had the honor of working for Apple, and have experienced firsthand the challenges that face one of America's most innovative companies in order to compete in markets around the world.

President Obama has made clear that our number one goal must be to promote growth, create jobs and strengthen the middle class. If confirmed, furthering U.S. competitiveness will be my top priority. The State Department has an important role to play in these efforts by insisting on written rules of the road for all global economic players, and helping to create a level playing field through muscular advocacy for U.S. companies.

Already, the State Department has made it a top priority to assist U.S. businesses to win contracts overseas. If confirmed, I will continue to mobilize the State Department—from our most senior officials on the 7th floor to our over 1,100 economic professionals in Washington and the field—to conduct aggressive advocacy on behalf of American firms.

I understand well from my experience in government and the private sector that doors are not always open to American exports. Our strength has been to negotiate agreements with our partners where the rule of law prevails. If confirmed, I will be a vigilant and relentless advocate to enforce our international agreements to open markets, combat unfair subsidies, and protect the intellectual property of American companies. These principles have made the United States strong and a fountain for global growth that in turn benefits American workers. Smart diplomacy backed by unambiguous enforcement of international agreements fosters the competitive markets that play to America's strengths.

Working with countries on agreements to increase trade and level the playing field for investment will also be essential to unlocking barriers to U.S. growth. As Secretary Kerry has stated, the more American firms sell abroad, the more they are going to hire here at home. And since 95 percent of the world's customers live outside of our country, we have to make sure our firms can compete in those increasingly growing markets.

If confirmed, I will also make it a priority to ensure that the State Department fully and effectively integrates our energy security, environmental, and commercial policies to best support our broad national interests. The International Energy Agency estimates that the world will need nearly \$17 trillion in power sector investment alone through 2035. Almost \$10 trillion of this amount will go toward power generation. The types of energy investment decisions countries around the world make over the next 20 years will have powerful impacts on our energy security, environment, and America's exports and commercial prospects. If confirmed, I will promote a fully integrated approach in these areas aimed at identifying the policies that best support our broad national interests.

Energy and national security are clearly entwined. We have seen that with the smart and aggressive implementation of the sanctions on Iranian oil exports that were developed by this committee. In today's world, good diplomacy must embrace the energy dynamics so fundamental to global wealth and power. If confirmed, I will work to ensure that U.S. foreign policy leverages to our benefit the complex and shifting geopolitics sparked by the energy revolution that began in the United States—so that our national security, our energy security, and our economic prosperity is advanced.

The intersection between U.S. energy security, economics, and environment also extends to policies surrounding the world's oceans. Oceans cover almost three quar-

ters of our planet. They are vital resources—for food, for transportation, and for energy. The oceans play a role in regulating our climate and our weather. Over one-third of the world's population lives in coastal areas and more than 1 billion people worldwide rely on food from the ocean as their primary source of protein. Many jobs and economies around the world depend on the living marine resources in our oceans. Oceans also inspire awe, wonder, and delight from teeming coral reefs in the Caribbean to the haunting beauty of the songs of the humpbacked whales. Oceans are a priority for the State Department and if confirmed, they will be a priority for me as well. I will make it a priority to engage with our partners across the U.S. Government and around the world, other stakeholders, as well as the members of this committee to ensure that our oceans are healthy and sustainable and we are striking the right balance in this important area.

In all of these areas—business, energy and environment, U.S. ingenuity and creativity has played a critical role. My work at both USTR and Apple has convinced me of the importance of doing everything within my power to support innovation and entrepreneurship. Innovation and entrepreneurship have fueled American economic growth since the founding of our country. For example, in an area with which I am very familiar, an independent economic study traced the creation of over 750,000 U.S. jobs in the past 5 years just to the App economy alone. With so much at stake, if confirmed, I plan to make promoting the policies that will keep markets open for our scientists, inventors, and creators a key focus of my tenure at the State Department.

The U.S. Senate has been an important partner for the administration on a broad range of economic policy issues, including on the ones I just mentioned. I welcome the insight the members of this committee bring to our international economic challenges, and if confirmed, I hope to work closely with you in support of our country's economic interests.

Thank you for considering my nomination. I would be pleased to answer any questions you may have.

The CHAIRMAN. Thank you.
Mr. Rivkin.

**STATEMENT OF HON. CHARLES RIVKIN, OF CALIFORNIA, TO
BE ASSISTANT SECRETARY OF STATE FOR ECONOMIC AND
BUSINESS AFFAIRS**

Ambassador RIVKIN. Thank you, Chairman Menendez, Ranking Member Corker, and members of the committee. Before I begin, I would like to introduce my brother, the Honorable Robert Rivkin, and I want to acknowledge my extraordinary wife, Susan, who is with me here today, and thank her for the important work that she did in France, as well as for her ongoing support and sacrifice. Our children, Elias and Lily, who are in college and could not attend this hearing, have been inspired by a family tradition of public service and are an enormous source of pride for us.

It is an honor to be here today as President Obama's nominee for Assistant Secretary of State for Economic and Business Affairs. I am doubly honored that President Obama and Secretary Kerry are placing their trust in me for a second time, and that after more than 4 years of serving my country overseas as U.S. Ambassador to France, they have asked me to come back to Washington to serve in a different capacity. I am humbled by their faith and excited by the new challenges and opportunities before me.

In the days since President Obama nominated me as Assistant Secretary of State for Economic and Business Affairs, many of my colleagues in the private sector have asked me what this Bureau actually does to promote their interests. And my simple answer is the State Department's Economic Bureau does two basic things. It creates jobs for Americans, and it keeps our country safe.

As Secretary Kerry has testified before the committee, "Now," he said, "more than ever economic policy is foreign policy." And if confirmed, I will build on the work of President Obama and Secretary Kerry to use economic engagement as a way to foster growth and prosperity around the world, which safeguards security and prosperity here at home. That is the core mission of the State Department's Bureau of Economic and Business Affairs, otherwise known as EB.

If confirmed, I would provide leadership to over 200 talented Foreign Service and civil service professionals here in Washington, DC, and provide direction to our greatest asset, a network of more than 1,100 State Department economic professionals abroad, including the U.S. mission to the OECD.

If confirmed, I will help these dedicated public servants level the playing field for American workers around the world by breaking down barriers to U.S. business success in foreign markets, by promoting U.S. exports, and by attracting job-creating foreign investment to the United States. EB plays an important role in enforcing intellectual property rights, promoting innovation, supporting entrepreneurship, negotiating trade agreements, and ensuring that everything from car parts to medicines is safe and reliable.

If confirmed, I would oversee the negotiation of air transport agreements that link U.S. cities with the rest of the world. I would prioritize work with our partners around the globe to maintain a free, open, and accessible global Internet. Under my leadership, EB would promote security by continuing to disrupt the financial pipelines that terrorists rely on to fund attacks against the United States and our allies, and I would help implement and administer targeted sanctions against those who threaten peace and stability.

I am excited by the prospect of leading EB because, if confirmed, I would bring a unique combination of skills to the job. As a CEO, I ran several successful businesses, and as a diplomat, I ran one the largest and most complex U.S. embassies in the world. And I know the importance of having the U.S. Government on your side when you are looking at overseas markets and trying to navigate uncharted territories.

And as Chief of Mission, I saw firsthand what dedicated U.S. Government employees can accomplish together because I was responsible for coordinating the work of more than 40 U.S. Government agencies in France, including the Departments of State, Defense, Justice, Agriculture, Homeland Security, and Commerce. I know how to bring an interagency team together to get things done and, if confirmed, I would bring this whole-of-government approach to my new job. Recent Presidential priorities, such as the National Export Initiative and SelectUSA, would benefit from this approach.

While serving in Paris, I had the honor and privilege to host congressional delegations and work with Congress, including this committee, to advance America's interests. And if confirmed, I look forward to continuing that partnership and engaging in frequent consultations with this committee and its staff.

If confirmed, I would be the first noncareer bilateral ambassador to ever lead EB, and my experience in both the public and private sectors would give me insight into how we could better leverage our embassies around the world in support of U.S. economic policy. I

also understand the need to be even more innovative and creative in how we conduct modern diplomacy. The U.S. mission to France, for example, became the first U.S. embassy in the world to have a fleet of American-made electric cars thanks to a willingness to embrace new ideas from our young Foreign Service officers in the field, some of whom are in this room today.

Mr. Chairman and members of the committee, if confirmed by the United States Senate, I would help reinforce Secretary Kerry's vision of the prominence of economic affairs in foreign policy, and I would take a whole-of-government approach in sending a clear signal that America is open for business. I dedicate myself to completely fulfilling my Bureau's mandate of creating more jobs and making America more secure. I look forward to this important challenge, and I would be happy to answer your questions. Thank you.

[The prepared statement of Ambassador Rivkin follows.]

PREPARED STATEMENT OF HON. CHARLES H. RIVKIN

Thank you, Chairman Menendez, Ranking Member Corker and members of the committee. Before I begin, I want to acknowledge my extraordinary wife, Susan, and thank her for her important work in France, as well as for her continued support and sacrifice. Our children, Elias and Lily, who are in college and could not attend this hearing, have been inspired by a family tradition of public service and are an enormous source of pride.

It is an honor to be here today as President Obama's nominee for Assistant Secretary of State for Economic and Business Affairs. I am doubly honored that President Obama and Secretary Kerry are placing their trust in me for a second time, and that after more than 4 years of serving my country overseas as U.S. Ambassador to France, they have asked me to come back to Washington to serve in a different capacity. I am humbled by their faith and excited by the new challenges and opportunities before me.

In the days since President Obama nominated me as Assistant Secretary of State for Economic and Business Affairs, many of my colleagues in the private sector have asked me what this Bureau does to promote their interests. My simple answer is that the State Department's Economic Bureau does two basic things: It creates jobs for Americans and keeps our country safe.

As Secretary Kerry has testified before this committee, "now more than ever economic policy is foreign policy." If confirmed, I will build on the work of President Obama and Secretary Kerry to use economic engagement as a way to foster growth and prosperity around the world, which safeguards security and prosperity at home. That is the core mission of the State Department's Bureau of Economic and Business Affairs, also known as "EB".

If confirmed, I would provide leadership to over 200 talented Foreign Service and Civil Service professionals here in Washington, DC, and provide direction to our greatest asset—a network of more than 1,100 State Department economic professionals abroad, including the U.S. mission to the OECD (Organization for Economic Co-Operation and Development).

If confirmed, I will help these dedicated public servants level the playing field for American workers around the world by breaking down barriers to U.S. business success in foreign markets, by promoting U.S. exports, and by attracting job-creating foreign investment to the United States. EB plays an important role enforcing intellectual property rights, promoting innovation, supporting entrepreneurship, negotiating trade agreements, and ensuring that everything from car parts to medicines is safe and reliable. If confirmed, I would oversee the negotiation of air transport agreements that link U.S. cities with the rest of the world. I would prioritize work with our partners around the globe to maintain a free, open, and accessible global Internet. Under my leadership, EB would promote security by continuing to disrupt the financial pipelines that terrorists rely on to fund attacks against the United States and our allies, and I would help implement and administer targeted sanctions against those who threaten peace and stability.

I am excited by the prospect of leading EB because, if confirmed, I believe I would bring a unique combination of skills to the job: As a CEO, I ran several successful business enterprises; and as a diplomat, I ran one the largest and most complex U.S. embassies in the world.

I know the importance of having the U.S. Government on your side when you're looking at overseas markets and trying to navigate uncharted territories. As Chief of Mission, I saw firsthand what dedicated U.S. Government employees can accomplish together. I was responsible for coordinating the work of more than 40 U.S. Government agencies in France including the Departments of State, Defense, Justice, Agriculture, Homeland Security, and Commerce. I know how to bring an inter-agency team together to get things done and, if confirmed, would bring this "whole of Government" approach to my new job. Recent Presidential priorities, such as the National Export Initiative and SelectUSA, benefit from this approach.

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Mr. Chairman and members of the committee, if confirmed by the United States Senate, I will help reinforce Secretary Kerry's vision of the prominence of economic affairs in foreign policy and I will take a "whole of Government" approach in sending a clear signal that America is open for business. I will dedicate myself to completely fulfill my Bureau's mandate of creating more jobs and making America more secure.

I truly look forward to this important challenge, and would be happy to answer your questions.

The CHAIRMAN. Thank you both for your statements.

Let me start off. Ms. Novelli, you, if confirmed, would take over at a time in which we have major economic and environmental energy related challenges and opportunities. And many of us have advocated inclusion of these types of issues into broader U.S. foreign policy discussions. Do you agree with that sentiment, and how might a more integrated approach to economic diplomacy guide our strategic outlook?

Ms. NOVELLI. Yes, Senator.

The CHAIRMAN. If you would put on your microphone.

Ms. NOVELLI. Great. Yes, Senator. I fully agree with that approach and think it is absolutely vital that we recognize that we live in a global economic world that is highly competitive, and that all of these different issues that you have named intersect with each other and have impact on each other, and they cannot be just looked at in isolation. And that is something I worked on very much even while I was at USTR, integrating all these different issues into our trade policy, and now taking that forward to integrate that into our foreign policy and understand that these things are inextricably intertwined. So I plan to work very hard on that.

Secretary Kerry, when he talked to me about this position, said that that was his view as well, and so I plan on working with him and all of the senior leadership team as well as Ambassador Rivkin to make that we are elevating our integrated economic interests into our foreign policy.

The CHAIRMAN. Well, let me continue on that line. One of the things that I have been developing is an effort to put some more meaning to what economic statecraft means in tangible ways, and will hopefully be rolling that out in the very near future.

For me, that means using the full range of economic tools, trade, investment, assistance, negotiations, sometimes sanctions, to achieve foreign policy objectives, and you both have elements of this in your respective potential portfolios. So I would like to get a sense from you of how you would plan to pursue such an initiative, which is in line with what the Secretary himself has announced. And what additional policies would you implement to ensure that it leads to tangible economic growth here in the United States, because I see that as an important part of the equation.

We obviously have very important concerns in bilateral relations with countries. We have concerns within multilateral forms, like the U.N., OAS, NATO, and others. By the same token, while we are pursuing foreign policy that is about national security and national interests, one of the things I have felt that we have never done—this is not just this administration—that we have never done over time in the most meaningful of ways is use our full all-of-government approach in a way that inures to open markets to greater transparency, to protect intellectual property rights, which is something that I am critically concerned about coming from a State that has so many innovators, and for which I believe we lead in the world as a result of our innovation here at home.

Give me a sense, beyond the conceptual elements, of how, if confirmed, you would help drive making economic statecraft with part of an end goal being domestic economic opportunity as your effort in your respective positions.

Ms. NOVELLI. Well, Senator, I think maybe the best way to give you a concrete sense is to maybe take one of the areas that you mentioned and give you a concrete sense of how I could see that being integrated. And that would be the protection of intellectual property, which I know firsthand from my previous job is vital to our own job creation in the United States.

And so there, I think we do have many tools at our disposal. We have the job owning tool of raising this, which has been raised with the Chinese Government at the highest levels by President Obama and Secretary Kerry. We also have an assistance tool to help countries actually both write laws that are going to adequately protect intellectual property, as well as enforce them. We can use exchanges with our own judiciary to help with that, as well as our aid functions and other assistance by other experts in the U.S. Government to help with that. We also have our tools of the World Trade Organization to bring people to dispute settlement if they are not following their obligations under the WTO under the TRIPS obligations. So we have a very broad range of tools there.

I think we also have our trade promotion tools to encourage companies through SelectUSA and other means to invest in the United States, creative companies, companies who are creating intellectual property to invest here and create high-level jobs here. So I believe that there is a broad range of all of the things that we can do.

The CHAIRMAN. There is a broad range, and I agree with you, in all of those agencies and others. The problem that I perceive is that we do not bring that in a focused, harnessed way on behalf of our opportunities, our companies, our advocacy abroad, and I hope that we will be able to work with you. I do not expect that we are going to flush that all out at this hearing, but I hope we will be able to

work with you—and I would like to hear from the Ambassador as well—to try to think about working with the Department and others.

You know, we have so many different entities and agencies, and sometimes I look at other countries that bring it all under an umbrella, at least in a focused way, and it creates a pretty powerful result. And I look at just Latin America by way of one example. We used to do infrastructure throughout Latin America. We were the lead. I recently did a map of all of the major projects in Latin America, and they are overwhelmingly either Chinese, from Spain, or, in some cases, Brazilian companies doing major infrastructure work that the United States used to do. I think there are one or two American flags out of a list of 50. That is an example of what I would like to see changed, and so we look forward to working with you. Ambassador, do you want to talk to this, please?

Ambassador RIVKIN. Thank you, Senator, and thank you for the question because obviously that will be central to what Ms. Novelli and I would try to achieve if confirmed. I, of course, agree with what Ms. Novelli said, but you asked for also some specific examples. There are some easy things we could do. Clearly education and training at the State Department in terms of making our economic officers even more business savvy. Clearly, you know, it would make sense on foreign travel from the most senior levels of the State Department to have an economic agenda. You mentioned the advocacy that other countries put forward. I witnessed that experience in France, and they are also quite effective at the highest level of government by putting statecraft at the center of their agenda.

But you know what we really do concretely, and I can speak to this directly, is the chance to lever our embassies around the world. We have some of the smartest people, you know, in the U.S. Government, in my opinion, in almost every country in the world waiting to help. I mean, an example would be the Foreign Commercial Service, which I helped manage in Paris. The Foreign Commercial Service is present in 70 countries with the Commerce Department, but there are 58 additional countries where that service is done by the State Department. And we need to work with Congress.

I think, and Secretary Pritzker I know agrees, that we can do more to coordinate that effort. State can work more closely with the USTR. We need to get these free trade—the two trade agreements that are on the table, the Transatlantic Trade Investment Partnership and the—you know, deal done. And I think these would be absolute tangible measures that we could increase the role of economics in foreign policy.

The CHAIRMAN. Finally, Ambassador, your Bureau is going to be responsible for implementing foreign-policy-related sanctions adopted to counter threats to national security posed by—posed, I should say, by particular activities in countries. In light of the recent debate over the efficacy for further economic sanctions in Iran, I would like to hear—it is not about Iran specifically—but I would like to hear your views in this hearing on the appropriate use of sanctions as a foreign policy tool.

Ambassador RIVKIN. Well, Senator, thank you for the question. I would like to start with Iran because it is current, and on the

table, and very much in the news. And, you know, I think it is important to mention that our core sanctions architecture, of course, remains in place with the current proposal, and that the relief we are providing right now to Iran is limited, temporary, targeted, and reversible.

And I know the State Department feels very strongly that it is important at this moment in time to give diplomacy a chance.

I think thanks to the work of Congress—

The CHAIRMAN. Are you open—I tried to get you to avoid that. You opened up a box, and we are now going to talk about. But go ahead, finish the rest of—

Ambassador RIVKIN. I am happy to talk about it, sir. I believe that thanks to Congress, thanks to the administration's policies, we have the opportunity to have these discussions with Iran because the sanctions have been effective, and that is the point I wanted to make in general, which is that sanctions when they are well coordinated can be absolutely effective as a tool of foreign policy.

The CHAIRMAN. Well, the question before the Senate is a difference of opinion between the administration and the Senate about achieving a mutual goal. And some of us, myself included, have been the architects of the sanctions regime that has brought Iran to the table, which has not always been supported by previous administrations as well as by this one.

We have always heard that it is not the time and it is not the right set of circumstances, and yet they have been embraced as the major reason why we have Iran at the negotiating table. And so, from our perspective, the reality is that having prospective, outside of the window of diplomacy, and at the same time as both an insurance policy should our aspirations not be achieved, and we have a history of not achieving our aspirations with Iran, as well as an incentive to understand that this is what is coming if, in fact, there is not a deal struck is a positive pursuit.

I wanted to hear from you more on the sanctions focus generally. I did not want to get to Iran because that would consume most of this hearing, but I do hope that you will talk to your position beyond just Iran. There are moments—there are only a handful of useful diplomacy tools. It is the use of your aid and your trade to induce a country to move in a certain way. It is the use of international opinion to the extent that you are dealing with a country that is willing or susceptible to being moved by international opinion, or it is the denial of aid or trade, which we generally consider sanctions among others, as a way to deter a country from pursuing a course that is not in our national interest or security or world security for that fact, and at the same time to hopefully incentivize and to move in a different direction.

So I have never met anyone in my 21 years of dealing with foreign policy between the House and the Senate any administration, Republican or Democrat, who has ever said to me, please send me sanctions. But the bottom line is as a tool of peaceful diplomacy, sometimes it needs to be considered. And what I have a problem with is I have had experience with administrations that outright reject the possibility of sanctions when, in fact, it is part of a very limited universe of peaceful diplomacy tools.

Senator Corker.

Senator CORKER. Again, thank you for coming. I know that we have three panels, so I am going to be very brief, and we had an extensive amount of time yesterday in our offices or the day before. But, Ms. Novelli, you are going to have the—I know you talked a little bit about environmental issues with the chairman, but you are going to be the person, I suppose, that will recommend to Secretary Kerry whether the Keystone Pipeline is in U.S. national interests or not. And, you know, you certainly cannot say you have not been around. You have been very close to these issues. So I would like for you to respond as to how you plan—what recommendation you plan to make and what criteria you plan to use to make that recommendation.

Ms. NOVELLI. Well, Senator Corker, while I have been around in the private sector, I certainly have not been involved in the deliberative process that has taken place thus far on the Keystone Pipeline. But it is my understanding that there has been a rigorous, objective, and transparent process that has been undertaken, and over a million public comments have been received and are being evaluated. And as soon as I get into the State Department, if I am confirmed, I plan to ensure that all of our country's economic interests are taken into account very vigorously in looking at this whole question, because there needs to be a decision based on our overall national interests.

Senator CORKER. So when you make that recommendation, you are going to focus almost exclusively on what is in the economic interest of our country.

Ms. NOVELLI. I am going to make that a focus of what I look at.

Senator CORKER. What other criteria would you look at?

Ms. NOVELLI. There are other criteria, as I—again, as I understand it, and I cannot really prejudge this since I am not in the position yet. But there are some environmental questions that have been raised as well, and those things have to be balanced. But our economic interests absolutely have to be part and parcel of any decision that is made.

Senator CORKER. Thank you. The issue of State on enterprises I know both of you will be focused on. And, you know, as you continue to focus on our economic interests in our country, you will have to look at the competing issues of private companies having to deal increasingly with staying on enterprises around the world, and I just wonder how each of you plan to deal with that issue. We especially have issues with China relative to that, and I think, Ms. Novelli, you have certainly dealt with that in the private sector. I know the Ambassador has full understandings of that also. And I just wonder how you, in your respective jobs, plan to deal with that issue.

Ambassador RIVKIN. Thank you very much, Senator, for the question. Obviously that concerns us quite a bit, and we have a number of tools at the State Department's disposal to try to address that issue. If confirmed, sir, one of them is, of course, the bilateral investment treaties, the BITs, and we have discussions ongoing right now in both China and India and other parts of the world for bilateral investment treaties that would, I think, level the playing field against sovereign-owned enterprises and give our companies a chance.

Senator CORKER. Would you like to speak to that?

Ms. NOVELLI. Well, in addition to the BITs, which I fully agree need to include these kinds of provisions, there is also looking at putting these into the Trans-Pacific Partnership Agreement. And while some of the countries who are the most egregious in their use of State-owned enterprises are not part of that, it can serve as a sort of a marker and a gold standard for what we think should be the disciplines that are put on those enterprises.

So besides the direct bilateral approach, which we will vigorously undertake, both of us together, we will also look at multilaterally and see what kind of disciplines we can get everybody else to agree to so we can kind of surround the problem.

Senator CORKER. Mr. Rivkin, I know as Ambassador, and again, I appreciate the time we spent in France together, and as I have mentioned, have commended you on your service there. But during that time, Europe unilaterally tried to expose our commercial aviation industry to ETS, and, you know, Congress has obviously pushed back against that. I wonder what you plan to do in your prospective role to counter unilateral efforts of that nature that really cause one portion of the world to be dealing with a global issue that many of us—I think most of us here believe should not be implemented against us unilaterally in that way.

Ambassador RIVKIN. Thank you, Senator. If confirmed, obviously that would be a very important part of my portfolio is running the Economic Bureau, and in our opinion, the October 16th EU proposal for ETS is a bad idea.

We are opposed to the application of European ETS. We think it is unwise because reinstating the ETS with respect to international aviation may undermine the agreements that were already put in place IKO, and IKO is the right home for these global decisions.

Senator CORKER. Well, listen, again, thank you both. I appreciate the time in the office, and I know that on the Keystone issue, that was an elegant nonanswer. I just want to—and I understand that. I understand you are a pretty bright person and seasoned. I do just ask each of you, I think that both of you bring a lot of energy, and I think you know that—I have told you both privately that I think you are well qualified, and I have said that here today publicly.

This has been sort of a disappointing period of time in Washington over the last month for a lot of reasons. And I would just ask you both—I know that you come to these jobs with a tremendous amount of energy and zeal. But I do ask you to please not partake in special interest group politics in your position; that when you are looking at our economic interests, that we do not, as I mentioned to both of you in our office, focus on parochial issues or special interests to try to gain favor for the administration politically and other ways, but that you focus globally on the fact that if our country is able to compete around the world on a more level playing field, it really does improve the standard of living of the people that we represent. And I hope that in all cases you will hold that as your highest goal and move away from some of the special interests politics that I think have hampered the State Department and hampered our country, candidly.

And I hope as we move forward with the TPP and we move forward with the EU Trade Agreement you all will do everything you

can to keep, candidly, Senators and House Members from trying to inflict those same kinds of things in a trade agreement that might otherwise make it much weaker and not as advantageous over time to our country.

So with that, I thank you and I appreciate again your desire to serve, your families' willingness to serve with you. And I wish you well.

The CHAIRMAN. One final question I ask all of our nominees. Will you commit to this committee to be responsive to requests both for potential appearances and information that the committee asks of you?

Ms. NOVELLI. Absolutely.

Ambassador RIVKIN. Yes, absolutely, sir.

The CHAIRMAN. Thank you. With that, with our appreciation for your appearance here today—there may be other questions submitted for the record, which we will determine in a little bit how long the record will remain open. I would urge you to respond as quickly as possible to those questions in order to consider your nominations before a business meeting of the committee.

So thank you all, and you are excused at this point.

Ambassador RIVKIN. Thank you.

The CHAIRMAN. And as we excuse this panel, let me begin to introduce and call up our second panel. Ambassador Tina Kaidanow is nominated to be the Coordinator for Counterterrorism with the rank and status of Ambassador at Large. Ambassador Kaidanow is a career member of the Senior Foreign Service, most recently serving as Deputy Ambassador at the U.S. Embassy in Kabul, where I had the opportunity to visit with her earlier this year, impressed by her insights. She was Principal Deputy Assistant Secretary of State, previously served as Deputy Assistant Secretary of State for European and Eurasian Affairs. She has served as Ambassador to Kosovo on the National Security Council of the White House. And we welcome her to the committee.

Puneet Talwar is no stranger to this committee, where he served with distinction as a senior professional staff member, chief advisor on the Middle East for the chairman and now Vice President Joe Biden. He has been nominated to the top diplomatic post of Assistant Secretary of State for Political Military Affairs. He has been President Obama's top advisor on the Middle East for over 4 years, so we welcome you back to the committee.

Again, your opening statements will be included in the record without objection. We ask you to summarize your statements in about 5 minutes or so we can enter into a Q and A session again. And if you have family members or friends here, please do not hesitate to introduce them to the committee.

And once I get—Bertie, can you change those signs? You have the right ones. You just have them in the wrong order. It is OK. Switch them. All right, there we go. Absolutely. I do not want people watching saying, wait a minute, who is giving that answer. [Laughter.]

We welcome you both to the committee. Ambassador Kaidanow, we will start with you.

STATEMENT OF HON. TINA S. KAIDANOW, OF THE DISTRICT OF COLUMBIA, TO BE COORDINATOR FOR COUNTERTERRORISM, WITH THE RANK AND STATUS OF AMBASSADOR AT LARGE

Ambassador KAIDANOW. Mr. Chairman, distinguished members of this committee, it is an honor to come before you as the President's nominee to coordinate international counterterrorism efforts at the U.S. Department of State. The State Department's Bureau of Counterterrorism takes a leading role in developing sustained strategies to defeat terrorists abroad. I am deeply grateful both to President Obama and to Secretary Kerry for entrusting me with this responsibility, and if confirmed, I pledge to work with all of you very, very closely on this critical set of issues.

Unfortunately, my family is not able to be here with me here today, but I do want to take a moment to acknowledge and especially thank my parents, Esther and Howard Kaidanow. Both of them are immigrants to this country and Holocaust survivors, and they could not be more proud that their daughter has been given the opportunity to serve the U.S. Government through a distinguished career in the Foreign Service over these past 20 years.

Having most recently completed a tour as Deputy Ambassador in Kabul, I saw firsthand the challenges that terrorism has presented to Afghanistan and to its people. My time in Afghanistan and my earlier postings in Bosnia and Kosovo, where we worked to prevent dangerous and extreme elements from gaining a foothold in vulnerable post-conflict societies was a constant reminder of the salience of these issues and the global impact of the work that we do to counter terrorism.

This hearing really comes at a pivotal time. We have made serious progress with our strategic counterterrorism efforts, but a great deal of work remains to be done. As President Obama said earlier this year, "Our response to terrorism cannot depend on military or law enforcement alone. The use of force must be seen as part of a larger discussion that we need to have about a comprehensive counterterrorism strategy, because for all the focus on the use of force, force alone cannot make us safe."

The United States has achieved remarkable success over the past decade in degrading al-Qaeda's core leadership in Afghanistan and Pakistan. But while the core of al-Qaeda has been weakened, the threat has become more geographically diverse with much of the organization's activity devolving to its affiliates around the world, which are increasingly setting their own goals and specifying their own targets.

Moreover, nonstate actors are not our only terrorist concern. Since 2012, we have also witnessed a resurgence of activity by Iran and by Tehran's ally, Hezbollah. Hezbollah's terrorist activity has reached a tempo unseen since the 1990s with attacks plotted in Southeast Asia, Europe, and in Africa.

We have worked hard over the last several years to strengthen the civilian side of U.S. counterterrorism efforts overseas in order to successfully counter these threats. Transforming the State Department's Office of the Coordinator of Counterterrorism to full Bureau status under the supervision of the Under Secretary for Civilian Security, Democracy, and Human Rights in January 2012 was

a welcome and important step in this direction. If confirmed, I would work to institutionalize and focus the Counterterrorism Bureau's mission throughout the State Department and the inter-agency, strengthen the programs and the processes administered by the Bureau, and collaborate with the array of national security partners both here and abroad to ensure that counterterrorism remains at the forefront of our global concerns.

Consistent with the State Department's Quadrennial Diplomacy and Development Review, the QDDR, the Counterterrorism Bureau has prioritized two main strategic areas: capacity-building among our critical partners overseas so that they can do a better job themselves of dealing with the threats within their own borders and regions, and countering violent extremism, an effort that involves working to reduce the number of recruits to terrorist groups and countering the messaging that encourages such recruitment.

To achieve these important goals, the Bureau has worked both bilaterally and multilaterally to intensify the foreign partnerships vital to our counterterrorism success. If confirmed, I am committed to continuing to strengthen these partnerships with our traditional allies and with new ones even further. In this regard, I would mention one initiative in particular, a signature achievement from the first term of the Obama administration, the establishment of the Global Counterterrorism Forum, which was launched by the State Department with a core group of foreign partners in 2011. We can use this forum, along with many other multilateral venues, to engage with our partners in a sustained and strategic manner, and that will be my focus if confirmed.

We must also continue to strengthen and leverage the full unity of effort on counterterrorism within our own government, working together at every level with our colleagues at the Departments of Defense, Homeland Security, Treasury, Justice, and the intelligence community.

As I noted, we have come a distance, but we have appreciably farther to go. As we move forward, the United States must continue to use all of the tools at our disposal—diplomacy, development, economic statecraft, military, law enforcement, and intelligence tools—to disrupt and diminish the terrorist threat, and do so strategically and with appropriate forethought and consideration.

I look forward to working with you and the committee to make that happen and to contribute to the security of the American people. Thank you very much for your time, and I look forward to your questions.

[The prepared statement of Ambassador Kaidanow follows:]

PREPARED STATEMENT OF HON. TINA S. KAIDANOW

Mr. Chairman, Ranking Member Corker, distinguished members of this committee, it is an honor to come before you as the President's nominee to coordinate international counterterrorism efforts at the U.S. Department of State. Working with the U.S. Government counterterrorism team, the Bureau of Counterterrorism takes a leading role in developing sustained strategies to defeat terrorists abroad and in securing and coordinating the cooperation of international partners. I am deeply grateful both to President Obama and Secretary Kerry for entrusting me with this responsibility, and if confirmed, I pledge to work with all of you closely on this critical set of issues.

Unfortunately, my family is not able to be here with me today, but I do want to take a moment to acknowledge and specially thank my parents, Esther and Howard Kaidanow. Both are immigrants to this country and Holocaust survivors, and they could not be more proud that their daughter has been given the opportunity to serve the United States Government through a distinguished career in the Foreign Service over these past 20 years.

As you may be aware, I most recently completed a tour as Deputy Ambassador in Kabul, where I saw firsthand the challenges that terrorism has presented to Afghanistan and its people. Countless lives have been lost—Afghan and American—because of the scourge of terrorism and the continued activity of the Taliban, the Haqqani Network, and al-Qaeda and its affiliates. We have invested a great deal of blood and treasure in fighting this threat through a variety of means, in partnership with the Afghan Government, and we will continue to work together to counter terrorism even as the U.S. military presence in Afghanistan reduces and we shift our mission to assisting the Afghan security forces and the Afghan Government in taking the lead responsibility for these tasks. My time in Afghanistan—and my earlier postings in Bosnia and Kosovo, where we worked to prevent dangerous elements from gaining a foothold in vulnerable post-conflict societies—was a constant reminder of the salience of these issues and the global impact of work that we do bilaterally and regionally to counter the threat of terrorism and terrorist finance.

This hearing comes at a pivotal time. We've made progress with our strategic counterterrorism efforts, but a great deal of work remains to be done. As President Obama said in his remarks at NDU earlier this year, "our response to terrorism cannot depend on military or law enforcement alone. The use of force must be seen as part of a larger discussion we need to have about a comprehensive counterterrorism strategy—because for all the focus on the use of force, force alone cannot make us safe."³⁷

The United States has achieved remarkable success over the past decade in degrading al-Qaeda's core leadership in Afghanistan and Pakistan. I witnessed firsthand in Kabul the enormous cooperative effort across our government, building on the extraordinary achievements of our military, intelligence, and law enforcement communities. This is at the forefront of our Embassy's efforts, supported by a huge and diverse set of U.S. agencies represented at our post.

While the core of al-Qaeda has been weakened, however, the threat has become more geographically diverse, with much of the organization's activity devolving to its affiliates around the world, which are increasingly setting their own goals and specifying their own targets. Indeed, some of the greatest counterterrorism challenges we face today involve countering al-Qaeda affiliates and adherents based in Yemen, Syria, Somalia, and northwest Africa. As avenues previously open to these and other violent extremist organizations for receiving and sending funds have become more difficult to access, several groups have engaged in kidnapping for ransom and other criminal activities, and thus have also increased their financial independence.

Moreover, nonstate actors are not our only terrorist concern. Since 2012, we have also witnessed a resurgence of activity by Iran's Islamic Revolutionary Guard Corps' Quds Force (IRGC-QF), the Iranian Ministry of Intelligence and Security (MOIS), and Tehran's ally Hezbollah. Hezbollah's terrorist activity has reached a tempo unseen since the 1990s, with attacks plotted in Southeast Asia, Europe, and Africa. And Iran, Hezbollah, and their Shia proxies are providing a broad range of critical support to the Assad regime as it continues its brutal crackdown against the Syrian people. If confirmed, I will remain firmly committed to continue working with our partners and allies to counter and disrupt terrorism and the destabilizing activities that allow extremism to take hold from where they emanate. Those who sponsor acts of terrorism will not go unaddressed and acts of terrorism will not be tolerated by the international community.

At the State Department, we have worked hard over the last several years to strengthen the civilian side of U.S. counterterrorism efforts overseas. Transforming the Office of the Coordinator for Counterterrorism to full Bureau status under the supervision of the Under Secretary for Civilian Security, Democracy, and Human Rights in January 2012 was a welcome and important step in this direction. This transformation is still in its early stages, but having worked with the Bureau when I was in Kabul and earlier while Principal Deputy Assistant Secretary in the Bureau of European and Eurasian Affairs, I believe it is on the right track. If confirmed, I would work to institutionalize and focus the Counterterrorism Bureau's mission throughout the State Department and the interagency, strengthen the programs and processes administered by the Bureau—particularly with respect to developing results-based management tools for evaluation of our programmatic efforts—and collaborate with the array of national security partners both here and

abroad to ensure that counterterrorism remains at the forefront of our global concerns.

Consistent with the Quadrennial Diplomacy and Development Review (QDDR) finalized in 2011, the Counterterrorism Bureau has honed in on two key strategic areas: (1) capacity-building, so that countries can do a better job themselves of dealing with the threats within their own borders and regions, and (2) strengthening our work in countering violent extremism—otherwise known as CVE—to reduce the number of recruits to terrorist groups and counter the messaging these groups use to appeal to a wider audience. The latter effort is particularly important—with al-Qaeda and its affiliates depending upon a steady flow of new recruits, we need to use all of the tools of national power to confront the murderous ideology that continues to incite violence around the world and combat the public messaging used by these groups, even as we maintain continuous pressure against their operational activities. If confirmed, I will take this up as a priority.

To achieve our goals, the Bureau has worked bilaterally and multilaterally to strengthen the foreign partnerships vital to our counterterrorism success. And we have created programs to empower at-risk communities across the world to push back against violent extremism.

If confirmed, I am committed to continuing to strengthen these partnerships with our traditional allies and others abroad, including with the overwhelming majority of the world's nations who share with us an understanding of the terrorist threat and the need to address it in ways that match the ever-changing methodologies used by terrorists as technology and globalization evolve over time.

As a good example of this kind of international partnership, I would emphasize one successful initiative in particular: the CT Bureau's signature achievement from the first term of the Obama administration, the establishment of the Global Counterterrorism Forum (GCTF). The State Department, together with a core group of foreign partners, launched the GCTF in 2011 to ensure that the necessary international architecture was in place to advance a more strategic approach to addressing 21st century terrorism. In partnership with 28 countries across the globe and the European Union, the Forum seeks to enhance our efforts to strengthen civilian institutions and counter violent extremism. In a relatively short time, the GCTF has made its mark, having already mobilized more than \$230 million in member funds and set in motion two international training centers to provide platforms for sustainable training on countering violent extremism and strengthening rule-of-law institutions. And in September, Secretary Kerry announced that a core group of government and non-governmental partners from different regions will establish the first-ever public-private global fund to support local grassroots efforts to counter violent extremism.

So, while the people of the Middle East, West Africa, and the Horn of Africa, and South and Central Asia will each determine the best way to move forward based on their particular history, culture, and institutions, we can and will provide vital advice and assistance to civilian institutions, with a particular focus on countries transitioning to a long term, rule of law-based framework. Many of these countries are asking for our help, and if confirmed, I will do all I can to ensure we are prepared, within the limits of our resources and with our key partners' financial and political support, to encourage that effort.

I believe we must also continue to strengthen and leverage the full unity of effort on counterterrorism within our own government, working together with our colleagues at the Departments of Defense, Homeland Security, Treasury, Justice and the intelligence community.

Evolving terrorist threats require innovative strategies, creative diplomacy, and even stronger partnerships. Building partner capacity, countering violent extremism, and engaging partners bilaterally and multilaterally are essential. We learned in Afghanistan, for example, that stability requires progress on both security and political goals, and must be matched by effective governance, as well as the advancement of rule of law, human rights, and economic progress. This is why, notably, our assistance programs through the upcoming transition in Afghanistan are focused on building the capacity of Afghan institutions to sustain the gains of the last decade.

As I noted, we have come a distance, but we have appreciably farther to go. As we move forward, the United States must continue to use all of the tools at our disposal—diplomacy, development, economic statecraft, military, law enforcement, and intelligence tools—to disrupt and diminish the terrorist threat, and do so strategically and with appropriate forethought and consideration.

I look forward to working with you and the committee to make that happen and to contribute to the security of the American people.

Thank you for your time. I look forward to your questions.

The CHAIRMAN. Mr. Talwar.

STATEMENT OF PUNEET TALWAR, OF THE DISTRICT OF COLUMBIA, TO BE ASSISTANT SECRETARY OF STATE FOR POLITICAL MILITARY AFFAIRS

Mr. TALWAR. Thank you, Mr. Chairman and Ranking Member Corker. It is a tremendous honor for me to testify before you today and to be considered for the position of Assistant Secretary of State for Political Military Affairs. This committee is in many ways a second home to me, and I cherish the dozen years that I spent on the benches behind you witnessing some of the most consequential debates in American foreign policy.

If I might, I want to take a moment to introduce to you my mother and father, Mulika and Shashi Talwar, as well as my two sons, Haris and Ilyas. You may recognize Haris who served as an intern with the committee last summer. And my wife and I really would like to thank you, both of you, as well as the entire staff of the committee for providing him with such an enriching and extraordinary opportunity.

I want to say how deeply grateful I am for the sacrifices of my wife and my children, the sacrifices they have made over the past 20 years of my public service so that I can be sitting before you today. Of course, I am also grateful for the confidence that President Obama and Secretary Kerry have shown in nominating me for this position.

Mr. Chairman, Ranking Member Corker, over the past 5 years on the National Security Council, I have seen firsthand how the work of the State Department's Bureau of Political-Military Affairs, or PM as it is known in the State Department, is absolutely critical to our national security. The security of the United States is affected by more countries and more regions than ever before. The task of maintaining global security and addressing global challenges must be shared. It is therefore more vital than ever that our friends and partners have the capabilities to address common security challenges.

The PM Bureau is at the vanguard of our global security relationships. This effort involves a wide array of activities: negotiating security agreements around the world to give U.S. military personnel access for critical operations; clearing the long-forgotten minefields of war so that children may play safely outdoors; training international peacekeepers; partnering with others to successfully combat piracy in the Indian Ocean; bolstering the military capabilities of close partners so they can operate more effectively with our military and with each other; bringing foreign officers to the United States to study at our war colleges so they can learn from the best, the men and women of our Armed Forces; and facilitating defense exports while protecting the crown jewels of U.S. military technology.

The PM Bureau leads each of these activities. From them, doors open to deeper cooperation on a wide variety of fronts. Security cooperation is often at the heart of our global relationships. When a country is willing to work with you on sensitive issues affecting their security, they tend to cooperate on other issues as well. When a country buys a superior U.S. defense system, they are also buy-

ing into a relationship with the United States. In this way, PM's work buttresses our diplomatic relationships.

Indeed, PM's portfolio has a global reach, and if confirmed, I pledge to strengthen our security partnerships around the world. This includes supporting Israel's security and preserving its qualitative military edge in these turbulent times in the Middle East; rebalancing our interests and investments in Asia; deepening security cooperation with India and building on our Defense Trade and Technology Initiative; in Africa, empowering our friends to combat terrorism, manage conflict, and modernize militaries; and, of course, enhancing partnerships with allies—with our European allies, both old and new, and with our partners in the Gulf Cooperation Council.

Mr. Chairman, I want to touch briefly on one other critical area of PM's work, defense trade. PM is working hard to support the U.S. defense industry because it is in our national security interest. That is why another high priority will be to advance export control reform if I am confirmed. The goal of this effort is to prevent sensitive technology from winding up in the wrong hands, while streamlining and clarifying the licensing process for defense sales. I want to continue to work with Congress so that we have the best possible system to meet this objective. If confirmed, I also look forward to reinforcing PM's ties to industry. I want U.S. exporters to know that they have a partner in PM who intends to help them beat out competitors and win contracts.

Finally, Mr. Chairman, if confirmed, one of my main priorities will be to strengthen relations between the Bureau and the committee. One lesson I took away from my years of service on this committee is that the finest hours for American foreign policy invariably occur when the State Department and the committee are working together toward the same end.

Thank you again and I look forward to answering your questions. [The prepared statement of Mr. Talwar follows:]

PREPARED STATEMENT OF PUNEET TALWAR

Thank you, Chairman Menendez, Ranking Member Corker, and all the other distinguished members of the committee. It is a tremendous honor for me to testify before you today and to be considered for the position of Assistant Secretary of State for Political Military Affairs.

This committee is in many ways a second home to me and I cherish the dozen years that I spent on the benches behind you witnessing some of the most consequential debates in American foreign policy. If I might, I want to take a moment to introduce to you my two sons, Haris and Ilyas, who are here today. I want to say how deeply grateful I am for the sacrifices my wife and my children have made over my 20 years of public service so that I can be sitting before you today.

Of course, I am also grateful for the confidence that President Obama and Secretary Kerry have shown in nominating me for this position.

Mr. Chairman, Ranking Member Corker, over the past 5 years on the National Security Council, I have seen firsthand how the work of the State Department's Bureau of Political-Military Affairs—or PM as it is known inside the State Department—is absolutely critical to our national security.

The security of the United States is affected by more countries and more regions than ever before. The task of maintaining global security and addressing global challenges must be shared. It is therefore more vital than ever that our friends and partners have the capabilities to address common security challenges.

The PM Bureau is at the vanguard of our global security relationships. This effort involves a wide array of activities:

- Negotiating security agreements around the world to give U.S. military personnel access for critical operations;

- Clearing the long-forgotten minefields of war so that children may play safely outdoors;
- Training international peacekeepers;
- Partnering with others to successfully combat piracy in the Indian Ocean;
- Bolstering the military capabilities of close partners so they can operate more effectively with our military and with each other;
- Bringing foreign officers to the United States to study at our war colleges so they can learn from the best—the men and women of our Armed Forces; and
- Facilitating defense exports while protecting the crown jewels of U.S. military technology.

The PM Bureau leads each of these activities. From them, doors open to deeper cooperation on a wide variety of fronts. Security cooperation is often at the heart of our global relationships. When a country is willing to work with you on sensitive issues affecting their security, they tend to cooperate on other issues as well. When a country buys a superior U.S. defense system, they are also buying into a relationship with the United States. In this way, PM's work buttresses our diplomatic relationships.

Indeed, PM's portfolio has a global reach, and if confirmed, I pledge to strengthen our security partnerships around the world. This includes:

- Supporting Israel's security and preserving its qualitative military edge in these turbulent times in the Middle East;
- Rebalancing our interests and investments in Asia;
- Deepening security cooperation with India and building on our Defense Trade and Technology Initiative;
- In Africa, empowering our friends to combat terrorism, manage conflict, and modernize militaries;
- And, of course, sustaining and adapting close cooperation with our European allies and partners, and with our partners in the Gulf Cooperation Council, to address 21st century challenges.

Mr. Chairman, I want to touch briefly upon one other critical area of PM's work—defense trade. PM is working hard to support the U.S. defense industry because it is in our national security interest. That's why another high priority will be to advance export control reform if I am confirmed. The goal of this effort is to prevent sensitive technology from winding up in the wrong hands, while streamlining and clarifying the licensing process for defense sales. I want to continue working with Congress so that we have the best possible system to meet this objective.

If confirmed, I also look forward to reinforcing PM's ties to industry. I want U.S. exporters to know they have a partner in PM who intends to help them beat out competitors and win contracts.

Finally, Mr. Chairman, if confirmed, one of my main priorities will be to strengthen relations between the Bureau and the committee. One lesson I took away from my years of service on this committee is that the finest hours for American foreign policy invariably occur when the State Department and the committee are working together toward the same end.

Thank you again and I look forward to answering your questions.

The CHAIRMAN. Thank you both for your testimony.

Let me ask you, Ambassador Kaidanow, since 1984 Iran has been designated as—by the State Department as a state sponsor of terrorism. According to the State Department's "Country Reports on Terrorism" issued in May of 2013, Iran in 2012 increased its terrorist-related activity, including attacks or attempted attacks in India, Thailand, Georgia, Kenya. It provided financial material and logistical support for terrorism and militant groups in the Middle East and Central Asia.

If you were to be confirmed, based upon those facts and assuming that there is not a change in course by Iran as it relates to those terrorist and other activities, would you be an advocate of reducing economic and financial sanctions that have been imposed on Iran due to its terrorist activities?

Ambassador Kaidanow. Thank you, Senator. Thank you for the question. I think yesterday the Secretary spoke to some of this during his testimony on the Hill in front of the House. And he was

very clear, and I should be equally clear, that we have a set of concerns with respect to Iran on terrorism that has not wavered. And we have been very clear and very articulate publicly about those concerns.

As far as I can tell and as far as I have been briefed, those concerns persist. We have an array of sanctions on Iran that pertain specifically to terrorism. As the Secretary indicated, as long as those concerns persist and all of this will be assessed very, very closely over the next years, the array of sanctions that we have, the kinds of instruments that we have put in place will remain. Those are the sorts of things, again, that we are very clear about when we speak about Iran.

The CHAIRMAN. I appreciate that, and I have known what the Secretary says. When I am thinking about a nominee, obviously the reason you get nominated is because the Secretary and the President feel that you have expertise and input that will be valuable to them. So I am not looking for the nominee to parrot what the State Department is saying. I want to know when you are sitting there, and I am not there, what your advocacy will be.

And you may be overruled in terms of your advocacy, but I want to know what it is that you would be saying if the conditions were still the same as it related to terrorist activities, would you be an advocate of maybe, well, let us see if there is a course to change the sanctions so that we can get Iran maybe to move in a different direction as it relates to terrorist activities, or would you be an advocate of saying we need to continue these until we see the change in behavior?

Ambassador K Aidanow. Senator, as long as the requirements and the very clear set of standards that we have put in place are not met, then I would be an advocate for maintaining the very strict kinds of standards that we have.

The CHAIRMAN. All right. I appreciate that. Now, as the coordinator for counterterrorism, should you be confirmed, you will guide the policy of the Anti-Terrorism Assistance Program, choosing which countries participate in the program and overseeing assistance provided while the Bureau of Diplomatic Security is responsible for carrying out that policy. What would you do to ensure that policy guidance is being effectively communicated from State counterterrorism to the Bureau of Diplomatic Security? And how would you ensure that counterterrorism activities of other agencies are not duplicative of yours and sufficiently coordinated with you?

Ambassador K Aidanow. Senator, ATA has been an extremely effective tool, as I think you know, in trying to provide some assistance to key counterparts overseas in giving them the tools that they need to address counterterrorism and to be more effective over time. We do that in close coordination within the State Department between my Bureau and, if confirmed, what will be my Bureau, and the Diplomatic Security Bureau. I have seen very good examples of that in Kabul where I worked most recently. I have seen very good examples of that elsewhere. I would anticipate that that kind of high level cooperation and integration of our effort will continue.

And you mentioned the importance of the interagency and ensuring that there is full coordination among the various departments

and agencies that work on these issues. That is an absolute priority for me. If confirmed, I will do everything possible to ensure that there is no duplication of effort.

I will say, again, as I said in my introductory statement that I think what we need to be doing is looking at the full array of tools that we have. The State Department brings a certain number of tools. Some of those are operational, including ETA. But frankly a number of those are also larger capacity-building in terms of development, making sure that countries are moving in the right direction in terms of their social, democratic, and human rights development, because quite frankly, without those things, the long-term social fabric of those countries does not really hold. And that is what creates ultimately the conditions for terrorism and for terrorist recruitment.

So in essence, I think the ETA part of that is absolutely critical. It requires full attention from all of us in coordination. But it is part of a larger set of pieces that we want to put together that I hope will be our focus.

The CHAIRMAN. Thank you. And now, Mr. Talwar. Again, with the admonition that I do not want to hear what the administration has to say. I know what they say on some of these things. I would like to get your insights. You are going to be advocating or proposing policy views within the context of the Department. So I would like to get a sense of where you are coming from, and it is in that context that I ask the question.

How has the Arab Spring affected your thinking on security assistance programs? I understand that the Department looks at arms sales on a case-by-case basis, but that strikes me as a rather ad hoc way of managing an important asset of U.S. security assistance. Is there, or should there be, a more formal policy guidance on how to best design U.S. security programs in such a fluid region?

Mr. TALWAR. Thanks, Mr. Chairman. I think your question was a good one as to whether we need an overarching approach. And in general, I prefer to have overall policies that guide what we might do in individual cases. And so, if confirmed, that will be my inclination. You asked how I would approach the situation.

In terms of the Arab Spring I think it has, you know, created a certain set of facts, some that are common across the region and some that are unique. If you look at North Africa, for example, Libya, in particular, you have a situation where you have difficulties that have been created in terms of central government authority, reliable security forces. And I believe the PM Bureau at this point is actually engaged in some efforts along those lines to help the Libyans develop security forces.

And so, you have situations of state capacity dropping off in certain situations, at least for the time being. And to help many of these countries make a successful transition during the Arab Spring, I would think that one would want to, in those circumstances, do what we can to help democracy take hold and to give these democratizing countries the ability to, in fact, enforce the law and to protect their borders, and to prevent open spaces that can be exploited by violent extremists.

You have another set of circumstances, which is a result of the Arab Spring, and that is in the gulf, and some of the acute security dilemmas that they face have been heightened in this period. They have always had the concern about Iran. You know, Syria obviously has brought up another set of concerns, and, you know, the advance of certain Islamist political movements as well. And so they have a greater set of concerns now. And we are doing more and more to try to increase our cooperation with the GCC. I generally think that is a good thing if we can do more to help those countries feel more secure about their situation.

Of course, whenever you are thinking about security assistance or arms sales in that region, we have to keep it uppermost in my mind, as I said in my testimony, Israel's qualitative military edge, and so that will be another major consideration that I would bring to the table in all of that.

The CHAIRMAN. And one final—well, one final question, at least at this point. As an aftermath, one of the elements of the Arab Spring is Egypt. And as the committee continues to grapple with what is our national interest—national security interests and what is the best way to pursue that with Egypt at least as it is today, would United States security interests be better served by focusing upon enhancing Egypt's counterterrorism and counterinsurgency capabilities rather than its conventional battlefield platform, such as tanks and combat aircraft?

Mr. TALWAR. Thanks, Mr. Chairman. I know that this is an area of considerable focus by the committee and by the administration as well. It is not a policy I have worked directly on, but should I be confirmed I would imagine I will spend a fair amount of time on this.

And as I understand it, I think there is a general view that as we move into the 21st century, new kinds of threats that are emerging as countries, you know, think about how to reshape their security forces, I think generally some of these, you know, the larger conventional model that Egypt has employed may not be perfectly suited to the challenges of the 21st century. And so, I think you are exactly right. Looking to more agile, more counterterrorism focused type of activities, which, you know, frankly, is in our interests, it is in Egypt's interest, and in the interest of some of our partners in the region, for example, the Israelis. Those are the kinds of things where I think we would probably want to move.

But again, my alibi is that let me get on the job, if I am confirmed, and I will take a hard look at it. But that is my inclination.

The CHAIRMAN. I would look forward to hearing your thoughts, in general, about how we rebalance U.S. military assistance to Egypt.

Senator Corker.

Senator CORKER. Thank you, Mr. Chairman. And I thank each of you for your willingness to serve in the positions for which you have been nominated. I appreciate the time in our office both with me personally and our staff, and I know there will be a number of followup questions, so I want to, if I could, Mr. Talwar. I found our conversation yesterday about the negotiations with Iran to be the best that I have had on the topic, and instead of being sort of a pat on the head from the administration saying trust us, I found

it revealing. And I appreciate the time you spent in talking about it, and I hope we follow up in a classified setting. But in this arena, talk to us a little bit about what your role has been in the discussions with Iran over their nuclear program.

Mr. TALWAR. Sure. Thank you, Mr. Chairman—sorry, Ranking Member Corker.

Senator CORKER. I am hoping that in about a year or so.

Mr. TALWAR. You know, I was around here long enough that the ranking member became the chairman, the chairman became ranking member, so it is just safe to call everybody “Mr. Chairman.”

Senator CORKER. Good.

Mr. TALWAR. So again, I do thank you for the opportunity for sitting down with me, and I enjoyed the conversation as well. My role was as follows. I was a member of a preparatory exploratory team that met with the Iranians on a couple of occasions to see if we could get talks going on the nuclear program. We met with the Iranians in Oman last summer. We had another meeting in March of this year. It turned out the Iranians could not move forward with the talks at that point.

In the summer after President Rouhani’s election, there was an exchange of letters between President Obama and President Rouhani, and the Iranians agreed to move forward with talks at that time. We then had an accelerating pace of discussions bilaterally with the Iranians, and that process was always tied from the get-go to the P5+1 process.

It was made clear. It focused exclusively on the nuclear issue, so there were no other, you know, side discussions under way. And it was merged, you know, after the conversations gained traction with the P5+1 process. And so, I was a participant in both the bilateral discussions as well as in the P5+1, but I was a member of a team that was led by the State Department, in particular by Deputy Secretary Burns and Under Secretary Sherman.

Senator CORKER. Yes. And as we talked yesterday, what is it about the circumstances today that give you some sense that we can actually get to an end state that is acceptable to the United States or that we cannot? Can you give me your sense of how things are internally and how things you think may be different or not different relative to us getting into an appropriate end state?

Mr. TALWAR. Sure. Thank you, Senator Corker. I think, you know, as we discussed yesterday, it is tricky business to try to see into the internal workings of Iran at any given moment and, you know, project out. There have been so many twists and turns over the years. And so ultimately we have to judge them by their actions, and we have to judge them by very strict, objective criteria.

Having said that, you know, I do believe that the election of President Rouhani was a rejection by the Iranian people of the status quo, of the direction that they were headed, and it was a cry for change. And the question now, and this is not to say that, you know, by any stretch of the imagination the election was, you know, free and fair and up to Western standards. He simply to the Iranian public represented the possibility of taking the country in a different direction. And that, I think, puts a certain degree of pressure on the Iranian Government.

And, you know, there are a lot of dynamics under way there, rivalries between some of the elite. You know, the Supreme Leader does remain the decisionmaker at the end of the day, but underneath that, there are rivalries. The Revolutionary Guard is part of the mix as well. You know, the outsized influence they gained over the years, particularly under President Ahmadinejad, and I think you are seeing some degree of push back as well. These are very early signs. We do not know where it is going to go. But, you know, there is a chance certainly if President Rouhani is going to be responsive and the entire leadership to where public wants to go, you have that pressure on them.

You know, again, and I think the President said this over the weekend, I think you put the odds of a comprehensive deal at about 50/50 because we do not know the direction that this is going to head.

Senator CORKER. Let me ask you a question. Based on your conversations, how much do the folks involved in these negotiations and those that can actually make something happen knowing that there are rivalries internally, how much attention do they pay to internal U.S. politics and what is happening in Congress and that kind of thing?

Mr. TALWAR. An extraordinary amount of attention is paid to what happens in the Congress.

Senator CORKER. Let me ask you this question. I would have thought that. So I am concerned that there is a possibility—I do not know this yet—that Congress may, in fact, in the name of weighing in, potentially try to pass something that does not do anything, but makes it look as if Congress has done something to try to affect the negotiations. Is it your thinking that if Congress were to do such a thing, which I hope Congress would not, but if Congress were to do such a thing, would the Iranians see through that and understand that, in essence, that was the case?

Mr. TALWAR. You know, there are no absolutes in this business. My best assessment, Senator, and this is one, I think, that, you know, is held by the administration, is that, you know, respecting the role of the Congress and the different views on members of the committee here, my view is that it would be seen by the Iranians as potentially a move away from the track that we are on, negotiations and diplomacy. And a sense could set in that would do one of two things or both. One, either make them think twice about following through on the commitments on the Geneva deal. The second—

Senator CORKER. Even if they realize that Congress—it is sort of a triumph of politics over policy and it really was not doing anything to affect outcomes, so you are saying it still would do that.

Mr. TALWAR. That is what we have understood from them.

And, you know, their politics are different internally clearly, but they do have theirs as well. And again, I do not want to sit here and make absolute statements.

Senator CORKER. Let me ask you this. If Congress were to weigh in in a different way and basically say we are not going to deal with additional sanctions, but we want to ensure that at a base the Security Council resolutions are adhered to as a base case at the end state, how would that affect, do you think, the negotiations?

And let me just say the administration continues to talk about Congress and Congress getting involved too much and messing this up, and yet the administration continues to refer to the hardliners in Iran as the reason they have to move ahead so quickly and do something. And yet I do feel that Congress has, with Chairman Menendez's leadership, in years past has actually sort of provided that hard line to help the administration get to the point where we are.

So why is it in a negotiation different for Iran than it would be for us to at least try to get the administration to acknowledge, and Iran to acknowledge, that as a best case the end state would have to be at least the U.N. Security Council resolution that has been agreed to by the United Nations.

Mr. TALWAR. Well, thank you, Senator. I mean, as a person who was involved in policy on Iran and trying to bring to bear all the tools we have available to us, you know, to confront the Iranian in its many dimensions. As we talked about yesterday, you know, from my perspective, you know, the tools that we got from the Congress and the leadership of Chairman Menendez and Senator Kirk and others were really quite useful in terms of helping us to bring Iran to the table.

I do not think there is any doubt in terms of in the minds of the Iranians about where Congress is coming from here. They know that. They know that, you know, you are ready to go. And as President Obama has said and Secretary Kerry, we would be there with you. If we see some sign of backsliding, of breaking the deal, of not following through with a comprehensive deal. And so I do not think there is any doubt about what Congress would do in the end on this.

Senator CORKER. Well, I know my time is up, and I appreciate the chairman's indulgence. And we will follow up with some written questions about things like arms sales and counterterrorism, and we appreciate both of you playing you are going to play soon in those capacities.

Thank you.

The CHAIRMAN. Senator McCain.

Senator MCCAIN. Thank you, Mr. Chairman. Thank the witnesses. Mr. Talwar, do you believe that 6 months is enough time to reach and conclude a treaty agreement with Iran?

Mr. TALWAR. Mr. Chair—Senator McCain—I apologize—I believe that that is the timeframe set out in the Geneva deal, and it all depends on how serious the Iranians are at the end of the day.

Senator MCCAIN. Well, is it enough time for us to ascertain whether they are serious or not?

Mr. TALWAR. We will be able—we have as part of the Geneva deal a fairly robust set of verification measures that we will be looking to.

Senator MCCAIN. But you are not answering my question. Do you think 6 months is sufficient time to either conclude or not to conclude an agreement between the United States and Iran?

Mr. TALWAR. The goal would be to conclude it, and I think we can do it. But again, it depends upon their degree of seriousness.

Senator MCCAIN. I will ask for the third time. Do you think that the Iranians are serious enough for us to get an agreement in 6 months?

Mr. TALWAR. Senator, yes, if the circumstances are correct. If they are prepared to—we have not begun the negotiations on the comprehensive deal, so I cannot tell you that we will be able to. But that is the absolute goal, and we should be able to do it in that timeframe.

Senator MCCAIN. Can you tell me whether you would support continued armed sales to Egypt under the present circumstances?

Mr. TALWAR. Well, again I am not currently responsible for the Egypt policy, but I know this is one that I will have to be working on in the position should I be confirmed. And on Egypt, the approach is to continue to provide security assistance in those areas that are in our mutual interest.

Senator MCCAIN. Even though there is a law that says that if there is a coup, that all military aid will be suspended.

Mr. TALWAR. That is correct, Senator. And I believe that the policy in place now is one which is holding up several high profile items, and that the administration's policy is consistent with that underlying law at the moment.

Senator MCCAIN. Even though the law says that if there is a coup, that all military aid will be suspended, and we have not suspended all military aid. Do you believe that we are in compliance with the law?

Mr. TALWAR. Again, I have not been responsible for this policy, so I cannot give you the details. My understanding—

Senator MCCAIN. Can you tell me our policy toward Egypt?

Mr. TALWAR. The policy toward Egypt is to promote a nonviolent, peaceful transition to a democratic—

Senator MCCAIN. Do you think that is happening now?

Mr. TALWAR. I believe that are some positive steps that are being taken, but there are other concerning signs as well, Senator.

Senator MCCAIN. Tell me one of the positive signs.

Mr. TALWAR. Again, as I understand it, there is some work under way on the constitution, but again the most—

Senator MCCAIN. Have you seen that constitution which enshrines the role of the military immune from any other institution or form of government, including setting their own budget, including appointment of their own Secretary of Defense? Do you think that that is a good constitution?

Mr. TALWAR. Senator McCain, I cannot speak to the details of the constitution under discussion. But if I could for a second, I would like to tell you that there are concerns about recent developments in Egypt, particularly the treatment of protestors. And obviously that is something that we will be watching closely.

Senator MCCAIN. Thank you. It is nice to see you again, Ms. Kaidanow. The last time I saw you was in Kabul, and thank you for your great work there. We very much appreciate it.

There are 5,000 Sunni foreign fighters in Syria today. As you know, there are over 5,000 Hezbollah, and that number, according to my calculation, exceeds any previous conflict in modern history, even more fighters than we saw in Afghanistan in the 1980s. As these men become more radicalized, they spend more time in the

trenches, are you worried that the situation in Syria is now becoming more and more radical Islamist groups, such as al-Nusra versus Bashar Assad's forces, and the Free Syrian Army and the moderates are being squeezed out? In fact, I understand from this morning's news that the United States is suspending humanitarian aid because of our lack of control of the border areas.

Ambassador K Aidanow. Senator, just one small change or correction to what you just said, which is my understanding is that we are not suspending humanitarian aid. We are suspending some of the nonlethal assistance that we provided to the opposition in the past.

Senator McCain. You would think—if you cannot get the nonlethal in, then you are not going to be able to get any other assistance in, is that not true?

Ambassador K Aidanow. No, you are correct. I just wanted to specify that only because I think you are absolutely correct. We are very, very concerned about the question of foreign fighters flowing into Syria. Hezbollah has been a particular concern to us, which I highlighted in my opening remarks, not just, by the way, in Syria, but elsewhere also.

I think with respect to Syria generally, it is very, very clear that we need a political solution to this. There is no military solution per se. The longer the situation goes on, the more, frankly, conducive the situation becomes for the—

Senator McCain. Is there anything that makes you inclined to believe that when Bashar Assad is clearly winning that there is going to be a "political solution?"

Ambassador K Aidanow. I think it is quite difficult. The Secretary, Ambassador Ford, others, as you know, have been working very hard to bring the parties together at a Geneva II conference for the beginning of next year. I do not want to—again, I am not responsible specifically for Syria policy, so I do not want to underplay the difficulty of all those efforts. But I do think that that is an essential grounding for our policy as a whole.

With respect specifically to the foreign fighter issue, we are working quite diligently, as I understand it, with a number of our foreign partners, both in Europe and in the region to try and stem that tide. To actually highlight something that is a positive, I think we were successful in getting our European counterparts to designate the military wing of Hezbollah this past year. And I think what that highlights again is the understanding that the impact of this is growing over time, and that we really do need to focus in on it as a real problem. We also designated al-Nusra—

Senator McCain. I would hope so. After over 2 years it would be a good idea to focus in on this as a real problem.

Ambassador K Aidanow. Agreed, Senator, and we are doing so. And I think that—

Senator McCain. Actually you are not doing anything. Actually in reality, if you talk to people on the ground, which I do all the time, we are doing almost nothing. And the Saudis and other countries that are assisting the Free Syrian Army have decided to go their own way because of our abject failure to assist those people. And those are the facts on the ground.

I thank you, Mr. Chairman.

The CHAIRMAN. Senator Rubio.

Senator RUBIO. Thank you. Mr. Talwar, you said in your testimony that the finest hour of American foreign policy invariably occurs when the State Department and the committee are working together toward the same end, right?

Mr. TALWAR. That is correct, Senator.

Senator RUBIO. So about the conversations that you and your colleagues had in this back channel with Iran, did you brief the chairman or the ranking member of this committee about those talks, or did anyone brief them about it?

Mr. TALWAR. I did not. I do not know if that occurred. I do not believe so.

Senator RUBIO. Were any Members of the Senate, or the House, or Congress briefed at all about these talks at any point?

Mr. TALWAR. Again, I cannot speak for everybody, but from my perspective, I do not believe that there were discussions.

Senator RUBIO. Your testimony said that nothing other than the Iranian nuclear program were discussed in the back channel negotiations, correct?

Mr. TALWAR. The Iranian nuclear program, that is correct. You know, it depends on which sort of forum you are talking about. There have been in other—a number of channels that we have had with the Iranians, including New York, including the P5+1. There have meetings on the margins of P5+1—

Senator RUBIO. But just specifically this back channel.

Mr. TALWAR [continuing]. Where, for example—in the back channel.

Senator RUBIO. It was about Iran and the nuclear—

Mr. TALWAR. Yes.

Senator RUBIO. OK. So my understanding is there was no conversation about their abysmal human rights record, right?

Mr. TALWAR. The purpose of the back channel, if you will, which was, you know, merged with—or was connected to the P5+1 was the nuclear issue because the P5+1 focuses on the nuclear question.

Senator RUBIO. I understand, but I wanted to be clear about what else was discussed. So, for example, their ongoing support of terrorism, their backing of Assad, of Hezbollah, of Hamas, their involvement in a plot to assassinate a foreign ambassador here in Washington, DC. None of these issues were part of that conversation.

Mr. TALWAR. That is correct, they were not part of the conversation.

Senator RUBIO. What about detained American citizens, like Pastor Abedini, or Amir Hekmati, or Robert Levinson?

Mr. TALWAR. American citizen issues have been raised in several discussions in some meetings that I have been in particularly on the margins on the P5+1. Secretary Kerry raised this issue in his first meeting with—

Senator RUBIO. All of the American citizens?

Mr. TALWAR. Yes.

Senator RUBIO. OK. And the release of several Iranians accused of violating sanctions imposed on Iran's procurement and technology abroad, most recently, Mr. Mojtaba Atarodi. Were these part of the talks?

Mr. TALWAR. No, they were not, Senator.

Senator RUBIO. OK. I am going to share you with my assessment of Iran, and I would love to have your take on it. My assessment is that, for Iran, the purpose of these talks is to see how much sanctions relief they can get without agreeing to any irreversible policy concessions. Would you share that view or not given the fact that you have met with them and I have not?

Mr. TALWAR. Yes. I believe—I share much of that view, Senator. I believe that their goal is to gain as much sanctions relief as possible, yes, and to hold onto as many nuclear assets as possible. I think we are clear-eyed about what they would like to be able to do.

Senator RUBIO. Is it fair to say that in some way they are informed by North Korea's playbook on this matter?

Mr. TALWAR. Well, Senator, I am generally familiar with the North Korea situation. I did not hear them bring that up at any point.

Senator RUBIO. I understand they probably would not telegraph it. But the fundamental question is my fear, and I think it sounds from your testimony like you share it, is that what they have learned from North Korea is you gain some sort of short-term interim deal with the United States, and then when no one is looking or the world is focused on something else, you break out or you reach a capability to be able to break out. And it sounds from your testimony like you understand that that is a very real possibility, perhaps even a very real probability. Is that accurate?

Mr. TALWAR. Well, Senator, I do not believe that is a probability. We know what their aim is, and our aim is to keep them as far as possible from breakout and to move them back from where they are. And in the Geneva deal, what we have achieved is a halt to the advancement of their program, a rolling back of it in certain key respects, and some very strong transparency and verification measures. And we have pushed them back.

There is an article I would commend to you by Graham Allison in in *The Atlantic*, and it uses a football analogy. And he wrote around about the same time that Prime Minister Netanyahu actually gave his speech at the U.N. General Assembly last year talking about this issue. And he basically says, and I will keep it short here because I do not want to use all your time, that we have moved with this deal—he said Iran was essentially in the red zone. It was at the 10-yard line, and we basically moved them back to the 30-yard line.

And so, we know what their intent is, but our intent—and we still have the pressure of our sanctions there. So I would say we are going to be very vigilant about this. We will be very tough, and we will keep trying to push them back further down the field.

Senator RUBIO. Yes, the problem with that analogy is that Iran only needs a field goal, and their kicker can kick 52 yards pretty consistently. And so, the 30 and the 15 are not much of a difference for them.

Here is my other question with regards to this. Iran says their nuclear program is peaceful, that what they want is energy and for medical purposes. Do you believe that to be true, or do you believe

that, in fact, they do want a weapon, or at least the capability of a weapon?

Mr. TALWAR. Senator, I think that a lot of their activities over the years have been inconsistent with a purely peaceful program. But what we have said to them if you want a purely peaceful program, there are ways that you can demonstrate that, and there are a lot of questions that have to be addressed about their past activities. And so, you know, I think the record is fairly clear that they have at least in the past sought to obtain that capability.

Senator RUBIO. Well, it is not just their past activities, right? I mean, they continue to develop rocket technology, long-term rocket technology as well, which—the purpose of which really—the only reason from a cost-effective perspective to develop long-range rockets is to be able to put a nuclear warhead on them. They continue to do that.

Mr. TALWAR. They have—again—

Senator RUBIO. And that is not part of the talks.

Mr. TALWAR [continuing]. A number of activities are very threatening. I will not sit here and defend what they are doing. They have been threatening, and this goes for a range of activities, some of which we have put a halt to with the Geneva deal.

Senator RUBIO. Does any government in the world use terrorism as a tool of statecraft more than the Iranians do?

Mr. TALWAR. My colleague would probably be better placed to answer that. But my understanding is that the State Department reports have consistently found that Iran is the leading state sponsor.

Senator RUBIO. OK. Thank you very much.

The CHAIRMAN. Senator Corker has a followup question.

Senator CORKER. Thank you. I appreciate that, and I appreciate the line of questioning of all the people here today. And it prompted a thought. I was just on the Arabian Peninsula, and what Senator McCain has just mentioned about Saudi Arabia is more than true. And I know several of us have been to refugee camps on the border of Syria and both Turkey and Jordan and have looked refugees in the eye and have told them that help is on the way based on assurances from the administration. And then we all know that help is not on the way. And I do not know what we will do at our next visits to see people in great distress who have been displaced without the American support that has been broadcast, and yet not forthcoming.

So I ask this question. And our credibility, there is no question, has been hugely damaged, and people have been massacred. Families have been disrupted because we have not done what we said we would do with the moderate opposition.

There is no question that is the case. But here is the question I have for you, Mr. Talwar. You were involved in these prenegotiations that Senator Rubio mentioned, certainly were never shared. And I am just wondering when you looked at—when what happened relative to Syria policy and the President took the walk—the famous walk he took on that Friday night, and we ended up changing our policy there. And obviously the redline was never adhered to.

Was there any wink and a nod relative to what we did, what we did not do in Syria relative to what we are doing right now with the negotiations in Iran? Did that come into play? Did that set the environment? Did that impact discussions that have been under way while you have been in those discussions?

Mr. TALWAR. Senator, I do not believe they had any impact that I could discern on the discussions one way or the other. My sense is that, you know, both sides were very disciplined in sticking to the issue at hand. You know, I cannot speak to folks' larger considerations, but I did not see any impact, No. 1. No. 1, I did not see any, you know, decisionmaking on our side that, you know, took account of the Iranian nuclear discussions, if that answers your question.

Senator CORKER. Let me ask you this just being an intelligent person who is coming into a responsible role. Would you sense that if you were on the Iranian side watching our activities there, would that enhance, in your opinion, your ability if you are on the Iranian side to think that you might actually negotiate a deal that would be in your favor?

Mr. TALWAR. Again, it is hard to get into their mindset. I do not believe so because quite honestly they had enough going on with the nuclear negotiations. Those were a tough set of discussions, and they had a lot of—

Senator CORKER. They were not paying attention to what was happening in their client state with people that they are going to take sanctions, money, relief, and help support in Syria? They were not paying attention to that connectivity at all and how it was going to empower them to more fully support Hezbollah and more fully support and change the balance on the ground? They were not paying attention to that?

Mr. TALWAR. Senator, I am sure that Syria—obviously as you know, I agree with you. It is a client state. It is something that is, you know, they think quite a bit, spend a lot of time thinking about. So I am not denying that. What I can tell you is I only speak from my perspective, which, again, was not necessarily, you know, sort of the center of everything here. But from my perspective, the folks that we interacted with, or I did, I did not see—and the issue of Syria did not arise in that matter. It was really focused on the nuclear question. And I did not see any impact that events at that time had on the course of the discussions.

Senator CORKER. Thank you.

The CHAIRMAN. Just a couple of followups based upon these lines of questioning that spurred some questions in my own mind. Mr. Talwar, let me ask you, you in response to Senator Corker said that the Iranians pay a great deal of attention to what happens here in the Congress. I assume that in addition to attention, they have the sophistication to understand the difference between the executive branch and the Congress as a coequal branch of government. Would you say that that is a fair assumption?

Mr. TALWAR. Mr. Chairman, thank you for that. I think that some of them do. Some of them are very sophisticated, such as the Foreign Minister who spent—you know, educated here partially, spent a fair amount of time. There are others in that system who quite honestly—

The CHAIRMAN. President Rouhani?

Mr. TALWAR [continuing]. Do not see that and think that we—

The CHAIRMAN. President Rouhani?

Mr. TALWAR. President Rouhani probably understands that.

The CHAIRMAN. So the Foreign Minister and the President of Iran both understand the difference at the levels of people who are negotiating here. And as a matter of fact, is it not true that the plan of action, as I read the language, that the administration considered that reality because it says in the plan of action that to the extent that the executive branch has the power to enforce or not to enforce sanctions, that they would not enforce the sanctions relief that is being considered in the plan of action. But that clearly suggests that the Congress is not bound by that. While it may be the desire, it is not bound by that.

Mr. TALWAR. Having sat on the bench behind you, I always take very seriously the constitutional prerogatives of the Congress. And I think what you saw in there reflected a respect for the constitutional separation of powers. However, I think the language there is clear in the sense that the administration would oppose new sanctions.

The CHAIRMAN. Well, I did not see that. Now, you can imply it in the language, but I read the language plainly, and the language plainly was telling the Iranians to the extent that the executive branch has the power to pursue or not pursue additional sanctions, that it would forgo doing so. But it specifically left out the legislative branch. While that may be their desire, it did not say that we are also binding somehow the Congress of the United States.

Mr. TALWAR. Right. Again—

The CHAIRMAN. So is that the case, though, regardless of what—I know what the administration has said. I do need you to repeat it. The question is, is that not part of the agreement?

Mr. TALWAR. Mr. Chairman, the interpretation and what you have heard from the President and the Secretary I think reflect our understanding of the joint plan of action, which is that the administration would impose—again, respectful of Congress' constitutional role and responsibility to impose sanctions—

The CHAIRMAN. But you are not telling the Iranians that we can bind the Congress of the United States; otherwise you would have just said the United States will not pursue such actions. You clearly were seeking to define for them should there be action by the Congress that there is a separation.

Mr. TALWAR. Yes, and I think that—

The CHAIRMAN. OK. So let me ask you this. So I have heard from the Secretary and others that if unfortunately this were to fail, that the administration would be one of the first people knocking on our door to pursue additional sanctions. Is that a fair statement?

Mr. TALWAR. That is correct.

The CHAIRMAN. And so, I would ask you whether sanctions that further reduce the amount of petroleum that countries could purchase from Iran, sanctions that would expand the nature of petroleum-related products, would that be a sanction that would do nothing?

Mr. TALWAR. I am sorry, Mr. Chairman?

The CHAIRMAN. Would that be considered a sanction that would, in essence, do nothing? Would it have a consequence?

Mr. TALWAR. It would have a consequence.

The CHAIRMAN. Let me ask you, if you were to sanction mining and construction as additional sectors of the Iranian economy, not subject to sanctions now, would that have a consequence or would it do nothing?

Mr. TALWAR. When you say—I am sorry, Mr. Chairman, when you say have a consequence, you mean for the negotiations?

The CHAIRMAN. No, for the Iranians if, in fact, such a sanction was pursued outside of the negotiations? I am talking about now we have exhausted the process. The process did not lead to the successful conclusion we want. The administration is coming back for sanctions. Would the administration say that sanctions as in the first category expanding the universe of what is a petroleum product subject to sanction, reducing further the amount of petroleum to be purchased, pursuing mining and construction sectors, which are presently not sanctioned, would those be significant sanctions against the Iranian regime?

Mr. TALWAR. Mr. Chairman, I believe those would be significant sanctions. I cannot speak to what specific sanctions the administration would seek in consultation with you.

The CHAIRMAN. I understand that.

Mr. TALWAR. But I think, you know, we have all seen the bills that are out there, and a lot of them have very significant hard-hitting—

The CHAIRMAN. Would sanctions against countries and entities that seek to help Iran expand its ballistic missile capacity, would that be significant in nature?

Mr. TALWAR. Without seeing the underlying language, Mr. Chairman, I believe that, yes, it sounds as if it would be.

The CHAIRMAN. So if, in fact, it came to a point in time if the administration were seeking sanctions—that is, universal sanctions—that would do something as it relates to the Iranian economy, Iranian consequences.

Mr. TALWAR. Mr. Chairman, I believe those would be significant sanctions.

The CHAIRMAN. Right. Now, let me just ask you, do you think, having been involved with the negotiations that took place and having—and still being part of the administration at this point, do you think that the administration would want the end state of the negotiations with Iran to be defined by the Congress of the United States?

Mr. TALWAR. Mr. Chairman, I think that on the question of the end state, I believe that we have not even begun the negotiation with the Iranians. We will also be having consultations with some of our partners, including the Israelis, very soon on questions related to that. So, you know, at this point while, you know, we would want, I believe, post-consultation with you, ideas, and so forth, that to have a public definition of the end state at this point is not something that we would see.

The CHAIRMAN. Do you think the administration would want some of its existing prerogatives and waivers to be rescinded or further constrained?

Mr. TALWAR. No, Mr. Chairman, I do not believe so.

The CHAIRMAN. With thanks to both of you for your testimony. There may be additional questions for the record, which will remain open until noon tomorrow. We thank you for your testimony. And if you get questions in the record, we urge you to answer them expeditiously so we can consider your nominations at a business meeting. Thank you very much.

As we excuse this panel, let me call up our third and final panel of the day. Our third panelists today are Michael Hammer, nominated to be Ambassador to the Republic of Chile, Kevin Whitaker, nominated to be the Ambassador to the Republic of Colombia, and Bruce Heyman, nominated as Ambassador to Canada.

Michael Hammer has served as special assistant and senior director of press and communications at the White House and spokesman for the National Security Council. His Foreign Service includes assignments in Bolivia, Norway, Iceland, and Denmark.

And I want to take a moment to make a couple of special remarks about Mr. Hammer's father, Michael Hammer, Senior. Public service and a love and commitment to Latin America was a driving force in his father's career as it is for Michael. Mr. Hammer, Senior, worked for many years for the AFL-CIO's American Institute for Free Labor Development. He served in a number of countries in Latin America where he promoted democratic trade, unionism, and agrarian reform. And sadly and tragically, Michael's father and two of his fellow colleagues were gunned down by a right-wing death squad while working in El Salvador in 1981, so I want to say that our country owes a debt of gratitude to your family.

I also recognize two of your father's friends and colleagues who are here today to show their support, Mr. Joe Campos and Mr. Jim Hollway. Welcome back for your years of service and advocating for the rights of workers throughout the Western Hemisphere.

Kevin Whitaker is the nominee for Ambassador to the Republic of Colombia. He is a career member of the Senior Foreign Service, currently Deputy Assistant Secretary of State for South America in the Bureau of Western Hemisphere Affairs. He was Deputy Chief of Mission at the U.S. Embassy in Venezuela, and has served in the State Department as Deputy Director of the Office of Cuban Affairs and the Office of Mexican Affairs.

Our third panelist is Bruce Heyman, nominated to be Ambassador to Canada. Mr. Heyman is the managing director of Private Wealth Management at Goldman Sachs. He is the business leader counsel/advisor for the Committee for a Responsible Federal Budget, Fix the Debt Coalition, and serves on a number of boards, including the Executive Committee for the Chicago Council on Global Affairs.

Welcome to all of you. And let me start with Mr. Hammer and move down the line. Again, your full statements will be included in the record. We would ask you to summarize your statements in about 5 minutes or so. And, of course, if you have any family or friends, please introduce them to the committee.

STATEMENT OF HON. MICHAEL HAMMER, OF THE DISTRICT OF COLUMBIA, TO BE AMBASSADOR TO THE REPUBLIC OF CHINA

Mr. HAMMER. Thank you, Mr. Chairman. Especially thank you for your very kind words in memory of my father.

Mr. Chairman, members of the committee, Senator Rubio, Senator McCain, it is a great honor and privilege to appear again before this committee, this time as the nominee to be the next United States Ambassador to the Republic of Chile.

If I may, I would like to recognize my family whose steadfast support has enabled me to serve our great Nation for over 25 years, both abroad and at home. With me here today is my wife, Margret Bjorgulfsdottir—I think she is toward the back—who has sacrificed career opportunities to support my life in public service. Margret has always been there for me and for our three wonderful children, particularly when my duties took me away from the family.

We are so proud of our kids, who have been young diplomats in their own right. Our daughters are here, Monika, who is studying broadcast journalism at Syracuse's Newhouse School, and Brynja, who is a seventh grader, who will accompany us to Chile if I am confirmed. However, our son, Mike Thor, who just started engineering at Cornell, is not here, and I sure hope he is studying for his finals.

With the forbearance of the committee, as the chairman mentioned—

The CHAIRMAN. Your family moved to the very front, so they are closer to you.

Mr. HAMMER. Oh, terrific. Thank you, sir. With the forbearance of the committee, I would like to again recognize my parents, Mike and Magdalena. When I was a teenager, my father gave his life for our great country. It was my dad's idealism and commitment to advancing America's interests abroad and making the world a better place which motivated me to join the Foreign Service. I am honored that two of his former AIFLD colleagues, Joe Campos and Jim Hollway, would come today for this important moment in my life, which my father would have loved to have seen.

Unfortunately my mother could not make it from Spain, but to her if she was able to navigate the Internet and watch the hearing, I say, Mami, gracias.

Having just served as Assistant Secretary for Public Affairs, I know the importance of American leadership in the world and recognize the need to partner with others in order to address the global challenges, particularly with countries that share our values. As Ambassador, I will work relentlessly to gain support for our policies, foster relationships that advance our interests, promote business opportunities that create American jobs, and tell America's story.

When I served at the White House at the beginning of this administration, I had the privilege of traveling with President Obama to the Summit of the Americas where he launched a new era of partnership with the hemisphere based on mutual respect, common interests, and shared values; a partnership aimed at improving the lives of the citizens of the Americas by promoting economic opportunity, energy cooperation, citizen security, and human rights.

These goals provide the basis for our excellent relationship with Chile today. If confirmed, I intend to build upon those close ties and work further with Chile as a global partner for the United States. Chile has been and will be an increasingly valuable partner in our hemisphere and around the world in three key areas: advancing democratic principles and human rights, promoting prosperity and economic opportunity, and enhancing security and advancing peace.

On democracy and human rights, Chile is a shining example of a peaceful transition from the Pinochet regime to open and transparent governance. In fact, this coming Sunday, Chileans will go to the polls to elect their sixth President since returning to democracy.

On economics, Chile is a reliable trading partner, is firmly committed to free trade, and acts as a key member of the OECD. Together with Chile, the United States is now working to conclude the historic Trans-Pacific Partnership, a high-standard 21st century trade agreement that will promote regional economic integration, prosperity, and opportunity. Furthermore, the United States recently obtained observer status to the Pacific Alliance, where we share with Chile, Colombia, Mexico, and Peru an interest in expanding free markets, reducing inequality, opening trade, and welcoming foreign investment.

On security, our countries enjoy a strong defense relationship. Chile is a key contributor to the U.N. mission in Haiti, also trains police officials from Central America, and participates in counter narcotics efforts in the Caribbean.

Rest assured that if I am confirmed as Ambassador, I will focus on ensuring the safety and security of Americans living and traveling in Chile. In preparing for this assignment, I have been thoroughly impressed by the range and scope of our programs in Chile as well as with Embassy Santiago's high caliber American and locally engaged staff who make invaluable contributions every day. I would be extremely proud to have the opportunity to lead our Embassy team if confirmed.

Mr. Chairman, let me close by saying how deeply grateful and humbled I am by the confidence President Obama and Secretary Kerry have shown in me with this nomination. If confirmed, I pledge to work closely with you, your colleagues, and the administration to further deepen the partnership between the United States and Chile.

Thank you very much, and I look forward to answering your questions.

[The prepared statement of Mr. Hammer follows:]

PREPARED STATEMENT OF MICHAEL A. HAMMER

Thank you, Mr. Chairman, members of the committee. It is a great honor and privilege to appear again before this committee on this occasion as the nominee to be the next United States Ambassador to the Republic of Chile.

If I may, I would like to take a moment to recognize my family whose steadfast support has enabled me to serve our great Nation over the past 25 years both abroad and at home. The Foreign Service is not just a career; it is a call to serve our country. And that call goes out to the whole family. With me here today is my wife, Margret Bjorgulfsdottir, who has sacrificed career opportunities to support my life in public service. Margret has always been there for our three wonderful children, particularly when my duties took me away from the family.

We are so proud of our kids, who have been young diplomats in their own right: Monika, who is studying broadcast journalism at Syracuse's Newhouse School; Mike Thor, who just started engineering at Cornell; and Brynja, who will accompany us to Chile, if I am confirmed.

With the forbearance of the committee, I would also like to acknowledge my parents, Mike and Magdalena. When I was a teenager, my father gave his life for our great country. It was my dad's idealism and commitment to advancing America's interests abroad and making the world a better place that motivated me to join the Foreign Service. My mother supported my quest every step of the way. Unfortunately, she could not make it from Spain to be here today but to her I say: gracias, Mami.

Having just served as Assistant Secretary for Public Affairs at the State Department, I know the importance of American leadership in the world and recognize the need to partner with others, including countries like Chile, to address the global challenges we face. As Ambassador, I will work relentlessly to gain support for our policies, foster relationships that advance our interests, promote business opportunities that create jobs for Americans, and tell America's story.

I have been fortunate to serve at the White House under our three previous Presidents. And, when I served at the White House at the beginning of this administration, I traveled with President Obama to the Summit of the Americas in April 2009, where he launched a new era of partnership with the hemisphere based on mutual respect, common interests, and shared values; a partnership aimed at improving the lives of the citizens of the Americas by promoting economic opportunity, energy cooperation, citizen security, and human rights.

These goals provide the basis for our excellent relationship with Chile today. If confirmed, I intend to build upon those close ties and work further with Chile as a global partner for the United States. Chile has been and will be an increasingly valuable partner in our hemisphere and around the world in three key areas:

- (1) Advancing democratic principles and human rights;
- (2) Promoting prosperity and economic opportunity; and
- (3) Enhancing security and advancing peace.

On democracy, Chile is a shining example of a peaceful transition from the Pinochet regime to open and transparent governance. In fact, this Sunday the Chilean people will elect their sixth President since the country's return to democracy. Given Chile's historical experience and solid institutions, it is well positioned to be a leader in democracy, both in the region and the world.

On economics, Chile is a reliable trading partner, is firmly committed to free trade, and acts as a key member of the OECD. Since the U.S.-Chile Free Trade Agreement entered into force in 2004, bilateral merchandise trade has grown by 340 percent. While U.S. goods exports to the world increased 113 percent between 2003 and 2012, U.S. goods exports to Chile increased by nearly 600 percent, growing from \$2.7 billion in 2003 to \$18.9 billion in 2012. Together with Chile, the United States is now working to conclude the historic Trans-Pacific Partnership—a high-standard 21st century trade agreement that will promote regional economic integration, prosperity, and opportunity for the people of all of the member countries. Furthermore, the United States recently obtained observer status in the Pacific Alliance, where we share with Chile, Colombia, Mexico, and Peru an interest in expanding free markets, reducing inequality, opening trade, and welcoming foreign investment.

On security, our countries enjoy a strong defense relationship. Chile is a key contributor to the U.N. mission in Haiti. Chile also trains dozens of police officials from Central American and Caribbean countries. Chile's Armed Forces participate in numerous bilateral and multilateral exercises annually, and Chile serves as a model in the region for increasing accountability and transparency in its Ministry of National Defense through ongoing defense reforms. Defense trade with Chile is at an all-time high with current projects totaling above \$1 billion and serves as an important component of our economic partnership and basis for interoperability between our militaries. I hope to enable us to do more together to advance peace and stability in the region and around the world, particularly as Chile assumes its nonpermanent seat in the United Nations Security Council in January.

Rest assured that if I am confirmed as Ambassador, I will be focused on ensuring the security and safety of Americans living and traveling in Chile. I would be extremely proud to lead our Embassy Santiago team, which includes representatives from a wide range of agencies. In fact, in preparing for this assignment, I have been thoroughly impressed by the range and scope of our programs in Chile as well as with the Embassy's high-caliber American and locally engaged staff that make invaluable contributions every day.

Mr. Chairman, let me close by saying how deeply grateful and humbled I am by the confidence President Obama and Secretary Kerry have shown in me with this

nomination. If confirmed, I pledge to work closely with you, your colleagues, and the administration, to further deepen the partnership between the United States and Chile.

The CHAIRMAN. Thank you.
Mr. Whitaker.

**STATEMENT OF KEVIN WHITAKER, OF VIRGINIA, TO BE
AMBASSADOR TO THE REPUBLIC OF COLOMBIA**

Mr. WHITAKER. Good morning. Mr. Chairman, Senator Rubio, Senator McCain, it is a great honor to appear before you today as the President's nominee to be the next United States Ambassador to the Republic of Colombia. It is a profound privilege and deep responsibility to be considered for confirmation.

Let me recognize my wife, Betsy, who had a distinguished Foreign Service career herself. My son, Stuart, could not make it today. My son, Thomas, is here, and my son, Daniel, who is a third-class cadet at the Virginia Military Institute, is with us as well. I am grateful for their support throughout my career.

I also have to thank President Obama and Secretary Kerry for this opportunity and for their confidence in me.

My mother, Evelyn, and father, Malvern, have passed on, but their love and guidance made me who I am. My father was a World War II veteran in the Navy. He was a career Army officer later, and my mother was the daughter of immigrants.

They taught me there is no higher calling than service to Nation.

Colombia has come far since the late 1990s when insurgency and narcotics trafficking tore the fabric of the nation. We have helped, including with more than \$8.8 billion in assistance thanks to the generosity of Congress and the American people. Our support has been significant, and Colombia has provided the vast majority of the financial and human resources in the overall effort.

Colombia is now engaged in a historic peace process intended to give the Colombian people the peace, security, and justice they have sacrificed so much to achieve. The administration strongly supports the Colombian Government in this process as a means of getting the FARC, a foreign terrorist organization, to lay down its arms and achieve a real peace.

Agreements on critical issues have been achieved, but central questions remain. With so much invested in Colombia's success, the United States supports President Santos' goal of peace for all Colombians. If confirmed, in manifesting our support for the Colombian Government, I will underline that only by ensuring that human rights are respected can an enduring peace be achieved.

Colombia is a growing market for American products. Overall two-way trade in 2012 was over \$40 billion, four times what it was a decade ago. Our Free Trade Agreement—in forced for a year—has increased U.S. exports by 19 percent in that time. As part of the agreement, we agreed to work together to boost labor and environmental protections in Colombia. We continue to work collaboratively on Colombia's Labor Action Plan, recognizing the advances as well as areas where challenges remain. If confirmed, I will engage personally on this important effort.

Colombia has a broad free trade agenda and is a constructive partner on environmental issues. If confirmed, I will be eager to help American firms do business in Colombia.

Colombia benefits from its racially diverse society. Unfortunately, the ongoing conflict has disproportionately affected indigenous people, and Colombia's black, Afro-Colombian, Raizal, and Palenquero people, who represent many of Colombia's internally displaced people. If confirmed, I will seek to identify additional ways we can help address their needs in cooperation with Colombian counterparts.

Colombia is arguably one of our most willing and capable partners in the hemisphere and indeed in the world, and if confirmed, I will seek to deepen this collaboration.

Colombia is sharing its hard-won security expertise broadly, including through a bilateral action plan with us, undertaking dozens of capacity-building activities with Central American and Caribbean forces. Colombia has consistently supported the Inter-American Human Rights System and the OAS as a whole.

My career and experiences have prepared me for this high position. I have served in leadership positions of growing responsibility, including as DCM in Caracas and Deputy Executive Secretary of the Department. I have held senior policy positions with responsibility for Colombia since 2008, including now as Deputy Assistant Secretary for South America. I believe in the power of diplomacy, of using our influence and engagement to achieve national security goals.

Again, I am grateful for this opportunity and for your consideration. I stand ready to answer any questions you may have.

[The prepared statement of Mr. Whitaker follows:

PREPARED STATEMENT OF KEVIN WHITAKER

Mr. Chairman and distinguished members of the committee, it is an honor to appear before you today as the President's nominee to be the next United States Ambassador to the Republic of Colombia.

After more than 30 years in the Foreign Service, I appreciate the privilege and responsibility it is to be considered for confirmation as Ambassador. I deeply respect the role of the Senate in the work of ensuring that our Nation has a foreign policy that reflects our values.

Let me recognize my wife, Betsy, who had a distinguished Foreign Service career, and without whom I would not be here. My sons, Stuart, Thomas, and Daniel, are here as well; Stuart and Thomas are embarked on their careers, and Daniel is a third-class cadet at the Virginia Military Institute. Let me also thank President Obama and Secretary Kerry for this opportunity and their confidence in me.

My mother, Evelyn, and father, Malvern, have passed on, but their love and guidance made me who I am. My father was a career Army officer, and my mother was the daughter of immigrants; they instilled in me the notion that there is no higher calling than service to Nation. In my Foreign Service career, support for democracy and for fundamental freedoms have been my guiding principles.

Colombia has come far since the late 1990s, when insurgency and narcotics trafficking tore the fabric of the nation. We have helped, including through the commitment of more than \$8.8 billion in assistance over that time—thanks to the generosity of Congress and the American people. Our support has been significant, but it is important to realize that the vast majority of the financial and human resources in this effort have come from Colombia.

Colombia is now engaged in a historic peace process intended to give the Colombian people the peace, security, and justice they have sacrificed so much to achieve. The administration strongly supports this process. Although subagreements have been reached, central questions remain, including about justice and victims' rights. With so much invested in Colombia's success, the United States supports this process to achieve the goals that President Santos has outlined. If confirmed, I will

underline our robust support for the peace process and the need, during in that process, to ensure that human rights are respected and rule of law is strengthened.

Colombia's progress has made it a growing market for American products. Overall two-way trade in 2012 was over \$40 billion—four times what it was a decade ago. Our FTA has opened markets and increased U.S. exports by 19 percent in just 1 year. As part of the agreement, we have agreed to work together to boost labor and environment protections in Colombia, and we continue robust engagement in areas of mutual concern, including providing for strong intellectual property protection and promoting labor rights through the Labor Action Plan. Our governments will continue to hold formal meetings through at least 2014 on Colombia's Labor Action Plan commitments, recognizing both advances and areas where challenges remain. Colombia has a broad free-trade agenda, and is a founding member of the Pacific Alliance, an innovative, high-standards trade pact where we are now official observers. Colombia is also striving for membership in the OECD, an ambition we support. Colombia is a constructive partner on climate change and environmental issues.

Colombia benefits from its racially diverse society. Unfortunately, the ongoing conflict and other factors have disproportionately affected members of the groups known in Colombia as black, Afro-Colombian, Raizal, and Palenquero, who represent a large portion of Colombia's nearly 5 million of internally displaced people. If confirmed, I will seek to identify additional ways that the United States can help address their needs, including through our bilateral action plan.

Colombia is one of our strongest partners in the hemisphere, and indeed, in the world. Building on our outstanding cooperation in combating transnational crime and narcotics trafficking, Colombia is sharing its hard-won security expertise broadly, notably in Central America. Through a bilateral action plan on regional security cooperation, we are combining our efforts in dozens of capacity-building activities with Central American and Caribbean forces over the next 2 years. Colombia has consistently supported the Inter-American Human Rights System, and has worked to ensure that the OAS improves its processes and achieves its goals. And Colombia has been a voice of reason in regional political groupings.

My career and experience have prepared me for this service. I have served in leadership positions of growing responsibility over the last two decades, including as Deputy Chief of Mission in Caracas and as Deputy Executive Secretary of the Department. I have served in senior policy positions with responsibility for Colombia since 2008, and have a firm grasp on the issues there. As a leader, I seek to empower and insist on accountability; I delegate authority, but never responsibility. I believe in the power of diplomacy, of using our influence and engagement to achieve our national security goals.

I am grateful for this opportunity, and for your time. Should the Senate confirm me, I pledge to maintain close contact with you and your staff. If confirmed, I will continue my commitment to democracy and fundamental freedoms, and I will work hard to ensure that U.S. companies in Colombia continue to have the opportunity to take advantage of all the business opportunities Colombia has to offer.

I look forward to this opportunity to advance America's interests in Colombia, and stand ready to answer any questions you might have now and in the future.

The CHAIRMAN. Thank you.
Mr. Heyman.

**STATEMENT OF BRUCE HEYMAN, OF ILLINOIS,
TO BE AMBASSADOR TO CANADA**

Mr. HEYMAN. Thank you, Mr. Chairman. Thank you, Senator Rubio and Senator McCain, for the opportunity to appear before you today. I would particularly like to thank Senator Durbin for his earlier generous introductory remarks, and I hope I can live up to his standard that he has set as an exemplary public servant.

I would also like to thank both President Obama and Secretary Kerry for their trust and confidence in my abilities. I am extraordinarily grateful to the President for nominating me to be the next United States Ambassador to Canada, and I am humbled and honored to appear before the Senate today.

If I may, I would like to introduce my wife, Vicki, to the committee. I would not be here without her love and support. I am also delighted to be joined by my phenomenal children—David, Liza,

and Caroline—and my brother, Richard Heyman, and my sister and brother-in-law, Gwen and Brian McCallion, and their beautiful daughters, Shelley and Katie McCallion.

Mr. Chairman, the relationship the United States shares with Canada is indeed a special one. President Kennedy told the Canadian Parliament, “Geography has made us neighbors. History has made us friends. Economics has made us partners. And necessity has made us allies. Those whom nature hath so joined together, let no man put asunder.” This statement rings ever true today. The United States and Canada continue to share a strong economic relationship, a global partnership, a border that makes us neighbors, and interests and values that make us friends.

For many Americans and Canadians, there are deeper personal ties, and I can look to our own family as an example. Vicki’s great grandparents, with her grandfather and his siblings, immigrated to Canada through Quebec. The family made Toronto their home, while Vicki’s grandfather continued on to the United States. But our relationship is hardly unique to Canada. It represents just a single example among the countless links that bind the people of our two countries together. And if confirmed, I plan to embrace the unique mosaic of Canadian history, culture, and people by visiting the diverse communities across the beautiful and expansive country of Canada and all of its provinces and territories.

At the SelectUSA Summit in October, Secretary Kerry said, “Foreign policy today is economic policy,” and I could not agree more. If confirmed, my top priority will be enhancing our economic partnership. The United States and Canada already enjoy the world’s largest and most comprehensive trade relationship with nearly \$2 billion in goods and services flowing across our border each day. It is obviously a tremendous trade relationship, the greatest in the world, and I would like to see it expand further.

If confirmed, I believe my background and experience would prove useful in this effort. As a Goldman Sachs managing director, I have spent my entire career constructing business partnerships and helping investors see possibilities. If confirmed, I will work to foster trade and investment that creates jobs on both sides of our common border, and I will also work to expand our environmental partnerships and cooperation to protect and preserve the natural resources our nations are blessed to enjoy and share.

Our border with Canada stretches 5,500 miles, and there are more than 100 border crossings. By working together, the United States and Canada can keep those crossings open to legitimate trade and travel while protecting our citizens. If confirmed, I will continue to build on the success of the B2B and RCC initiatives announced by the President and the Prime Minister in 2011. A secure and efficient border is in the interest of both our countries, and I will focus on a security strategy that promotes the legitimate flow of people, goods and services between our two countries and fosters efficiency and North American competitiveness and jobs.

And finally, I would like to emphasize how greatly I value our global partnership. The United States is fortunate to have a neighbor that shares our strong commitment to democratic values and works tirelessly to promote peace, prosperity, and human rights around the world. Canada is our partner in NORAD and in NATO,

and it is with great appreciation I acknowledge and respect the Canadian troops who have served bravely alongside Americans, especially in Afghanistan. And if confirmed, I will be a respectful steward of this partnership with Canada.

More than any other country in the world, our relationship with Canada has the most direct and immediate impact on America's security and prosperity. I feel honored to be nominated, and, if confirmed, I pledge to serve responsibly and with integrity.

Thank you for your consideration, and I look forward to answering any your questions.

[The prepared statement of Mr. Heyman follows:]

PREPARED STATEMENT OF BRUCE HEYMAN

Thank you Chairman Menendez, Ranking Member Corker, and distinguished members of the committee, for the opportunity to appear before you today. I would particularly like to thank Senator Durbin for his generous introductory remarks. I am honored to have known Senator Durbin for many years, and I hope that I can live up to the standard that he has set as an exemplary public servant.

I would also like to thank both President Obama and Secretary Kerry for their trust and confidence in my abilities. I am extraordinarily grateful to the President for nominating me to be the next United States Ambassador to Canada, and I am humbled and honored to appear before the Senate today.

If I may, I would like to introduce my wife, Vicki, to the committee. We first met at Vanderbilt University, and I would not be here today without her love and support. I am also delighted to be joined by my phenomenal children—David, Liza, and Caroline.

Mr. Chairman, the relationship that the United States shares with Canada is a special one. President Kennedy summed it up perfectly in 1961 when he told the Canadian Parliament, "Geography has made us neighbors. History has made us friends. Economics has made us partners. And necessity has made us allies. Those whom nature hath so joined together, let no man put asunder."

This statement rings true today. The United States and Canada continue to share a strong economic relationship, a global partnership, and a border that makes us neighbors and interests and values that make us friends. For many Americans and Canadians, there are deeper and more personal ties . . . and I can look to our own family as an example. Vicki's great grandparents, with her grandfather and his five siblings, immigrated to Canada through Quebec in 1910 and 1911, settling in Toronto. Four siblings made Toronto their home, while Vicki's grandfather and his brother continued on to the United States. My family's relationship to Canada, however, is hardly unique. It represents a single example among the countless links that bind the people of our two countries together. Today, one out of five Canadians was not born in Canada. If confirmed, I plan to embrace this unique mosaic of Canadian history, culture, and people by visiting the diverse communities across the beautiful and expansive country of Canada in each of its 10 provinces and 3 territories.

At the Select USA Investment Summit in October, Secretary Kerry said, "foreign policy today is economic policy." I agree and, if confirmed, my top priority will be enhancing our economic partnership. The United States and Canada already enjoy the world's largest and most comprehensive trade relationship, with nearly \$2 billion in goods and services flowing across the border each day. To put this into perspective, U.S. exports to Canada in 2012 exceeded our combined exports to China, Japan, South Korea, and Singapore.

It is obviously a tremendous trade relationship, the greatest in the world, and I would like to see it expand further. If confirmed, I believe my background and experience would prove useful in this effort. I have been fortunate to study commerce and to work in the banking sector for the past 33 years. As a Goldman Sachs Managing Director, I have spent my entire career constructing business partnerships and helping investors see possibilities. If confirmed, I will work to foster trade and investment that creates jobs on both sides of our common border. I will also work to expand our environmental partnerships and cooperation to protect and preserve the natural resources our nations are blessed to enjoy and share.

Our bilateral economic partnership with Canada will continue to expand and flourish as long as both countries have trust in how people, goods, and services flow legitimately, safely, securely, and reliably between our two countries. Our border

with Canada stretches 5,525 miles and there are more than 100 border crossings. By working together, the United States and Canada can keep those crossings open to legitimate trade and travel while protecting our citizens from terrorism, crime, and illicit goods. If confirmed, I will continue to build on the success of the Beyond the Border and the Regulatory Cooperation Council initiatives announced by President Obama and Prime Minister Harper in 2011. A secure and efficient border is in the interest of both our countries, and I will focus on a security strategy that promotes the legitimate flow of people, goods, and services between our two countries and fosters efficiency and North American competitiveness and jobs.

Finally, I would like to emphasize how greatly I value our global partnership with Canada. The United States is fortunate to have a neighbor that shares our strong commitment to democratic values and works tirelessly to promote peace, prosperity, and human rights around the world. Canada is our partner in NORAD and in NATO, and it is with great appreciation that I acknowledge and respect the Canadian troops who have served bravely alongside Americans, especially in Afghanistan. If confirmed, I will be a respectful steward of this partnership with Canada.

More than any other country in the world, our relationship with Canada has the most direct and immediate impact on America's security and prosperity. I feel honored to be nominated, and, if confirmed, I pledge to serve responsibly and with integrity. I look forward to working with this esteemed committee, your colleagues in Congress, and the executive branch to foster an even stronger relationship between the United States and Canada.

Thank you for your consideration, and I look forward to answering your questions.

The CHAIRMAN. Thank you very much to all of you. Let me start off, Mr. Hammer. You know, the Chileans and us have a great relationship. We share many, many values. But they seem reluctant to take on the role of a regional player. And considering the wide range of values that we share on democracy, human rights, on labor, environment, and trade, what would you do if confirmed to encourage the Chilean Government to take advantage of its potential to help serve as an example for the region and emerging economies?

Mr. HAMMER. Mr. Chairman, thank you for your question. I agree with you that because of our shared values, because of their responsible management of their economy and the practices that they are engaged in going forward, that Chile could step up and do more partnering with the United States in the hemisphere and, in fact, as a global partner. They are helping us through some joint programs, training police in Central America, in countries like Honduras, El Salvador, and Guatemala. As I mentioned, they are participating in some counter narcotics operations in the Caribbean.

But I would hope that if confirmed that I will have an opportunity to, from the very start, begin a conversation, first with the Pinera government, and then with his successor, and her government, because it will be a her, that we will try to then find avenues where we can partner together and, in fact, bring to bear the tremendous expertise that Chileans have developed in the institutions that they have fostered so that others, particularly in our hemisphere, can benefit from what their experience has been so far, and to make the lives of their citizens and the citizens of the Americas better.

The CHAIRMAN. Well, I am bullish on our relationship on Chile and on Chile itself. But there is one area we always have bilateral issues that may concern us. And I am concerned in the pursuit of American ingenuity and to protect its innovation globally, when a country does not live up to the higher standards—the high standards that we have set for ourselves in protecting others in the

world in terms of intellectual property rights, as well as our own country's.

Chile remains on the short list of 10 countries on the priority watch list in the USTR Special Report, and we have continuing concerns about IPR issues under the bilateral FTA. And from my understanding, Chile is one of the countries supposedly pushing back against USIPR proposals in the TPP negotiations.

If confirmed, what steps would you take to encourage Chile to be more forward-leaning in supporting a high standard intellectual property agreement in the TPP and fulfilling its requirements under existing agreements?

Mr. HAMMER. Thank you, Mr. Chairman. I have been briefed by our colleagues in USTR about some of these important issues. Certainly Chile has fallen short so far on international—I am sorry—intellectual property rights. And I would be looking forward, if confirmed, to from day one begin working to try to ensure that, one, they live up to their commitments under the 2004 FTA, and secondly, to—if we are able to move forward with the Trans-Pacific Partnership, obviously to make sure the proper protections and enforcement are in place and that Chileans live up to their responsibilities.

I have every belief and confidence that the Chileans can, but certainly they have not done enough, and it is an issue that we will prioritize and be certain to follow because it is critically important, as you said, to the American economy and, of course, internationally intellectual property rights must be an issue that is paid attention to.

The CHAIRMAN. Let me ask you and Mr. Whitaker since you are going to be, if confirmed, sharing countries that are a part of the Pacific Alliance, which, as a trade block, comprises about 210 million people, accounting for 35 percent of Latin America GDP, and with massive potential for increases in trade, foreign direct investment, and infrastructure projects. And they are focused on sound economic policy, reliance on strong standards of democratic governance. I think that is a great model for the entire hemisphere.

I am wondering what both of your perspectives are. Are we engaging enough? Are there ways that we can enhance our engagement with the Pacific Alliance to be poised to take advantage or to more fully participate and have a mutually beneficial effort that can both help to strengthen what they are doing and enjoy the possibilities in cooperation with these respective countries that can create opportunities here at home?

Mr. HAMMER. Well, Mr. Chairman, if I may, and then I will defer to my colleague, Kevin. Certainly we see it as a very positive development that Chile, Peru, Mexico, and Colombia would come together and form this Pacific Alliance, a commitment to improving the lives of their people by promoting free trade and trying to attract investment. By becoming an observer, which we recently did, I think we have an opportunity to engage very directly and closely with these countries in that forum and obviously to encourage positive developments.

But I think we are on the right track. We like what they are doing. It is a trend that I think from my perspective would be something that the rest of the hemisphere should be looking at.

The Trans-Pacific Partnership embodies an even larger group of countries that are looking to advance economic prosperity. But these are the kinds of developments, I think, that we as the U.S. Government want to be certainly supportive of, and where we can encourage.

Mr. WHITAKER. Mr. Chairman, thank you for the question. I agree with everything that Mike just said. The only thing that I would add to that is in the initial days of the Pacific Alliance, there was sort of a scrupulous focus on the economic aspects of the alliance. All of the countries needed to have free trade agreements with each other and collectively. They talked about trade matters predominantly, and so there was a real focus on the economic side, on ensuring that it was a high standards trade pact.

The organization seems to be evolving in terms of what its focus is. The four countries are doing things diplomatically together. They are clearly very open to countries joining, becoming observers, and there is a path for observers to become members. But actually they reached out to us and requested that we apply for observer status, which I thought was very positive indeed.

The model of economic growth that they promote is one that is, importantly, socially inclusive. And all of these countries are endeavoring to create the kind of economic growth which brings the great majority of their citizens along, which, of course, is something that can and should be emulated more broadly.

The CHAIRMAN. One more question for you, and then I will have a question for Mr. Heyman, and then I will turn to Senator Rubio. From what you can see in your assessment of your peace talks in Colombia on the FARC, do you anticipate any changes in Colombia's counternarcotics policy, on its extradition policy, on Colombia's training of third country security forces that have been, I think, central elements of the U.S.-Colombia partnership?

Mr. WHITAKER. Thank you, Mr. Chairman. Obviously we follow the peace discussions very closely. This is clearly a difficult lift for all Colombians. They have achieved agreement on two of the five issues on the tables, five issues that need to be closed out. Very difficult issues remain, and one of the difficult issues that remains is the question of justice. On one hand, there needs to be justice and accountability. On the other, there needs to be a way forward to permit some sort of political participation. The way President Santos put it was that it is not about sacrificing justice for peace; it is about achieving peace with the maximum amount of justice, and that seems to make pretty good sense to me.

The question of extradition has come up indeed because the FARC has raised it publicly, that is to say, extradition to the United States. What we have said is that our judicial processes will continue, and if individuals are accused of very serious crimes in the United States and are wanted by the U.S. Justice Department, then it is reasonable to assume that, regardless of any other circumstances, we will continue to seek access to those people so that they can be tried for the crimes that they are accused of in the United States. But I do anticipate that that will be a continuing matter that the FARC would raise.

I see no reason to believe that the security cooperation element would change at all. That has not come up, and it seems that there

is such a solid foundation there and such a strong issue on the part of the Colombian security forces and the partners in Central America and the Caribbean, I see no reason to believe that that would change.

On counternarcotics, we have a couple of issues here. You are aware, Mr. Chairman, that President Santos is interested in a debate on counter narcotics policy generally in the hemisphere. That is a debate that we welcome as we understand that we have public health concerns, we have national law, and we have international obligations which we must meet. A matter which has come up with respect to counternarcotics is the FARC's insistence—this is a public insistence—we do not know what they are saying at the table, but publicly they are insisting on the elimination of the aerial eradication program, which, in our view, would be a great mistake. The aerial eradication program has delivered terrific results over time. Net cocaine production—cocaine potential production has been reduced by nearly 70 percent over the last 5 years. The amount of cocaine under production now in Colombia is at a 20-year low, and that is in large part thanks to the effectiveness of the aerial eradication effort.

The CHAIRMAN. Thank you very much.

Senator RUBIO. Mr. Whitaker.

Senator MCCAIN. Could I just ask a quick question? Mr. Heyman, you are familiar with the XL Pipeline issue.

Mr. HEYMAN. I am familiar with it; yes, sir.

Senator MCCAIN. And your position is?

Mr. HEYMAN. There is a process under way at the State Department, and when that process is concluded, I think that I will be the person on the ground that will be communicating with the Canadians.

Senator MCCAIN. So you have no decision because there is a process that has been going on for several years.

Mr. HEYMAN. That is correct.

The CHAIRMAN. Senator Rubio.

Senator RUBIO. Thank you. Mr. Whitaker, I wanted to ask you before you go to Colombia, in your current role are you aware of any sort of effort on behalf of the Castro government to begin back channel conversations with the United States about the nature of our relationship that extend beyond just the normal conversations regarding migration, postal service, et cetera?

Mr. WHITAKER. I am not aware of any such effort; no, sir.

Senator RUBIO. OK. The second question is with regards to Colombia. Specifically, President Santos recently arrived in the United States and suggested that the United States needed to be more understanding and make some sort of concessions to the Castro regime. I was curious about that statement because obviously the people of Cuba live under conditions that neither President Santos nor anybody in Colombia would accept for their own people.

But I guess my fundamental question is, How related to these talks with the FARC is a statement like that, or is it not just an effort by President Santos to say things that the Cubans would look favorably upon in an effort to get more cooperation from them on this agreement with the FARC?

Mr. WHITAKER. Senator, I actually do not know what President Santos' motivation was in making such remarks. But you are absolutely correct, that is the kind of thing that he has said, and he has actually said it for some time. I could speculate on it, but he is probably a better person to query on it.

What I can tell you, Senator, is that I actually worked on Cuba for 5 years from 2000 to 2005. I was the deputy director of Cuban Affairs and then the director of Cuban Affairs. I have, I think, a fairly unique and detailed understanding of Cuba and the nature of this government and the abuses that have been committed by it. If confirmed, you can count on me to be a direct—very direct—discussant with the Colombian Government about Cuba and about policies, which can be more effective with respect to Cuba and its role in the hemisphere.

Senator RUBIO. My last question is about the negotiations with the FARC. We would love to see the FARC lay down their arms and walk away. But let us just remind each other of who the FARC is. There were reports in November of an apparent FARC plot to murder several leading Colombian politicians, including former President Uribe, and the attorney general.

And this is still a criminal syndicate. This is still a criminal organization. This is still a terrorist guerilla organization. And that is why you are seeing an uptick among the Colombian population looking at these negotiations less favorably than before. And so, since President Santos has felt it appropriate to travel to the United States and ask us to make concessions with regard to Cuba without asking Cuba to actually make changes, I felt it perhaps was appropriate to comment on the nature of those negotiations they are having with the FARC in particular because that is an organization that has criminals who have committed crimes against and in the United States. And we will have a continuing and ongoing interest in that matter.

Thank you. Thank you all for your service.

The CHAIRMAN. Thank you. I do have one or two other questions, and I would like to—I believe he is still here—I would like to recognize the Colombian Ambassador to the United States, the Honorable Luis Villegas, who is here. Ambassador, thank you for joining us. We appreciate it.

Mr. Whitaker, you and I talked a little bit about the question of the Labor Action Plan, and I have been a big supporter of Colombia from my days in the House, and in the Senate, and as the chairman of the Western Hemisphere Subcommittee before I ascended to the chairmanship of the full committee. I think it is an incredibly important country with us. I was one of the leading promoters and supporters including in challenging times of Plan Colombia, which I think helped the Colombian Government regain its sovereignty from its internal challenges.

But I am seriously disappointed in the enforcement of the Labor Plan of Action. This was intended to reduce violence against labor leaders in Colombia and to better protect labor rights. And while some progress has been made, there is still, from my perspective, a very significant degree of impunity. What will you do as the Ambassador if ultimately confirmed to continue to pursue a more robust engagement of the enforcement of the laws and the prosecu-

tion of them in order to ensure the rights of labor leaders in Colombia?

Mr. WHITAKER. Thank you, Mr. Chairman. I think you have identified some very significant challenges that remain with respect to the Labor Action Plan. I have stayed, in my current role, in close contact with the two agencies of our government which have direct responsibility day to day on these matters, the Department of Labor and USTR. And I think there are four areas where there are significant continuing problems. One is that fines are being levied but not being collected. Two, inspections and inspections about core issues in terms of labor practices are not being conducted in a way which had been indicated by the plan. Indirect employment contracting continues in a way which is not consistent with the vision that we had. And as you say, threats and violence continue to occur, albeit at a lower level.

What I would propose to do if confirmed is to maintain very close contacts with the Ministry of Labor—with our government, of course, and with the Ministry of Labor, which has direct responsibility for these activities, with the fiscalia, with the prosecutor's office, which, of course, has the responsibility for conducting the judicial followup, which is essential to ensuring that impunity does not exist. And then finally, I would commit, if confirmed as Ambassador, to make this a matter of regular and routine discourse with the highest levels of the Colombian Government so that they understand what our position is on it.

The CHAIRMAN. And one other question on Colombia. On Monday, Colombia's Office of the Inspector General issued a decision that removed Bogota Mayor Gustavo Petro from office and banned him from holding elective office for 15 years. Now, international human rights organizations have raised the questions of whether the tenets of due process were respected as the process did not offer Mr. Petro the opportunity to defend himself or present his version of the facts. Critics of the decision have wondered whether it might be politically motivated. And Colombia's Minister of Justice, Mr. Mendez, said, "We have to revise the constitutional norm that allows for the removal of an official chosen by popular vote."

What is your understanding of this situation in your present role, and do you believe that the basic rights of due process were respected here?

Mr. WHITAKER. Thank you, Mr. Chairman. I am aware of the case. Alejandro Ordonez relieved or removed Mayor Petro and banned him from office for, I think, 15 years. There is a fundamental question that is raised by this, it seems to me, and that is one of political pluralism. Colombia is now embarked on this very important effort to figure out how to end the internal conflict. And it is not by accident that the second issue that they discussed was political pluralism, how to integrate into the legal, unarmed, democratic process individuals on the left.

If individuals in Colombia were to conclude, based on this action or any other action, that that space does not exist, then the basic conditions for peace are going to be in some ways eroded. And I think the fact that that quote that you had from the other official, the fiscalia, that there needs to be a review of the responsibilities of Mr. Ordonez suggest the vitality of the Colombian democratic

system, where the democratic institutions are constantly struggling with each other in ways which are not necessarily always pretty.

Now, there is a process for appeal, and Mayor Petro has indicated his intention to engage in that process.

The CHAIRMAN. Processes of appeal exist here in the United States, but normally you get due process before you have to find yourself in an appeal situation. And so, you know, as someone who is an admirer of Colombia, I am concerned that actions like this move us in directions that are counter to the progress that we would like to see.

Mr. Heyman, let me ask you two important questions. There are many in our relationship with Canada, which as you described is extraordinary. One is an item that I have voiced as it relates to other countries, again intellectual property rights. We have pushed for strong IP protections in the TPP agreement. Canada has not, and to date has not, been supportive of pro-innovation efforts in those negotiations in its own domestic practices. An example can be found in the heightened standard for patentable utility Canada now uses which is contrary to the global best practices and its international commitments.

That innovators should face significant intellectual property challenges with one of the largest trading partners with the United States is a serious concern. So if you are confirmed, what steps would you take to address Canada's access barriers? I understand that our trade representative will be a big part of this, but you are obviously going to be engaged on a bilateral basis, on a daily basis, with respect to IP protections through the TPP and otherwise.

Mr. HEYMAN. Mr. Chairman, thank you very much for that question. Intellectual property rights are the core of what American institutions depend on to compete globally. American ingenuity is our special sauce, and we work so hard doing research and development at the corporate level, and depend upon patent rights and protections when we sell products overseas.

I am aware of the issues that have been brought up with regard to intellectual property rights. That being said, I know the Canadians are working harder to try to do better in this way. They have worked on passing legislation on internet piracy issues last year, and there is legislation before the Parliament right now on counterfeiting and some border rules that would go into effect.

That being said, if considered to be Ambassador by this esteemed committee, I will take this issue to the Canadian Government, and I will make this issue an important issue. As I said, doing business with Canada is an important part of the role that I plan to take as Ambassador to Canada, and that will be my No. 1 mission is expanding our economic footprint. But unless we have the intellectual property protections for our companies, it will make it incredibly difficult to expand those relationships. So I will make that a priority, sir.

The CHAIRMAN. Right, very good. Canada recently claimed that much of the Arctic sea floor, including the North Pole, is Canadian territory. Russia has made a similar claim in the past. Do you think—and the United States is undertaking studies necessary to determine whether any of the Arctic beyond our 200-mile Exclusive

Economic Zone is our—is on our contiguous Continental Shelf, and, therefore, American territory.

Do you think—my question actually is, to your knowledge from your briefings, the United States undertaking such a study?

Mr. HEYMAN. Yes. We are mapping as well the seabed floor.

The CHAIRMAN. And is our ability—should that mapping ultimately define that we actually have an interest and a claim beyond the 200 miles, is that ability to make that claim important—an important reason to ratify the Law of the Sea Treaty?

Mr. HEYMAN. It is my understanding that those participants in the Arctic Council and those that have an interest in the region have agreed to adjudication. So as this mapping is taking place, it is natural to assume that there may be overlap and maybe even multiple countries thinking that the same territory is actually theirs, and we will have to go through an adjudication process. And it is my understanding that that part is not necessarily a requirement, this ratification of the treaty, to make that happen.

The CHAIRMAN. So we could pursue our interests here, notwithstanding ratification of the treaty?

Mr. HEYMAN. That is my understanding at this point.

The CHAIRMAN. OK. And if we were to succeed in this process in terms of our claim, would that mean that Santa Claus is an American citizen? [Laughter.]

You do not have to answer that question. [Laughter.]

Mr. HEYMAN. I would like to answer that question.

The CHAIRMAN. That might put you in a lot of hot water.

Mr. HEYMAN. I understand that. But as I think you are aware, NORAD tracks Santa Claus when he takes off, and it is with joint Canadian and U.S. participation that we will secure Santa Claus' protection. And it is from my understanding, Santa Claus has a special right of being a citizen of the world, and he can enter U.S. space without—[Laughter.]

The CHAIRMAN. You have displayed your diplomatic abilities in an extraordinary fashion.

Mr. HEYMAN. Thank you.

The CHAIRMAN. All right. With that insight, our thanks to all of you for both your willingness to serve and your engagement here before the committee.

The record will remain open until noon tomorrow. I would urge you if there are questions submitted for the record, for you to answer them expeditiously so that the committee can consider your nominations before our business meeting.

The CHAIRMAN. And with that, this hearing is now adjourned.

[Whereupon, at 12:27 p.m., the hearing was adjourned.]

ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

RESPONSES OF CATHERINE ANN NOVELLI TO QUESTIONS SUBMITTED BY SENATOR ROBERT MENENDEZ

Question. If confirmed you will take on your new position at a time when the United States is faced with major economic, environmental, and energy-related challenges and opportunities. Many U.S. officials, including current Secretary of State John Kerry and former Secretary Hillary Clinton, have advocated greater inclusion of these types of issues into broader decisions on U.S. foreign policy.

♦ Do you agree with this sentiment? How might a more integrated approach to economic diplomacy guide the U.S. strategic outlook?

Answer. I agree fully that U.S. foreign and domestic objectives are best served by integrating fully economic issues into broader U.S. foreign policy. Such integration supports U.S. diplomacy by fostering growth, encouraging connections between markets, and increasing participation in formal economies, all of which directly buttress U.S. security and democracy policy goals. This approach also directly supports prosperity in the United States by opening and expanding markets for American companies.

There are a number of examples that illustrate clearly the link between our foreign policy, economic, environmental, and energy-related goals. In the Asia-Pacific region, completing the Trans-Pacific Partnership (TPP) negotiations would open new markets for U.S. companies and support U.S. job growth while underpinning directly our rebalancing toward that region. We are also implementing the U.S.-Asia Pacific Comprehensive Energy Partnership (USACEP), aimed at strengthening and expanding energy and environmental cooperation in the region by focusing on renewable and cleaner energy, markets and interconnectivity, the emerging role of natural gas and sustainable development. In Europe, increasing trade and investment through an ambitious partnership like the Transatlantic Trade and Investment Partnership (T-TIP) would increase job growth and competitiveness in both the United States and the European Union while strengthening our strategic partnership with our European allies. In Africa, U.S. efforts to accelerate growth, increase trade, promote investment in the energy sector, and speed development lift Africans from poverty, support our foreign policy goals related to security and democracy, and provide commercial opportunities that support U.S. prosperity at home.

If confirmed, I will make it a priority to work closely with my colleagues in the State Department and other agencies to ensure that we carry out an integrated and effective foreign economic policy. In addition, to ensure our economic approach is correctly calibrated for individual countries, I will work closely with our Ambassadors to solicit their views about the best way to support their countries' connection to our broader objectives in support of a more inclusive, secure, and prosperous world.

Question. Former Secretary of State Clinton announced her "Economic Statecraft" initiative in 2011, describing it as using the tools of global economics to strengthen our diplomacy and presence abroad, while putting that diplomacy and global presence to work to strengthen our domestic economy. This concept is essentially what you could term "economic diplomacy," or using the full range of economic tools—trade, investment, assistance, negotiations, sanctions, to achieve foreign policy objectives.

♦ (a) Has there been an internal State Department evaluation of the "economic statecraft" agenda since its introduction in 2011?

Answer (a). I understand the State Department established various performance goals under its economic statecraft initiative designed to track performance of officers in Washington and the field. These included supporting exports in the field, resolving commercial disputes, advocating for better economic governance abroad, and supporting commercial outreach. For FY 2013, the State Department informs me that they exceeded their economic statecraft Agency Priority Goal (APG) by 43 percent, achieving a cumulative total of 971 aggregate "success stories" related to promoting U.S. exports and investments and resolving commercial disputes. Economic and commercial outreach by missions also exceeded the annual goal, with more than 16,000 outreach activities, 114 percent above the FY13 goal of 7,460 outreach events.

♦ (b) Do you plan to continue the initiative, and if so, what additional policies would you implement to ensure that it leads to tangible economic growth here at home?

Answer (b). If confirmed, I will follow the directive Secretary Kerry has given the State Department to build on the successes of economic statecraft to intensify our efforts on economic diplomacy. Economic statecraft highlighted the usefulness of economic tools in achieving foreign policy objectives and aligned the State Department's economic efforts more closely with the important task of supporting economic growth and jobs in the United States. I will focus on policies and activities where the State Department can have the greatest impact. This would include greater coordination with the Departments of Commerce, USTR, and other U.S. Government agencies in advocating on behalf of U.S. firms, and concrete steps to open markets and help other countries develop their own economies so they can become

greater consumers of U.S. goods and services. The vast majority of the world's consumers are outside the United States, so the more foreign economies are open to trade and prosperous enough to do so, the more American firms can sell to them, and hire more workers at home.

- ♦ (c) In this context, how do you see the potential Trans-Pacific Partnership contributing to and facilitating the administration's "rebalance" to the Asia-Pacific region?

Answer (c). I believe the prosperity of the United States is inextricably linked to the economic success of the East Asia-Pacific region, and that U.S. policy toward Asia must include a strong economic component.

As part of the rebalance to the Asia-Pacific, the administration established a strong, comprehensive agenda for U.S. economic engagement with the region. The negotiation of the Trans-Pacific Partnership (TPP) agreement is the centerpiece of this agenda. Through the TPP, the administration is promoting development of a rules-based regional economic and trade framework that fosters an open, fair and transparent commercial environment that levels the playing-field for U.S. businesses and expands trade and investment linkages between the United States and other TPP countries. I believe that, once concluded, the TPP will increase trade and investment between the United States and these dynamic markets that will in turn serve as the foundation for strengthened ties with the region and help underpin security and stability in the Asia-Pacific.

Question. How do you intend to leverage the Department's global reach and use your senior-level role in the interagency process to enhance support to U.S. companies and increase trade and investment, while also addressing global challenges such as hunger, disease, poverty, climate change, citizen insecurity, and security threats?

Answer. If confirmed, I will work closely with USTR, USAID, Treasury, Commerce, and the White House, as well as our overseas posts and our business leaders, to enhance our services to, and advocacy for, U.S. businesses seeking investment and trade opportunities. Working with TDA, Ex-Im, and OPIC, we can offer assistance to U.S. business not available elsewhere. I believe strongly a whole-of-government effort is required to support effectively U.S. business in the face of strong and growing overseas competition.

Removing obstacles to trade and investment by U.S. companies drives economic growth and job creation in both the United States and our economic partners. Sustainable economic development, in turn, decreases poverty and hunger, improves security, and allows developing countries the space to work with us on other important global challenges like climate change public health.

The United States also supports critical economic and structural reforms through our collaboration with the IMF, World Bank, and the multilateral development banks. As the United States works with our international partners and through multilateral groups like the G8 and G20, we can help to improve economic opportunity for women and access to education and health care.

Question. The Trans-Pacific Partnership (TPP) negotiations have the ambitious goal of creating a "comprehensive and high-standard" FTA among 12 countries of widely differing economic and socio-economic levels, and with often radically different governing systems.

- ♦ (a) If confirmed, what will be your role and that of the Department in facilitating the conclusion of the TPP agreement, and supporting the equally important follow-on implementation phase and enforcement of trade commitments?

Answer (a). The Trans-Pacific Partnership (TPP) is a cornerstone of the U.S. trade agenda, and the economic centerpiece of the Obama administration's rebalance toward the Asia-Pacific. The State Department plays an important role in the whole of government effort led by USTR for negotiating a high standard and comprehensive TPP agreement. If confirmed, I will support fully the conclusion of this crucial agreement. I will participate in public outreach efforts through interviews, conferences, and public events, and engage with counterparts from TPP partner nations to encourage them to find flexibility and work toward concluding a high standard agreement. I will also represent the Department in interagency meetings convened by USTR to delineate final U.S. negotiating positions. After the TPP has entered into force, the Department—with the support of our embassies and consulates—will work with interagency colleagues to monitor and evaluate the implementation and enforcement of the TPP's obligations and commitments. If confirmed, I look forward to leading this effort.

- ♦ (b) How do you see the potential TPP agreement fitting in with the existing Asian economic and strategic agreements?

Answer (b). Many economic experts predict that the Asia-Pacific region will generate up to 50 percent of global growth and one billion new middle-class consumers in the coming decades. There are a number of efforts underway to tap into that economic opportunity, including the TPP and the Regional Comprehensive Economic Partnership (RCEP), which includes the ASEAN countries, four FTA partners, and China and India. I support the administration's view that these efforts are not mutually exclusive and that the high-standards of the TPP are the most effective way to open markets and promote regional economic integration.

- ♦ (c) Are you optimistic that the TPP can set "21st century commitments" on issues such as state-owned enterprises and intellectual property protection?

Answer (c). Promoting our innovation economy and leveling the playing field for U.S. companies competing with state-owned enterprises (SOEs) abroad is vital to the growth and prosperity of the United States. I understand the administration is working with our partners in TPP to ensure that TPP contains meaningful commitments on the commercial behavior of SOEs, an area of increasing concern to U.S. stakeholders. Another key priority is to ensure effective enforcement of intellectual property rights to maintain markets for U.S. job-supporting exports and services. I understand U.S. officials and negotiators have made clear to our partners that effective disciplines in these areas are critical to the United States and essential to the U.S. vision of TPP as an agreement that addresses 21st century challenges.

- ♦ (d) Do you anticipate that conclusion of a high-standard TPP will accelerate efforts in certain countries—for example, Vietnam—to establish internationally recognized principles for human and workers' rights and environmental protection?

Answer (d). Increased economic engagement with Vietnam has contributed to its opening to the outside world and improved the well-being of the average Vietnamese citizen. Economic engagement with Vietnam is an opportunity to press for strengthening rule of law, encouraging further openness and engagement with the international community, and raising standards in key areas. For instance, Vietnam's participation in the TPP would require it to commit to high standards on internationally recognized labor rights, environmental protections, and intellectual property.

If confirmed, I will work with my colleagues in the Department and interagency to continue to engage the Vietnamese Government on these issues, and reiterate the importance of an open and free civil society in ensuring inclusive and sustainable economic growth.

Question. We have an economy increasingly driven by innovation, and this has created millions of jobs, spurred stronger economic growth, and enabled the United States to remain among the most economically competitive countries in the world. However, I have serious concerns about the inadequate protection of property rights in a number of important emerging economies, including—but not limited to—India and China.

- ♦ (a) You have a wealth of private and public sector experience in this area. Will you commit to making the protection of intellectual property rights one of your top priorities? What tools does the State Department have to address these challenges?

Answer (a). If confirmed, I will make the protection of U.S. intellectual property rights holders a priority during my tenure at the State Department and will utilize all tools available to me to advocate for robust protection and enforcement of intellectual property rights (IPR), including trade secrets.

My experience in the private sector and at the Office of the U.S. Trade Representative has reinforced for me the value that IPR brings to innovative U.S. companies. If confirmed, my door will be open to companies to ensure that the State Department is raising IPR and trade secret issues with foreign governments at the highest levels. Additionally, I will be a partner in advocating for strong IPR regimes through trade agreements, such as the Trans-Pacific Partnership.

The State Department provides valuable input to the USTR-led Special 301 and Notorious Markets processes, utilizes public diplomacy programs to engage foreign audiences on key IPR concerns, and funds critical IP law enforcement training. If confirmed, I will support these efforts, working to target foreign policies that negatively impact U.S. firms.

- ◆ (b) Specifically with regards to India, are you concerned about India's intellectual property and localization policies in a number of sectors that favor their domestic companies at the expense of U.S. innovation and jobs?

Answer (b). I am deeply concerned about India's intellectual property and localization policies across a variety of sectors. These policies discourage innovators and affect U.S. businesses and, ultimately, American jobs. I have worked to address these issues in my professional capacity as both a public servant and in the private sector. The State Department and partner agencies have prioritized these issues in India. If confirmed, I will use my engagement with high-level counterparts in the Government of India to discuss U.S. concerns, international obligations, and best practices that contribute to a level playing field for U.S. innovators, entrepreneurs, and businesses, while exploring solutions that meet India's domestic policy objectives.

- ◆ (c) I and my fellow Senators are going to rely on you to let us know what we can do to encourage our trading partners to change policies on forced localization, intellectual property, tax, and other areas that unfairly disadvantage U.S. companies.

Answer (c). If confirmed, I would welcome a strong partnership between the State Department and Congress to advance U.S. interests on these issues.

Question. If confirmed you will oversee an incredibly diverse array of issues, and are responsible for advising the Secretary on matters of environment and energy policy at a time of great global challenges in both areas and significant developments here at home.

- ◆ How do you see the dividing lines of authority among you, the Energy Bureau, the OES Bureau, and the U.S. Special Envoy for Climate Change regarding international environmental issues? If confirmed, what will be your environmental priorities?

Answer. The position of the Under Secretary for Economic Growth, Energy, and the Environment oversees the Bureau of Energy Resources (ENR) and the Bureau of Oceans and International Environmental and Scientific Affairs (OES). If confirmed, I will lead the State Department's efforts to develop and implement energy and environmental policies to promote economic prosperity and address global challenges in a transparent, rules-based, and sustainable system. I will be responsible for integrating and coordinating the work of the ENR and OES Bureaus, as well as the Bureau of Economic and Business Affairs, each of which reports to the Under Secretary.

The Bureau of Oceans and International Environmental and Scientific Affairs (OES) works to advance U.S. foreign policy goals in such critical areas as climate change, resource scarcity, polar issues, oceans policy, health, infectious diseases, science and technology, and space policy.

The Bureau of Energy Resources' role on environmental issues is to work with countries around the world on sustainability and to facilitate the market forces that are key to sustaining the move to a cleaner energy future. This work includes fostering the development of regional electricity grids and regulatory harmonization to create larger markets, enhancing reliability and energy efficiency, and facilitating integration and trade from clean energy sources and technologies.

The Office of the Special Envoy for Climate Change (SECC) reports directly to the Secretary. SECC works closely with OES and ENR in developing U.S. international policy on climate, represents the United States internationally at the ministerial level in all bilateral and multilateral negotiations regarding climate change, and participates in the development of domestic climate and clean energy policy.

In the near term, if confirmed, my priorities will likely include supporting the Secretary's Oceans Conference to raise international attention to the critical challenges the world's oceans are facing and to identify solutions. In addition, the United States will assume chairmanship of the Arctic Council in 2015; this will be a key opportunity for leadership to achieve peaceful and sustainable development of the Arctic Region.

Question. If confirmed, what will be your international energy priorities, particularly in coordination with the Department of the Treasury, the White House, and the U.S. Executive Directors' Offices at the international financial institutions?

Answer. If confirmed, I plan to focus on promoting energy security, including accelerating the transition to a global clean energy economy. This would include opening opportunities in international electricity generation, transmission, and distribution—which are estimated to grow by \$17 trillion through 2035—to American trade and investment. I will also emphasize America's continuing commitment to

transparency and good governance in energy and other sectors, and our support for efforts to bring electricity and clean cooking fuels to underserved populations around the world. I will pursue these international energy priorities in coordination with Treasury, the White House, USAID, and the U.S. Executive Directors at the international financial institutions. A priority will be developing and implementing new multilateral development bank mechanisms and instruments for spurring investment in these priority areas.

Question. How do you envision working with Congress in protecting intellectual property rights, supporting U.S. renewable industries, and promoting U.S. job growth while fulfilling the administration's goals of alleviating energy poverty and offering low-carbon energy access to developing countries?

Answer. I believe U.S. companies derive tremendous value and competitive advantage from billions of dollars they invest in research and development, especially in cutting edge technologies like renewable energy, in which U.S. companies have a competitive advantage given our excellence in innovation. It is critical for American innovators to know their intellectual property and trade secrets are being protected. A number of Members of Congress have played leadership roles on intellectual property rights issues, and if confirmed, I will work closely with Congress, U.S. rights holders, foreign governments, and innovators and entrepreneurs around the world to strengthen intellectual property protection and enforcement.

Question. With regards to TransCanada's application to the State Department for a Presidential Permit to build the northern, cross-border segment of Keystone XL pipeline, what will be your specific role in reviewing the Keystone XL pipeline permit, or other energy-related Presidential Permit applications in the future? What is the status of this review?

Answer. I understand the President has delegated his authority to issue or deny permits for cross-border pipelines to the Secretary of State, and that Departmental delegations of authority also permit a number of senior officials to make permitting decisions. Those officials include the Deputy Secretary of State, the Deputy Secretary for Management, the Under Secretary for Political Affairs, and the Under Secretary of State for Economic Growth, Energy and the Environment. Historically, the Under Secretary of State overseeing economic affairs, now named the Under Secretary of State for Economic Growth, Energy and the Environment (E), has made many of the national interest determinations on Presidential permits for trans-boundary pipelines, and I anticipate that I would play an active role in such decisions if confirmed. With regard to the Keystone XL application, I am not aware of any decision regarding which of the authorized officials will make the decision.

Irrespective of whether the Under Secretary of State for Economic Growth, Energy and the Environment ends up making the national interest determination with regard to the Keystone XL permit application, if confirmed, I expect that I would play an active role in the Department's development of the national interest determination and the accompanying record of decision. A number of different bureaus and offices at the Department of State have expertise and interests relevant to this permitting decision. As the Under Secretary of State for Economic Growth, Energy and the Environment, I would oversee and coordinate the contributions of the Bureau of Energy Resources, the Bureau of Oceans and International Environmental and Scientific Affairs, and the Bureau of Economic and Business Affairs. I would also help coordinate with other Bureaus, such as the Bureau of Western Hemisphere Affairs.

I understand that the Department continues to work toward the Final Supplemental Environmental Impact Statement (SEIS) for the proposed Keystone XL pipeline, addressing issues identified in the more than 1.5 million submissions received during the public comment period, as appropriate. I have not been briefed on the technical aspects of that review because it is not yet final and I am a potential decisionmaker. After release of the Final SEIS, the State Department will seek the views of other federal agencies to determine if the proposed Keystone XL pipeline would serve the national interest. This process will involve consideration of many factors, including energy security; environmental, economic, and cultural impacts; foreign policy; and compliance with relevant federal regulations.

Question. The State Department is promoting shale gas development through the Global Shale Gas Initiative, but is it also exporting best practices in regulating the shale gas industry? If so, given that there is no consensus domestically on how to regulate the industry how are we effectively advising other countries on how to regulate shale gas development?

Answer. It is my understanding that the Department's Unconventional Gas Technical Engagement Program (UGTEP), formerly known as the Global Shale Gas Ini-

tiative (GSGI), seeks to share public sector policy and regulatory best practices gleaned from the United States with other countries interested in and considering developing shale gas resources. The program informs other countries about the technical, operational, environmental, legal, commercial and other issues associated with the sound development of the resource.

Question. What role do you think off-grid, distributed renewable energy technologies will play in providing electricity access to the 1.3 billion people who currently do not have access to electricity around the globe?

Answer. I believe that off-grid, distributed power systems will play a significant role in meeting the needs of millions of people around the world, including the 1.3 billion people who do not have access to electricity. According to the International Energy Agency (IEA), more than half of the new power generation required to meet this need could come from off-grid and mini-grid solutions. Of that, the IEA projects that more than 90 percent of the electricity would come from renewable sources, such as solar, wind, biomass and small hydro.

Question. Renewable energy generally has no fuel costs and low maintenance costs. Upfront capital costs are therefore a barrier to deployment. What is the State Department doing to help finance renewable energy deployment in the developing world? What more can be done to help finance small scale distributed renewable energy systems?

Answer. I understand the State Department is partnering with other U.S. Government agencies, financial institutions, and multilateral development banks as they develop and implement new mechanisms to spur investment in renewable energy deployment and to overcome policy obstacles that constrain the growth of clean energy. For example, I understand State has taken a lead role in the United Nations and World Bank Sustainable Energy for All (SE4ALL) initiative to increase energy access through the promotion of energy efficiency and renewable energy globally. State is also supporting regional efforts to mobilize financing for renewable energy projects—through the U.S.-Asia Comprehensive Energy Partnership (USACEP) and Power Africa. State and partner agencies are working to bring U.S. Government tools to bear in driving trade and investment in clean energy.

Question. In December 2009, the Treasury Department released guidance to the multilateral development banks on curbing coal investment. More recently, the Treasury Department released revised guidance reflecting the President's Climate Action Plan. Under this guidance the United States will not support financing new coal plants unless the host country is considered one of the world's poorest.

◆ When determining the world's poorest countries is the country's credit-worthiness an appropriate factor?

Answer. I understand the State Department is working with other agencies to implement the call in the President's Climate Action Plan to no longer finance coal fired power plants abroad except in rare circumstances. These include plants located in the world's poorest countries or plants that deploy carbon capture and sequestration technology. To date, the administration has used the World Bank's International Development Association "IDA-only" cutoff to define "poorest," which incorporates both per capita GNI and credit worthiness measures. The Department of Treasury has used the same cutoff for determining the world's poorest countries in its coal policy since 2009. IDA-only countries are eligible to access resources from the concessional windows of the multilateral development banks because of the combination of low per capita incomes and lack of access to market-priced loans, which together constitute a serious obstacle to development. If confirmed, I will monitor this policy closely to ensure that it allows the United States to balance addressing energy needs in poor nations with global environmental protection.

RESPONSES OF CHARLES RIVKIN TO QUESTIONS
SUBMITTED BY SENATOR ROBERT MENENDEZ

Question. The administration is pursuing an ambitious trade agenda and there are compelling arguments in favor of both the Trans-Pacific Partnership (TPP) and the U.S.-EU Trade and Investment Partnership. Yet I wonder whether full consideration is being given to the impact of these agreements on other countries and regions in which we have significant geostrategic interests. One example is that CAFTA countries warn they may face huge job losses in the textile/apparel and light manufacturing industries due to the TPP. This could have broader security and immigration implications that are beyond the scope of USTR.

- ◆ Are you concerned about the trade distorting impact of TPP and the potentially adverse impact it could have on other U.S. strategic priorities? What actions can the Department take to mitigate negative effects? What is the Department's role in ensuring that broader interests related to security, human and labor rights, and the environment are not sacrificed in the rush to complete a deal?
- ◆ How can the United States advance its current ambitious trade agenda while simultaneously strengthening relations with our existing allies and trading partners?

Answer. It is my understanding that the administration seeks to increase U.S. jobs, economic growth, and foster economic integration in the Asia-Pacific region through the TPP, while honoring our existing trade agreements around the globe. I appreciate the significant value of the trade opportunities and linkages of our free trade agreement partners, including the other countries of the CAFTA-DR. The United States and the CAFTA-DR countries share a highly integrated supply chain built on the United States providing textile inputs which are manufactured into apparel in the other CAFTA-DR countries and shipped back to the United States as finished garments. I understand the U.S. position in the TPP on textiles and apparel is taking this into account, and our existing trade agreements and business relationships were a factor in the U.S. tariff offer made in the TPP. If confirmed, I will continue EB's work to assure our partners from the other CAFTA-DR countries that the United States continues to bear in mind the unique nature of the CAFTA-DR in facilitating regional integration amongst all the partners, including the United States, and encourage them to take active advantage of the preferential access they currently have to adapt to global challenges and opportunities.

The United States existing trade partners—large and small economies, advanced and emerging—all share a belief that the best way to generate economic growth and job creation is to eliminate barriers to trade and investment. I believe that this administration has worked diligently to negotiate agreements that will most effectively address the challenges that exporters and investors face today, and to create open, fair, transparent, and predictable environments for global trade.

Through the TPP, the United States can solidify the 21st century rules of trade by opening markets, incorporating safeguards for innovation, addressing concerns in technology industries, and further protecting workers and the environment—all key concerns for policymakers and citizens. Participating in a high-standards agreement like TPP is crucial if the United States is to continue generating jobs for American workers and spur increased export opportunities for our companies. Moreover, the TPP has significant strategic value in providing the economic foundation for our security alliances in the region and broadening the links necessary to consolidate our global leadership position in the coming decades. The rapid expansion of the TPP negotiation since its launch suggests the broad appeal of this high-standard approach.

Question. The President's National Export Initiative, announced in his 2010 State of the Union address, set a goal to double our Nation's exports by the end of 2014. What has the State Department done to help reach that target, and what do you plan to do in your new role as EB Assistant Secretary to help make sure we reach that goal?

Answer. The U.S. exported more in the first half of 2013 than the entire year of 2003. In 2012, U.S. exports hit an all-time record of \$2.2 trillion, and I understand that the Department of State, and in particular the Bureau of Economic and Business Affairs (EB), has been extremely active in helping to facilitate exports in support of the National Export Initiative. U.S. Ambassadors and senior leadership has been ever more active in advocating for U.S. businesses overseas. I understand the Department, in the context of the National Export Initiative, is working much more closely with the Departments of Commerce and Agriculture, as well as with other export promotion agencies, to deliver services to potential U.S. exporters. As part of the Trade Promotion Coordinating Committee (TPCC), the Department is cross-training its personnel with these other agencies, and has even developed its own on-line trade promotion course. The Bureau of Economic and Business Affairs (EB) allocates funds for U.S. trade promotion activities and joint training with the Commercial Service (CS) at non-CS posts. In partnership with CS, State Department personnel provide CS branded export assistance programs at 59 posts without a CS presence. And EB has instituted two programs to capitalize our presence around the world for the benefit of U.S. business: Direct Line, which allows U.S. businesses to hear about and discuss market opportunities from our Ambassadors and economic and commercial professionals around the world via conference call or webinar, and the Business Information Database System (BIDS) which collects and makes information about significant foreign government and multilateral development bank

procurements available to U.S. business and other U.S. Government agencies on an open, internet-based platform. These efforts have already had a positive impact on U.S. exports.

If confirmed as Assistant Secretary, I will continue, and if possible expand, the excellent work of the Bureau of Economic and Business Affairs (EB) to help meet the President's goal of increasing jobs and creating jobs for American workers.

Question. Has the National Export Initiative resulted in increased coordination between the State Department and other agencies tasked with increasing U.S. exports? In your view, what can be done to encourage closer interagency coordination and is there a role that the State Department, in part through its global network of embassies, can play as an on-the-ground coordinator for U.S. trade promotion?

Answer. The National Export Initiative has resulted in increased coordination between the State Department and other agencies tasked with increasing U.S. exports. For example, the State Department plays a key role in promoting exports through advocacy with foreign governments and advice to U.S. businesses seeking to increase trade and investment activities in foreign markets. Economic Officers, Front Offices, and other sections at post work hand in glove with Commerce offices around the world to promote exports. In 59 posts where Commerce is not present (non-Commercial Service (CS) posts), State and Commerce have a formal partnership agreement that authorizes those posts to provide Commerce services to U.S. companies. In Washington, the Bureau of Economic and Business Affairs (EB) allocates funds for U.S. trade promotion activities and cross-training with the Commercial Service at non-CS posts.

Increasing the interoperability of U.S. Government agency database and other information technology platforms would allow us to better serve U.S. companies seeking to export. The State Department is collaborating with Commerce and other trade agencies to utilize technology to extend our reach and impact. Two examples of interagency collaboration are the new trade leads system—the Business Information Database System (BIDS)—and the Direct Line Program. In addition, continued joint training efforts, such as the Trade Promotion Coordinating Committee training, has allowed agencies, state and local officials to operate from a common knowledge base and to have a better understanding of resources available to promote U.S. exports. If confirmed, I would work to improve interoperability of trade agencies information technology platforms to increase efficiency and better serve U.S. companies interested in exporting.

Our Embassies, under the Ambassador's leadership, have longstanding economic teams which undertake activities to promote U.S. exports, encourage job-creating investment in the United States, and represent U.S. business interests in their host countries. Our Ambassadors emphasize a whole-of-government approach when promoting U.S. business. If confirmed, I will continue to stress the importance of strong Embassy trade and economic teams led by our Ambassadors.

Question. In addition to FTAs, the United States extends unilateral trade preferences to developing countries through trade preference programs such as the Generalized System of Preferences and the Caribbean Basin Trade Partnership Act. What economic and foreign policy benefits does the United States gain from these policies, and how important is it that we continue to offer these programs and reauthorize them in a timely fashion?

Answer. Trade preference programs support U.S. jobs and competitiveness by reducing costs for U.S. farmers, manufacturers, retailers, and consumers, facilitating U.S. investment in beneficiary countries, and complementing U.S. foreign policy objectives. U.S. small businesses also rely on the savings from trade preference programs to compete with larger companies.

In 2012, U.S. businesses imported \$19.9 billion worth of products duty-free under the Generalized System of Preferences program, \$1.6 billion under the Caribbean Basin Trade Partnership Act, \$34.9 billion under the African Growth and Opportunity Act, and over \$1 billion under the Qualifying Industrial Zone (QIZ) program, including many inputs used in U.S. manufacturing. In addition, trade preference programs complement U.S. foreign policy objectives by requiring beneficiary countries to protect intellectual property, promote labor rights, enforce strong rule of law, and promote economic cooperation. The Qualifying Industrial Zones (QIZ) programs encourage economic cooperation, closer ties, and peaceful relations between Israel and its QIZ partners through Israeli content requirements on goods produced in QIZ zones. The Africa Growth and Opportunity Act (AGOA) has helped eligible countries grow and diversify their exports to the United States, has created jobs in the United States and Africa, and attracted investment in beneficiary countries.

Timely renewal of preference programs encourages investor confidence, leading to further economic growth and opportunity. If confirmed, I will work with Congress and the Office of the U.S. Trade Representative to ensure our preference programs continue to meet our objectives.

Question. The Latin America and Caribbean region is one of the fastest-growing regional trading partners for the United States. The average rate of growth in trade between the United States and the region since 1998 surpasses that of U.S. trade with Asia and the European Union. If confirmed, what actions will you take to help deepen the economic relationship between the United States and Latin America?

Answer. The United States has developed over the past 20 years a network of free trade agreements across the hemisphere that now stretches unbroken from the Arctic to the southern tip of Chile. The United States also has 11 bilateral investment treaties with partners in the hemisphere. If confirmed, I will work with our free trade partners to take full advantage of our network of trade agreements, for example by supporting development of shared value chains like those between the United States and Mexico, whereby Mexican finished-goods exports comprise approximately 40 percent U.S. content. Others in the hemisphere are also working to deepen regional economic integration. Chile, Colombia, Mexico, and Peru created the Pacific Alliance with the aim of achieving free movement of people, goods, capital, and services, and they are making admirable progress toward that goal. The United States became an observer to the Pacific Alliance in July and, if confirmed, I will work to identify mutual economic interests with the alliance and explore ways the United States can support its development. I will also work to deepen our bilateral economic relationships with partners throughout the hemisphere through economic dialogues, like the U.S.-Mexico High Level Economic Dialogue and the U.S.-Brazil Economic Partnership Dialogue.

Question. The United States is home to many of the world's most innovative companies, and these companies are a huge source of jobs and economic growth. Yet these critical contributors to our economy face increasing trade-related barriers around the world. These threats include government-sanctioned expropriation of valuable U.S. intellectual property, restrictions on FDI, and local content requirements. If countries see there are no consequences to violating the intellectual property rights of American countries, our most innovative sectors could face increasing difficulties, potentially impacting American exports and jobs.

◆ If confirmed, how will you use your role to address the policies of countries such as India, which are harming U.S. workers, innovators, and other job creators?

Answer. I share your concerns about trade barriers that U.S. companies in a diverse array of industries face abroad through, as you note, local content requirements, weak intellectual property regimes, and restrictions on foreign direct investment. As you are aware, my background in public service and in the private sector has provided me with a firsthand view of how these policies harm U.S. entrepreneurs and innovators, and ultimately, American jobs. It is my understanding that the State Department and partner agencies also share your concerns.

If confirmed, I will commit to actively using each tool available to the Bureau of Economic and Business Affairs to address the policies of countries that harm U.S. businesses abroad. I am aware that among these tools are formalized dialogues such as the U.S.-India Strategic Dialogue and the CEO Forum, where the State Department and partner agencies are afforded the opportunity to discuss ongoing economic issues with stakeholders and foreign officials. The Bureau of Economic and Business Affairs is also co-leading bilateral investment treaty negotiations with India, which will help address these concerns by leveling the playing field for U.S. investors. If confirmed, I plan to continue to highlight the impacts of such policies through EB's contributions to the Special 301 and Notorious Markets reports, as well as country reports in annual Investment Climate Statements.

Question. The United States and its Trans-Pacific Partnership (TPP) partners have set a goal of completing TPP negotiations by the end of 2013, and are now engaged on the most critical issues, including intellectual property provisions. With countries like India and China monitoring the outcome of an agreement that will cover 40 percent of global GDP, we must ensure that this agreement truly is a gold standard agreement by ensuring the inclusion of strong IP protections.

◆ If confirmed, will you work to secure strong IP protections in the TPP and other trade negotiations? Can you describe your role and that of the State Department in our global effort to improve IP protections?

Answer. If confirmed, I will work with Congress, other USG agencies, and stakeholders to ensure that we have strong IP protections in TPP. Given that this is a

key issue for the U.S. economy and our innovators and creators, we cannot afford to have a TPP agreement that does not achieve high standards of IPR protection. I pledge my efforts to assist the White House and USTR in accomplishing this outcome for U.S. interests.

The State Department contributes to the overall USG efforts to promote strong IP protection and enforcement globally. The Department is a key player in the efforts of the White House Intellectual Property Enforcement Coordinator (IPEC) as outlined in the annual Joint Strategic Plan (JSP). The Department also provides guidance on foreign policy issues in trade negotiations such as TPP and the Transatlantic Trade and Investment Partnership with EU countries, and in the Special 301 and Notorious Markets reports. The State Department leads on funding IP law enforcement capacity building programs. Further, the State Department uses public diplomacy to work through embassies to carry out programs with local rights holders and other interested groups to promote awareness about the economic and health dangers of counterfeit products and the value of local innovation and creativity in fostering economic development for local communities.

Question. If confirmed, your Bureau will be responsible for implementing foreign policy-related sanctions adopted to counter threats to national security posed by particular activities and countries. In light of the recent debate over the efficacy of further economic sanctions on Iran, I would appreciate hearing your views on the appropriate use of sanctions as a foreign policy tool.

Answer. In my view, sanctions can be an effective foreign policy tool if used appropriately. When broad enough, comprehensive enough, serious enough, and dedicated to a clear purpose, sanctions work. Sanctions also work most effectively when they are multilateral in nature and sustained and supported through rigorous implementation. However, it is important to note that sanctions are never an end in and of themselves but rather a tool to create leverage as part of our diplomatic efforts to resolve potential national security threats. In the Iran context, I believe that the effectiveness of our sanctions has brought us to a point where the Department of State has a chance to establish whether or not the calculus of Iran's leaders regarding its nuclear program has changed, and whether a peaceful resolution over the international community's concerns over that program is achievable.

RESPONSES OF TINA S. KAIDANOW TO QUESTIONS
SUBMITTED BY SENATOR ROBERT MENENDEZ

Question. Programming for countering violent extremism (CVE), including community engagement with the youth population and women, is essential to our counter-terrorism policy.

♦ (a) Although measuring the success of these programs is difficult, what methods are being used to monitor their effectiveness?

Answer. At the project and program levels, the CT Bureau's CVE Program (CT/CVE) is developing a systematic Monitoring and Evaluation (M&E) approach that moves beyond recording simple outputs and moves toward measuring deeper level results, yet avoids attributing the mere absence of recruitment or radicalization to violence to particular programming. For each project, CT/CVE requires implementing partners to design an M&E plan, and to allot approximately 5 percent of project budget to M&E.

CT/CVE's M&E plans are conceptualized as part of project design, and track the following types of results: (1) how many viewers or participants were reached with CVE messaging or training; (2) skills imparted via training; (3) how project participants use those skills after their training; and (4) how CVE-relevant perceptions may have shifted as a result of exposure to messaging. This information is gathered in different ways, including surveys, interviews, focus groups, and proxy data collection. M&E can also include efforts to evaluate longer term impact on participants and the at-risk communities around which projects are designed. Followup results might include measures such as an increase among community members who perceive peaceful/nonviolent ideologies as influential and meaningful, and who make an effort to disseminate this message.

♦ (b) What kind of educational training and community development programs are used to counter violent extremism?

Answer. CT/CVE, the arm of the CT Bureau responsible for CVE programming, has three primary lines of effort: (1) providing positive alternatives for communities at risk of recruitment and radicalization to violence; (2) countering terrorist narratives and the violent extremist worldview; and (3) building the capacity of partner

nations and civil society to counter violent extremism. Areas of CVE programming include strengthening CVE-relevant relationships between community leaders and local law enforcement; prison rehabilitation and disengagement for incarcerated violent extremists; CVE outreach and training of diaspora communities; and amplifying the voices of victims and survivors of terrorism.

Some CT/CVE programming uses Nonproliferation, Antiterrorism, Demining, and Related Programs (NADR) funds, which require community engagement and training to involve host-country law-enforcement personnel as key participants in all phases of activity. One CT/CVE-funded project, for example, was based on the premise that building cooperation among local community leaders, law enforcement, and local government would alleviate problems associated with community instability, disenfranchisement, and marginalization, thereby increasing community resilience against violent extremism. The project included mentoring and training sessions for local law enforcement personnel in community engagement strategies, as well as facilitation, conflict mitigation, and communication techniques with other local stakeholders.

Similarly, NADR funds are used in support of prison rehabilitation and disengagement efforts, as well as to undermine the influence of violent extremist ideologies within prisons. With support from CT/CVE, an NGO is currently working in a country of particular CT concern to provide pro bono legal representation to nonextremist, petty offenders and pretrial detainees for whom there is no legal basis for continued incarceration. The prisoners and detainees represented by the NGO either cannot afford to hire a lawyer or are entirely unaware of their legal rights, which results in lengthy and often indefinite detention. The NGO also works with an educational institute which provides post-release vocational training and job-placement guidance to ease reintegration back into society and reduce recidivism risks.

In the realm of education, CT/CVE is helping to lead a nascent multilateral initiative on the role of education in CVE, and is developing a pilot project focused on the roles of critical-thinking skills, citizenship education, and sports in preventing violent extremism, as there is evidence of the preventive effects of each of these approaches among youth at risk of recruitment into insurgent groups and gangs.

Other CT/CVE programming focuses on outreach to diaspora communities and training to recognize signs of radicalization among their youth. In an ongoing project, a diaspora NGO from the United States is conducting an outreach and training tour among its sister diaspora communities in Western Europe and Canada. Through the medium of a documentary film, diaspora imams and community activists are successfully tackling the tough issue of recruitment and radicalization to violence among youth, a subject previously unaddressed and considered taboo in their community. The NGO is also using the community engagement events to link local law enforcement officials and social workers with trusted diaspora community leaders.

Finally, by sharing their stories, victims and survivors of terrorism offer a resonant counternarrative that highlights the destruction and devastation of terrorist attacks. CT/CVE trains victims and survivors to interact with conventional and social media; create public relations campaigns that amplify their messages; and seek out platforms that help them disseminate their message most broadly to at-risk audiences. Workshops also include journalists as trainers and trainees, training them to report in a more balanced manner on acts of terrorism and capturing the human dimension of such attacks.

♦ (c) In what ways is social media playing a role in countering misinformation by terrorist groups?

Answer. CT/CVE is in the nascent stages of developing programming to leverage social media for this purpose. However, there are a number of autonomous groups created by concerned American citizens that alert social media users to the dangers of Web-based violent extremist propaganda. One such group crowd-sources efforts to alert social media to terms-of-service violations committed by violent extremist ideologues.

The interagency Center for Strategic Counterterrorism Communication (CSCC), which CT/CVE helped to establish, counters the al-Qaeda (AQ) narrative and propaganda in digital environments, working in Arabic, Urdu, Somali and English, and utilizing text, still images, and video. CSCC's Digital Outreach Team (DOT) focuses specifically on al-Qaeda and the constellation of like-minded terrorist groups associated and affiliated with al-Qaeda.

DOT's current configuration and operations reflect the objectives and priorities in the 2011 Executive order establishing CSCC. The team pushes back against AQ propaganda in interactive digital environment-like forums, YouTube, Twitter, and

Facebook. Thanks to a simplified process for clearing text, the team is able to engage rapidly, posting 25–30 engagements every day.

Three basic principles animate the team's activities: contest the space, redirect the conversation, and confound the adversary. The first in particular involves establishing an overt U.S. Government presence to push back against the AQ narrative and propaganda, and to counter the misinformation about the United States that frequently fuels violent extremist narratives.

Since 2011 the DOT has produced 18,000 engagements (most in the form of texts and other posts); 55,000+ Facebook fans (Arabic, Punjabi, Somali and Urdu); 240+ posters/banners; and 140+ videos.

In addition, the Special Representative for Muslim Communities (SRMC) implements a program called Viral Peace, which empowers key influencers in at risk communities and teaches them strategies to directly engage violent-extremist messengers online.

Question. The Global Counterterrorism Forum (GCTF) was launched two years ago with 30 founding members in an effort to address global terrorism. The GCTF is a forum where experts in counterterrorism can come together and identify critical CT needs, develop solutions to emerging threats around the world and assist countries in countering violent extremism.

- ◆ In the 2 years since its launch, what successes do you view have come out of the GCTF?
- ◆ What are the limits to the Forum and what more can be done to address them?
- ◆ The United States is currently a cochair of the Forum. What are the goals of the United States to accomplish in the GCTF during its tenure as cochair?
- ◆ This year the Forum launched the "Global Fund for Community Engagement and Resilience"—a public-private fund to counter violent extremism using grassroots efforts where radicalization and recruitment is occurring. Can you expand on the focus-areas of this fund?
- ◆ It is expected to raise more than \$200 million over the next 10 years to support local, antiviolent extremist causes. Will this be sufficient to address local needs? How will this fund complement U.S. Government efforts to combat violent extremism?

Answer. Successes: With the GCTF, we now have a flexible, action-oriented platform that allows prosecutors, police, prison officials, judges, educators, border security officials, and community leaders from different countries looking at the counterterrorism (CT) and countering violent extremism (CVE) agenda to be able to network and learn from one another. It also offers the United States and its donor partners a framework for improving coordination and collaboration on a set of shared capacity-building priorities in key countries and regions.

Overall, the Forum has mobilized more than \$215 million from partners to support civilian-related capacity-building projects in areas of strategic priority (rule of law and CVE) and its experts have elaborated six sets of nonbinding, rule of law-based, good practice documents, supporting the development of effective CT and CVE practices. Each of these documents has been endorsed at the ministerial level of the GCTF membership. They provide all countries with practical guidance on how to build capacities in certain thematic areas and offer donors and implementing partners a set of strategic frameworks to provide assistance and coordinate capacity-building engagement in priority third countries. They are focusing donors' resources on priorities being identified through the GCTF, with a strong U.S. influence.

For example, the Forum's Rome Good Practices promote the importance of a rule of law-based approach to prison management, emphasizing that the rehabilitation of violent extremist offenders can only succeed when done in a safe, secure, well-managed, and regulated environment. The Forum's Rabat Good Practices, which the U.S. Department of Justice (DOJ) played a key role in developing, provide a series of robust yet human rights-compliant procedural and legal tools for strengthening the role of the justice sector in preventing terrorism. The Forum's Algiers Good Practices, elaborated by the United States and Algeria, and endorsed by the U.N. Security Council and G8 Leaders, highlight a number of practical law enforcement, criminal justice, and intelligence tools for all countries to consider developing and implementing to prevent and deny the benefits of kidnapping for ransom to terrorists. The CT Bureau is leading the effort, with GCTF partners, to develop a set of training modules to advance capacity-building efforts in this field. In addition, Department of State (DOS), Department of Homeland Security (DHS), and the U.S. Institute of Peace developed what became the Forum's Good Practices on Community Engagement and Community-Oriented Policing as Tools to CVE, which are designed to inform the CVE policies, approaches, and programs of GCTF members and others, as well as create a foundation for continued dialogue, collaboration, and

research among interested GCTF members and other interested government and nongovernment stakeholders.

Perhaps the Forum's most significant, long-lasting impact will be the three new international institutions it has set in motion: (1) the Hedayah Center, launched in the UAE in December 2012 as the first-ever dedicated platform for CVE training, dialogue, and collaboration, is now open; (2) the International Institute for Justice and the Rule of Law, anticipated to be operational in 2014 in Malta, will provide a focal point for training in criminal justice and rule of law approaches to CT in North, West, and East Africa, and (3) the first-ever public-private global CVE fund—the Global Fund on Community Engagement and Resilience—which the Secretary announced at the September 2013 GCTF ministerial, will provide grants to local NGOs working to support the antiextremist agenda. Although none of these are or will be “GCTF” institutions, the Forum, because of its diverse membership and commitment to action, was uniquely positioned to develop and launch them, and interested members will be involved in their governance, staffing, and funding.

As we anticipated, members from different regions have stepped forward to take action within the Forum, with Algeria, Australia, Canada, Denmark, Egypt, Indonesia, Italy, Morocco, The Netherlands, New Zealand, Spain, Switzerland, Nigeria, Turkey, the UAE, and the U.K. among the most active members. We are also seeing increasing interest in GCTF activities among our interagency partners, as they see the GCTF as a vehicle to advance some of their strategic priorities. This includes DOD, DHS, DOJ, Treasury, CSCC, USAID, and NCTC.

Overall, since its launch, the Forum has far exceeded expectations, with a wide range of activities being supported by an ever-growing number of enthusiastic international partners, and with civilian CT practitioners being the direct beneficiaries. New GCTF initiatives for 2013–2014 include ones on (1) CVE and education led by the UAE; (2) “foreign fighters” coled by Morocco and The Netherlands; (3) the role of judges in handling CT cases within a rule of law framework led by the United States; and (4) the use of intelligence as evidence in CT trials led by the United States.

Limits: The Forum is making a real difference, but we need to continue to maintain the high level of political support both in Washington and other capitals, as well as further deepen the involvement of CT practitioners and experts outside of foreign ministries, to maximize its impact and potential over the long term.

Goals: Our hope is that as a result of the Forum's work, countries from around the globe will have more of a common understanding on the nature of the terrorist threat and a common playbook for tackling it because so many of our practitioners and policymakers will have shared expertise and challenges, trained, and networked together through the centers of excellence, the Forum's working groups, and other GCTF sponsored or inspired activities. The most likely way to maintain this high-level of support is by ensuring that the Forum continues to produce the sort of action-oriented outputs that GCTF ministers expected when they launched the initiative in September 2011 and that distinguishes the Forum from many of the existing multilateral fora engaged on CT issues. We will need to work to ensure that diversity of countries stepping forward to lead practical initiatives that connect practitioners and experts from different regions and to fund training and capacity-building projects against priorities being identified via the Forum's work.

The Fund's Focus-Areas: In September 2013, Secretary Kerry and Turkish Foreign Minister Davutoglu announced that work would begin to develop the Global Fund on Community Engagement and Resilience (the Fund), the world's first public-private global CVE fund. It is anticipated that the Fund will support CVE projects at the local level implemented by local NGOs. CVE efforts have a better chance of succeeding and enduring when owned and implemented by local civil society groups. Anticipated thematic focus areas, and related illustrative activities, include: (1) education (e.g., critical-thinking skills, life skills, vocational training, and mentorship to youth at risk of recruitment and radicalization to extremist violence); (2) communications (e.g., local platforms for community leaders and activists to promote and provide positive alternatives; messaging that highlights the impact of terrorism on families, communities, and countries; efforts by “formers” to make videos about their own recruitment into, and exit from, extremist violence); and (3) community engagement (e.g., law-enforcement, confidence-building activities with at-risk youth and interreligious dialogue).

Funding the Fund: In expecting to raise over \$200 million over the next 10 years, we anticipate that this will be enough to support local needs for two reasons. First, most projects are estimated to be small scale, and will likely build on previous local work by the same organizations. Second, as worthy projects deliver results and as the Fund lines of effort become more broadly publicized, other donors will be incentivized to contribute to the Fund, or encouraged to support similar work in the same

countries. Also, it should be noted that Switzerland has generously committed to providing the Fund office space and key personnel for its first 4 years of operation. This will substantially defray operating costs in the Fund's early years, thus allowing more donor contributions to directly support grants to local NGOs.

Complementing U.S. Efforts: The Fund will complement U.S. Government CVE efforts by filling critical gaps. It will be an efficient mechanism by which multiple donor governments and private sector entities can support and nurture small-scale, local efforts. Many local groups with innovative CVE project ideas have been unable to get off the ground because of the difficulty in attracting seed funding. Where they have gotten off the ground, they have faced challenges in securing sufficient funding to sustain or expand their work. Local NGOs often need training and mentoring in effective project development, implementation and management. The Fund will be able to respond to these emerging CVE actors and their needs in a systematic way under one roof.

Question. The United States has made a strong commitment through the implementation of the National Action Plan on Women, Peace, and Security to increasing women's inclusion in our global counterterrorism efforts. How will you work to fully integrate gender into the Bureau of Counterterrorism's policies and programs and what metrics will you use to specifically determine the impact of this gender integration?

Answer. In 2012, the Bureau of Counterterrorism (CT) developed its own Women in Counterterrorism Strategy, which supports the U.S. National Action Plan (NAP) on Women, Peace, and Security, as well as the Department of State's NAP Implementing Strategy. The strategy is designed to ensure more comprehensive counterterrorism policies and programs by integrating women and has four objectives: capacity-building, participation, protection, and engagement. Since the strategy's development, various offices and programs within the CT Bureau have been undertaking efforts to institutionalize it. For example:

- The Countering Violent Extremism (CVE) Program prioritizes the inclusion of women in its projects to improve women's ability to engage in CVE activities. The CT Bureau has funded several projects designed to train women on the signs of radicalization and recruitment to violence and ways to counter it in their communities, and to build women's capacity to communicate and work together with law enforcement for CVE solutions. These projects often incorporate female victims of terrorism—either those who have experienced terrorist acts firsthand or those who lost their family members to terrorist organizations—who can express a counternarrative that resonates with fellow mothers, wives, or sisters and helps amplify the CVE message.
- The CT Bureau's Office of Multilateral Affairs is working to ensure the inclusion of gender components in counterterrorism policy documents of related international organizations. The office has also funded regional workshops that support efforts for women's empowerment in the area of crisis and disaster response in countries where women are not treated equally with their male counterparts.

The CT Bureau measures the general effectiveness of CVE programming by drawing from the experience of established monitoring and evaluation (M&E) practices from other fields and adapting them to CVE project development. For example, metrics from communications, youth development, conflict mitigation, and peace-building have been key sources for building CVE's M&E practice. To determine the specific impact of gender integration, the CT Bureau monitors the outcomes of gender-inclusion in its projects, focusing on short-term capacity-building gains, as well as longer term results in women's empowerment in the security sector. If confirmed I will continue to build upon these efforts to increase women's participation in counterterrorism efforts, monitor and evaluate our progress, and improve the effectiveness of our programs.

Question. Considerable research has demonstrated that women can be critical components of efforts to combat terrorism by enhancing the operational effectiveness of security forces and intelligence collection. However, in many countries, including Pakistan and Afghanistan, women continue to be vastly underrepresented in security institutions. What can the United States do to better promote women's inclusion in the security sector in these countries to more effectively counter terrorism?

Answer. The CT Bureau's experience with women's inclusion in the security sector provides a potential blueprint for ways in which the United States can better promote women in counterterrorism efforts. For example, the Anti-Terrorism Assistance (ATA) Program, a partnership between the CT Bureau and the Bureau of Diplomatic Security, trains units of female law enforcement officers in Afghanistan and

Pakistan and attempts to recruit American women instructors to teach ATA curriculum. The ATA Program also tracks the number of women trained in each partner nation through the use of Nonproliferation, Anti-Terrorism, Demining, and Related Activities (NADR)/ATA funding. Finally, ATA is making changes to ATA curricula to emphasize the particular need to protect women in the course of counterterrorism investigations and operations.

The CVE Program is implementing a women and security project that supports security training for female civil society leaders, as well as dialogues with law enforcement personnel to devise CVE-prevention strategies and pilot activities.

The CT Bureau's experience demonstrates that requiring women's inclusion from the start of the project helps ensure their involvement throughout the project and in followup activities. Also, providing safe spaces for women to interact with the security sector helps ensure that their existence is acknowledged, their concerns are addressed, and their involvement in countering terrorism is amplified.

Question. The administration is focused on finalizing the Bilateral Security Agreement with Afghanistan. Equally important are the regional implications of the security and political transition in Afghanistan. I am especially concerned about terrorist groups active along the Afghanistan/Pakistan border which could become more active throughout the region, post-2014.

- ◆ Can you describe our diplomatic efforts and planning to address these concerns and perhaps mitigate potential second- and third-order effects of the transition? Please share specifics on how we are engaging with the following allies on the post-2014 threats posed by terrorism: (a) India; (b) Pakistan; (c) the countries of Central Asia.

Answer. The State Department's Counterterrorism (CT) Bureau shares Senator Menendez's concern about terrorist groups active along the Afghanistan/Pakistan border and throughout the region. We share the concern about terrorist groups active along the Afghanistan/Pakistan border and throughout the region. We recognize that extremist threats originate from a host of groups beyond core al-Qaeda, including the Haqqani Network, Lashkar-e-Tayyiba, Tehrik-e-Taliban Pakistan, and the Islamic Movement of Uzbekistan, among others, that pose a threat to the region's stability and to U.S. persons and interests.

Concluding a Bilateral Security Agreement with Afghanistan will provide a platform for continued U.S. counterterrorism operations that will assist Afghanistan security forces to counter terrorist threats in the near term. In the longer term, our regional partners need to take steps to reduce the wellspring of extremism and to develop the capacity to combat terrorist organizations through effective security forces. We are working throughout the region to strengthen our partners' domestic and regional capabilities to combat extremist groups.

India: India, having suffered countless terrorist attacks over the past 10 years, shares our concern about regionally focused extremists such as Lashkar-e-Tayyiba. Groups currently operating in Afghanistan may seek to increase targeting in other parts of South Asia—including India—after the coalition's drawdown in Afghanistan. India is a close security partner with whom the United States maintains an ongoing dialogue on the threat of militant groups and combating terrorism. The United States and India maintain close collaboration on these issues through forums such as the Counterterrorism Joint Working Group (CTJWG), and the Homeland Security Dialogue (HSD). India is also a key partner in the Global Counterterrorism Forum which focuses on rule of law, threat finance, and countering violent extremism through a number of working groups. If confirmed, I will convene a meeting of the U.S.-India Joint Counterterrorism Working Group which brings together elements of both countries' counterterrorism communities to focus on terrorist threats and cooperative efforts to address them.

Pakistan: Pakistan remains a frontline state in our efforts to defeat al-Qaeda and remains engaged in military operations against al-Qaeda and affiliated groups like Tehrik-e-Taliban Pakistan. Pakistan has also taken significant steps over the past year to counter the threat of improvised explosive devices, the weapon of choice for insurgents within Pakistan and in the region. Pakistan also passed new counterterrorism legislation aimed at increasing its tools to disrupt terrorist financing and to prosecute terrorism cases. This new legislation provides more support for Pakistan's National Counterterrorism Authority (NACTA).

These improvements will allow Pakistan to present better cases against extremists in court and the NACTA will provide it with a useful platform to coordinate interagency counterterrorism efforts. To support the overall goal of improved counterterrorism efforts in Pakistan, the Department through its ATA program is providing technical assistance to Pakistan's police to prevent, investigate, and prosecute acts of terrorism and support to NACTA.

We are working to increase Pakistan's participation in multilateral fora, including through the Global Counterterrorism Forum, and increasing civic action against terrorism through our countering violent extremism programs. Should I be confirmed, improving Pakistan's efforts to combat violent extremism will remain a key priority for the CT Bureau.

Central Asia: The drawdown of U.S. forces in Afghanistan has raised anxiety levels among our Central Asian partners about the increased potential for instability and extremism, especially beyond 2014. To help address those concerns and strengthen regional stability, we are using a combination of diplomatic engagement and capacity-building assistance.

On the diplomatic front, for example, the United States holds annual bilateral consultations with each of the five Central Asian countries, which provide a venue to openly discuss every aspect of the relationship, including security cooperation.

Our bilateral security assistance is helping build the Central Asian states' capacity to counter a broad range of threats, including terrorism. The State Department's ATA program is active in the region, with an emphasis on border controls and increasing counterterrorism investigation capabilities.

RESPONSES OF PUNEET TALWAR TO QUESTIONS
SUBMITTED BY SENATOR ROBERT MENENDEZ

Question. How is the fluid nature of security developments in the Middle East affecting U.S. efforts to ensure that Israel's Qualitative Military Edge is maintained? Is the cumulative capability of the region considered in ensuring Israel's qualitative military edge?

Answer. If confirmed, I will continue to prioritize the PM Bureau's efforts to strengthen security cooperation with Israel and safeguard its qualitative military edge (QME). That responsibility includes making sure Israel is well positioned to respond to the rapidly changing security situation in the Middle East and to make sure the United States and Israel are prepared for different regional contingencies. The administration has been and continues to monitor events throughout the region closely. The PM Bureau regularly assesses the capabilities of the region's militaries and nonstate actors to ensure Israel maintains its military superiority. PM is also taking full advantage of the consultative and political mechanisms currently in place to respond to, and act on, Israel's concerns, and to ensure the unrest in the region does not threaten Israel's QME.

The United States is committed to helping Israel maintain its QME, defined as Israel's ability to counter and defeat credible military threats from any individual state, coalition of states or nonstate actors, while sustaining minimal damage or casualties. This policy was written into law in 2008, but it has long been a cornerstone of the U.S.-Israel security relationship.

In addition to fulfilling the requirements of the Naval Vessel Transfer Act of 2008, the United States protects Israel's QME in a number of important ways. (1) Israel is the leading recipient of FMF. In FY 2013, which marked the 5th year of a 10-year, \$30 billion MOU, Israel received \$2.94 billion in FMF, slightly less than the \$3.1 billion request level due to sequestration. The Department is requesting the full \$3.1 billion in FY 2014; (2) Israel is the only country authorized to use one-quarter of its FMF funding for domestic defense procurement, which provides significant flexibility in meeting immediate procurement needs and supporting the Israeli defense industry; (3) Israel has privileged access to advanced U.S. military equipment, such as the F-35 Joint Strike Fighter and, more recently, the MV-22 Osprey; (4) the United States is cooperating with Israel, using DOD appropriated funding, to develop a comprehensive air and missile defense system that protects Israel against ballistic and cruise missile threats; and (5) the United States has provided additional funding outside of State's annual FMF request to support the expansion and acceleration of the Israeli-developed Iron Dome short-range rocket defense system. In FY 2011, Congress provided an additional \$205 million for the procurement of additional Iron Dome systems. Israel received an additional \$70 million in FY 2012 for Iron Dome systems and Israel is expected to receive another \$195 million in FY 2013.

Question. To what extent will the impending U.S. military drawdown from Afghanistan and the apparent absence of further Pakistan Counterinsurgency Capability Fund assistance alter the nature of U.S. defense relations with Pakistan? Do you think the PM Bureau's plans for future security assistance to Pakistan through Foreign Military Financing will emphasize conventional armaments or those better suited to counterterrorism operations?

Answer. The U.S. defense relationship with Pakistan will remain a key national interest after the 2014 drawdown. The Departments of State (State) and Defense (DOD) have discussed the drawdown from Afghanistan with Pakistan, most recently at the November 2013 Defense Consultative Group (DCG) meeting in Washington. At that meeting, the Pakistani delegation noted that stability in Afghanistan would contribute greatly to its own security. Over the last year, State and DOD have refocused U.S. security assistance on the mutual interest of achieving stability along the Afghanistan-Pakistan border. I anticipate that cooperation on counterterrorism and counterinsurgency operations in that area will remain the primary focus of the defense relationship after the drawdown in Afghanistan.

The United States and Pakistan have agreed to narrow the scope of U.S. security assistance to seven counterinsurgency and counterterrorism capabilities: air mobility and combat search and rescue; battlefield communications; border security; counter improvised explosive devices and survivability; night operations; precision strike; and maritime security. In February 2013, the United States and Pakistan developed a plan to limit U.S. security assistance projects to these seven capabilities for 5 years.

At that meeting, State and DOD informed Pakistan that the administration would not request further Pakistan Counterinsurgency Capability Funding (PCCF). At these regular bilateral exchanges, State and DOD have stressed to Pakistan that U.S. security assistance will only support Pakistan's counterinsurgency and counterterrorism capabilities, not conventional capabilities. I believe that Foreign Military Financing (FMF), along with remaining PCCF, is sufficient to build Pakistan's counterinsurgency and counterterrorism capabilities.

Question. What role has the PM Bureau played in the rebalance to the Asia-Pacific, which has been described by some as principally defined by DOD-led initiatives? What role should it play going forward?

Answer. The administration's strategic rebalance to the Asia-Pacific region reflects the United States longstanding security, economic, and people-to-people ties to the region and the region's growing importance to global peace and prosperity. Through the rebalance, the United States is strengthening treaty alliances, deepening partnerships with emerging powers, shaping an effective regional architecture, increasing trade and investment, updating force posture, and expanding democratic development.

As the principal link between the Department of State and the Department of Defense, the Political-Military Affairs Bureau has a key role to play in the administration's Strategic rebalance to Asia, and in particular on security and defense issues. The Bureau leads an expanding set of political-military dialogues with countries in the Asia-Pacific region and frequently engages with its Foreign and Defense Ministries on cross-cutting political and defense issues. Since the unveiling of the rebalance, PM launched political-military talks with two new partners, India and Bangladesh.

In the last year alone, the Bureau has approved and notified to Congress over \$20 billion in Foreign Military Sales to countries in the region. In 2009, PM notified Congress of just \$2.23 billion in sales.

Last year, PM contributed approximately \$20 million for conventional weapons destruction, a higher total than in years prior to the announcement of the strategic rebalance. Additionally, the Bureau requested approximately \$75 million in Foreign Military Financing and International Military Education and Training funds to Asia-Pacific countries, which is a \$22 million increase from the previous year.

The Political-Military Affairs Bureau is currently leading key negotiations of security-related agreements to facilitate the deployment, movement, and protection of U.S. military forces and material throughout the region. PM also ensures the alignment of military training and bilateral and multilateral military exercises with U.S. policy objectives for the region, advances U.S. interests in freedom of navigation and overflight in the context of complex territorial and maritime disputes, and coordinates closely with Pacific Command on the development of peacetime and contingency plans. Finally, PM works diligently to integrate Asia-Pacific navies into counterpiracy missions in the Gulf of Aden.

Going forward, if confirmed, I will work to make sure the Political-Military Affairs Bureau continues to prioritize the administration's engagement in the Asia Pacific and play a key role in the whole of government engagement in the region. The Bureau will continue to advocate for U.S. defense sales to partners in the region, provide assistance, training, and equipment to key allies and partners, and ensure that U.S. diplomats and military personnel are well positioned in the region to build partnerships that will ensure lasting stability in the Asia-Pacific.

Question. The number of overall pirate attacks has declined precipitously since 2011. Please explain why this has been the case. To what extent should piracy remain a central concern for the PM Bureau and for the U.S. Government as a whole? What lessons, if any, should we take from the apparently successful antipiracy effort?

Answer. Pirate attacks off the coast of Somalia have decreased for three reasons:

- Improved self-protection of commercial ships, especially through the use of embarked armed security teams;
- Proactive disruption of pirate action groups by naval counterpiracy forces working together informally but effectively; and
- Greatly increased rates of prosecution of suspected pirates and their land-based organizers. Pirates no longer have the impression that they will not receive punishment. Over 1,400 Somali pirates are being tried, or are serving sentences for piracy and related crimes, in 21 countries.

The administration's progress against piracy off the coast of Somalia, while remarkable, is fragile and reversible. Piracy raises the cost of global commerce, threatens critical energy routes, disrupts humanitarian aid to eastern Africa, and puts the lives of seafarers in danger. Pirates are often organized in transnational criminal networks which smuggle arms, drugs, and human beings. The proceeds from these networks benefit indirectly the extremist groups that contribute to regional instability. Therefore, PM will continue to track development associated with piracy. Without U.S. and allied engagement along and without an actual naval presence off the coast of Somalia serving as a deterrent, incidents of piracy could easily spike again. Despite the costs, presence and continued engagement is needed until a long-term solution—on the ground in Somalia—is created. The most important lesson from the success against Somali piracy is that inclusion of all stakeholders is critical to the solution of complex problems. The Contact Group on Piracy off the Coast of Somalia, which PM helped to create in January 2009, is a unique ad hoc construct of about 80 governments, governmental and intergovernmental organizations, private industry associations, and philanthropic organizations. The group has defined both the complex components of piracy arising from the failed state of Somalia and the various lines of action that will eventually help deliver long-term solutions to the problem.

- The maritime industry's active cooperation in the Contact Group was indispensable to their agreement to the use of embarked armed security, which they originally vigorously opposed.
- U.N. organizations and agencies actively engaged in efforts to stabilize and support Somalia in its political recovery from decades of civil war are crucial to the delivery of counterpiracy programs.
- Governments' willingness to provide naval forces to combat piracy, and to work collaboratively in unconventional ways with nontraditional partners, is a model to emulate in the future.
- Governments' willingness to modify their laws to permit the embarkation of armed security, the commitment of forces to combat piracy, to adopt or update domestic antipiracy legislation to more effectively prosecute this ancient crime, and to provide direct technical and financial assistance to regional countries to help them suppress piracy, are necessary preconditions to the success of this complex but important undertaking.

Question. What impact has sequestration had on the work of the PM Bureau, including on Foreign Military Financing and export license processing? What effects are budgetary constraints likely to have going forward? How would you, if confirmed, ensure the appropriate prioritization of the Bureau's work in a tight budgetary environment? To cite one example, the previous Assistant Secretary made it a point to attend or send other senior Bureau officials to major air shows around the world to advocate for U.S. defense products; if confirmed, would you continue this practice?

Answer. The mandatory cuts imposed by sequestration are not the ideal way to run the government. Indeed, the sequestration cuts and budgetary constraints have affected the PM Bureau's operations.

Sequestration forced cuts to all Foreign Military Financing programs, including longstanding commitments to Israel and Jordan. The cuts were consistent with the letter of the law and the Department's policy to apply foreign assistance cuts equitably. Sequestration cuts also reduced the number of students that the U.S. Government could train in the United States under the International Military Education and Training program.

With respect to export license processing, sequestration has had minimal impact on the operations of the PM Bureau's Directorate of Defense Trade Controls (DDTC), and no discernible impact on export license processing.

If confirmed, I will continually assess and prioritize these and other critical functions within the PM Bureau, ensuring that the Bureau can execute its mission within the context of a constrained fiscal environment. If PM attendance at air shows is shown to be a cost-effective way to advance U.S. interests and support industry, then I will support sending PM representatives to these type of events.

Question. What challenges does the PM Bureau face in coordinating with other agencies, including (but not limited to) the Department of Defense? Similarly, what challenges does it face in coordination within the State Department, such as with the regional and other functional Bureaus (such as the Bureau for Democracy, Human Rights, and Labor)? How would you, if confirmed, address these challenges?

Answer. PM is the State Department's principal link to the Departments of Defense. It is my understanding that Secretaries Kerry and Hagel emphasize the coordination between State and Defense and the two Departments are communicating, coordinating, and collaborating well at all levels. The number of Foreign Policy Advisors detailed to the Department of Defense (DOD) and Military Advisors detailed to the Department of State is at an all-time high. PM coordinates the participation of State Department regional and functional experts in defense strategic planning and Combatant Command planning to ensure defense plans and U.S. military activities are consonant with U.S. foreign policy and Department of State activities. DOD, in turn, along with State regional and functional bureaus, participates in PM security sector assistance (SSA) planning, including PM's annual Security Assistance Roundtables that focus on regional priorities.

If confirmed, I welcome the opportunity, to help ensure that military assistance programs complement nonmilitary assistance programs managed by other State Department bureaus, including for counterterrorism, rule of law development, countering transnational crime, counternarcotics, and humanitarian assistance. Should I be confirmed, I intend to continue to work closely with the Bureau for Democracy, Human Rights, and Labor to ensure U.S. assistance undergoes rigorous Leahy vetting.

Within the context of Presidential Policy Directive 23 on SSA, which calls for a more holistic approach to SSA, PM coordinates closely with the U.S. Agency for International Development, and the Departments of Treasury, Justice, and Homeland Security as well as Defense. There is strong agreement on the principles of a holistic approach to implementing PPD 23. My challenge, if confirmed, is to help align different approaches to planning and programming to implement security sector assistance more effectively.

Question. Under the political adviser (or POLAD) program, senior State Department Foreign Service officers are provided as advisors to senior military leaders. This program has grown dramatically in recent years, from roughly 15 POLADs in 2007 to almost 100 in 2013.

- ◆ In your view, how successful has this program been? Please provide specific examples. How do you see the future of the POLAD program? In the current budget-constrained environment, is this an appropriate use of resources?

Answer. The Foreign Policy Advisor (POLAD) Program is a cost-effective effort to reinforce links between the Department of State and Department of Defense by providing commanders (two star and above) with State Department Foreign Service officers who serve as senior advisors. The program, which PM manages, has had the flexibility to accommodate emerging requirements in the Department of Defense. When a major general or a rear admiral requests a POLAD, PM has almost always had the flexibility to provide him or her with one.

In the year 2000, PM oversaw just 10 POLAD positions. Between 2007 and 2011, the Departments agreed to create 60 additional positions. At present, the number of POLAD positions has leveled off to a steady state of 91. DOD Commands, PM, and the Foreign Service assignment system feel comfortable with the current size of the program because it covers almost all the most important commands and offices at the Department of Defense including the Geographic Combatant Commands, the Joint Staff, and the Service Chiefs. The end of the U.S. military missions in Iraq and Afghanistan, and the reduced need for POLADs there, for example, have enabled the Bureau to maintain the same number of POLAD authorizations, but increase the geographic and functional scope of Department of State presence in the Department of Defense. In calendar year 2013, the Bureau reprogrammed POLAD positions no longer needed to provide Department of State support to the North Atlantic Treaty Organization, the Army Component of U.S.

Northern Command, the Special Operations Component of U.S. Northern Command, and the Human Rights office of U.S. Southern Command.

DOD commanders have expressed great appreciation for the expertise of State Department POLADs. In recent years, POLADs at AFRICOM and CENTCOM provided support during the Arab Spring. In the Pacific, Foreign Policy Advisors were instrumental in coordinating the highest level visit by U.S. military leaders to Burma in 20 years, and were a key asset for military response to the aftermath of earthquakes in Japan.

Admiral William McRaven, Commander, U.S. Special Operations Command, said during a recent visit to the Department of State that the POLAD "sits at my right hand for all major decisions that have anything to do with operations downrange in other countries. The Political Advisor is a key individual to every decision I make regarding the employment of Special Operations Forces. No major decision is made without first checking with the Political Advisor."

If confirmed, I will work to make sure the PM Bureau continues to coordinate with State and DOD leadership on this valuable program by placing the best Foreign Service Officers in DOD commands where they can add the most policy expertise and value.

Question. How would you describe the State Department's role in security assistance under PPD-23? Do you think this role conforms to the legal responsibility conveyed upon the Secretary of State to exercise continuous supervision and general direction of military assistance? Is State encountering any resistance or noncompliance from other agencies in following State's leadership? To your knowledge, has PPD-23 introduced any changes in the conduct of security assistance programs? Does the administration plan to ask for any additional resources to enable the State Department to conduct its coordinating role?

PPD-23 calls for informing policy with "rigorous analysis, assessments, and evaluations" and for establishing "measurable SSA objectives" and "appropriate data collection of the impacts and results of SSA programs. . . ." To your knowledge, to what extent is the PM Bureau involved in the development of standardized metrics and assessment and evaluation methodologies? What progress has been made toward developing these metrics and methodologies?

Answer. Under Presidential Policy Directive 23, signed by President Obama on April 5, 2013, the State Department has the lead role regarding policy, supervision, and oversight of U.S. Government security sector assistance (SSA). The PPD aligns with the Secretary's legal responsibilities. It also provides the Secretary with more tools and authority to create greater transparency and direction in the SSA planning and implementation process.

The Department and other SSA agencies are in the process of implementing the requirements of the PPD, and PM is encouraged by the high levels of transparency and cooperation from the other agencies. If confirmed, I will strive to maintain such coordination. PM has not yet come to a final analysis of the requirements the PPD may impose and are currently undertaking implementation with existing resources.

The Department is convening a working group to develop the framework for standardized methodologies and metrics for security sector assistance writ large with the participation of PM. The PM Bureau has also begun implementation of a multiyear monitoring and evaluation strategy for the FMF program. As part of SSA implementation, PM is developing, in consultation with DOD colleagues, a process for standardized, metrics-based assessment of military capabilities. This assessment process will provide the foundations for planned program evaluations and definition of measurable SSA objectives.

Question. Why do you think it took nearly 2 years to set up a joint State-DOD Global Security Contingency Fund (GSCF) office and implement programs in seven countries? Has the GSCF reached "full operational capability?" If not, what are the obstacles to reaching that goal?

What progress has been made in implementing FY 2012 programs planned for Nigeria, the Philippines, Bangladesh, Libya, Hungary, Romania, and Slovakia? How has State-DOD cooperation worked in designing and implementing these programs?

Why are there no FY 2013-funded GSCF programs? Some observers allege that there were deserving projects but the State Department decided not to transfer funds to the GSCF because those funds were needed more urgently elsewhere. Is this true? Does the State Department contemplate funding GSCF programs in FY 2014?

Answer. If confirmed, I look forward to working with Congress to improve the efficacy of the Global Security Contingency Fund (GSCF). Properly setting up any new program takes time. GSCF requires joint State Department-Department of Defense

(DOD) formulation and funding. State and DOD have sought congressional approval for funding certain projects. It has been challenging to craft proposals that meet the concerns of both Departments and their respective congressional committees. State and DOD have worked over the past 2 years to operationalize GSCF. The Departments collocated GSCF staff, and jointly developed detailed individual program plans for execution consistent with congressional committees' and subcommittees' requirements and expectations.

The Departments created the various processes, and put together the operational frameworks for program management, including required Memoranda of Understanding to enable the Departments to exercise the authority. State and DOD also developed the metrics for, and awarded a contract for a third-party to conduct monitoring and evaluation for the overall program.

Additionally, State and DOD regularly evaluated lessons learned with the program and jointly developed proposals and offered guidance to streamline the GSCF and make it more agile and responsive. As a result, the Departments are finalizing new guidance and a revised process to exercise the authority. Consistent with section 1207(l)(3) of the National Defense Authorization Act for Fiscal Year (FY) 2012, State and DOD will notify Congress once they issue guidance and establish this revised process.

The Departments will consider the GSCF as reaching "full operational capacity" once a program has been implemented in full, and monitoring and evaluation completed.

The following is a summary of the GSCF programs/proposals to date:

- *Bangladesh (Special Operations Capacity Building)*: Congress approved this program in early August 2013. Initial implementation efforts are underway. Equipment should arrive in-country between January–March 2014, with training commencing thereafter.
- *Libya (Special Operations Capacity Building)*: Congress approved this program in early August 2013. Implementation is pending additional vetting of potential recipients and selection of an appropriate training venue.
- *Hungary, Romania, and Slovakia (Special Operations Capacity Building)*: Congress approved this program in early August 2013. Initial implementation efforts are underway. Equipment should arrive in-country between January–March 2014, with training commencing thereafter.
- *Libya (Border Security)*: Congress approved this program and approved DOD's funds transfer in early August 2013, with the exception of planned border security program activities to train and equip Libyan SOF to use tactical Unmanned Aerial Systems to identify and interdict border violations. Program implementation is pending additional vetting of potential recipients from identified ministries and selection of appropriate training venues.
- *The Philippines (Maritime Domain Awareness and Law Enforcement Counterterrorism Capacity Building)*: Congress approved this program in early October 2013. While State and DOD have engaged the Government of the Philippines on the program following congressional approval, the U.S. and Philippine governments understandably directed efforts elsewhere following the recent typhoon. The Departments anticipate resuming implementation efforts in the near term.
- *Nigeria*: The principal U.S. objective is to help the Government of Nigeria coordinate a national-level approach to mitigate the domestic and international threat posed by Boko Haram. This program is still in the planning phase to accommodate evolving conditions on the ground.

State-DOD cooperation in designing and implementing GSCF programs has been one of the most significant program achievements to date. Both Departments have an equal say in which activities are included in the individual program, and who will be the most appropriate implementer for a given activity. Doing so has also facilitated discussion between the Departments, and with Posts and Combatant Commands to ensure GSCF activities complement current and planned activities under other authorities.

In FY 2013, State and DOD determined that none of the proposed programs fit the criteria for GSCF. The proposals did not contain a sufficient level of detail, and in some cases, the Departments could fund proposed programs under other authorities with existing resources. The Departments intend to use the GSCF to meet emerging challenges and opportunities that could not be addressed under existing authorities. In some years State and DOD may need to use the entire transfer authority and in others they may not depending on global events. If confirmed, I hope to work with Congress to achieve the responsive program Congress and the administration intended.

Question. Export Control Reform Initiative (ECRI): The ECRI regulations have stated that, going forward, the sole criteria for placing a defense article or service under the stringent controls of the U.S. Munitions List will be whether such article or service conveys a "critical military or intelligence advantage to the U.S."

♦ Do you have any concerns that such a single standard could transform the USML into a "Technology Export Control List," rather than serve its current role to control the export of arms of substantial military utility that could be used to the detriment of the national security or foreign policy goals of the United States or our friends and allies?

Answer. The basis of the State Department's export control responsibilities, as a matter of policy and as established in the Arms Export Control Act (AECA), is that U.S. foreign policy should shape defense exports; defense exports should not shape U.S. foreign policy. Export Control Reform (ECR) enhances this ethic. The President directed the ECR effort, among other reasons, because the U.S. Munitions List (USML) currently captures items that are not critical to military or intelligence applications. The export of many of these items no longer poses a threat to U.S. national interests. The revisions to the USML are designed to move munitions that have significant commercial uses and limited military or intelligence applicability to the more flexible controls available on the Commerce Control List. The USML will continue to be foreign policy tool, not merely a technology control list.

Question. How will you ensure that all licenses for export of arms that will be under the jurisdiction of the Department of Commerce will be fully vetted by your personnel before Commerce allows export? Should Commerce practices for exceptions to Strategic Trade Authorization (STA) countries be significantly reviewed as a consequence to ensure appropriate oversight of sensitive dual-use technology/systems?

Answer. The Department of State has authority to review all export license applications submitted to the Department of Commerce. In the case of items moved from the U.S. Munitions List to the Commerce Control List (CCL), the State Department will continue to review all license applications submitted to the Department of Commerce. With regard to Strategic Trade Authorization (STA) countries, STA eligibility is limited to only close allies such as NATO partners and countries whose export control regimes are closely in line with that of the United States. The Departments of State, Defense, Energy, Justice, and Homeland Security and the Intelligence Community were full partners in STA development. The administration is confident that the STA authorization will be a valuable tool in protecting U.S. national security and foreign policy interests.

Question. The USML is currently under the oversight of the Secretary of State to ensure that such exports conform to U.S. foreign policy and national security interests. A single licensing agency would presumably not be the State Department, and therefore the Secretary of State would lose this primary oversight and management role. How is that good for U.S. foreign policy and national security?

Answer. The executive branch will consult with Congress on how to structure a future Single Licensing Agency. Personnel with relevant expertise from State, Defense, and Commerce should still review export license applications for USML and CCL items. The administration should continue to bring to bear the full range of U.S. national security and foreign policy interests on licensing decisions as Export Control Reform advances.

Question. How will/has the administration's Export Control Reform Initiative (ECRI) make the system more efficient for U.S. exporters?

Answer. The Export Control Reform Initiative (ECR) includes a number of innovations for U.S. exporters. First, ECR is bringing clarity to the regulatory language associated with the U.S. Munitions List and decreasing reliance on control mechanisms that create uncertainty for exporters—so-called "catch-all controls." A key element of this emphasis on "plain language" is to harmonize the export control regulations administered by the State and Commerce Departments. These changes will make it easier for U.S. companies and their customers overseas to understand U.S. export regulations and to comply with them. This is not merely a streamlining of the exporting licensing process. The ambiguity of the "old" regulations has forced U.S. companies to expend time and resources seeking formal U.S. Government rulings on whether their products fall under the State or Commerce regulatory systems. These rulings are known as "Commodity Jurisdictions" at State and "Commodity Classifications" at Commerce. The improved clarity of the State and Commerce regulations, and the improved harmonization of the two systems, should

make it easier for exporters to administer their own compliance systems, and spend less time waiting for State and Commerce to issue formal regulatory rulings.

Furthermore, ECR is improving how technology is leveraged by U.S. export control agencies. Full deployment of the "USXports" computer system to the three largest U.S. export regulatory agencies—Defense, State and Commerce—will streamline the license application process. The administration expects that, over time, exporters will benefit from an improved online interface with the export licensing agencies as well.

Finally, exporters of the less sensitive items transitioning to Commerce jurisdiction may be able to utilize a new mechanism called the "Strategic Trade Authorization" (STA) license exception. The STA license exception permits transfer of certain items to countries where there is a low risk of diversion, such as NATO countries and other close allies. The STA mechanism is expected to relieve U.S. exporters of a significant licensing burden with low risk to foreign policy priorities.

Question. How does the rationalization of the two control lists advance the goal of a single unified control list? Will the reforms result in less licensing activity by DDTC? Can this be quantified?

Answer. The revisions made to the USML and the CCL, as well as the updated definitions contained in the ITAR and EAR, are intended to harmonize the lists and their associated control mechanisms. This harmonization is a prerequisite to eventually combining the lists. The administration does anticipate a decrease in license applications to the Department of State as a result of ECR. The first in a series of rule changes went into effect on October 15, so it is still too early to accurately project the size of that decrease.

RESPONSE OF MIKE HAMMER TO QUESTION
SUBMITTED BY SENATOR ROBERT MENENDEZ

Question. Chile is becoming a leader in solar energy in Latin America and several American firms have all announced large planned solar projects in the country. What can we do to build upon this success, further stimulate the solar market in Chile, and encourage American business investment?

Answer. Chile has significant solar energy potential and ranks second in the International Trade Agency's (ITA) list of top solar export markets through 2015. In Chile, American solar and other renewable energy companies are pursuing investment opportunities and offering solutions to energy challenges. If confirmed, one of my top and immediate priorities will be to promote business opportunities that create American jobs.

I will advocate for U.S. companies, share the U.S. experience in managing renewable energy sources, and promote clean American technologies and solutions. I also plan, if confirmed, to lead U.S. Embassy Santiago's efforts in support of U.S. companies so they are well-positioned to succeed in the Chilean energy market, including working to make sure they compete on a level playing field in Chile's solar energy sector.

Embassy Santiago actively promotes solar energy exports to Chile. Although millions of dollars of equipment and services are already being exported from the United States to develop solar energy in Chile, the U.S. Government is pushing for more. Through combined efforts with the Department of Commerce, our Embassy organized a renewable energy trade mission in April 2013 that brought 20 U.S. companies to Chile to meet with senior Chilean officials and share best practices with the Chilean Government and private sector in order to encourage a thriving clean energy market. Efforts like these pay off as U.S. companies navigate a new export market.

If confirmed, I will support and look to expand these efforts, including by participating in the State Department's Direct Line Program that offers U.S. companies an on-the-ground report of market conditions from the Ambassador. These calls would enable any U.S. company to reach into my office and get my attention if they are looking to promote U.S. business in Chile, including in the solar energy sector.

RESPONSE OF KEVIN WHITAKER TO QUESTION
SUBMITTED BY SENATOR ROBERT MENENDEZ

Question. Over the past decade, Colombia's Government has committed to a series of transformational initiatives, including the Law on Victims and Land Restitution, the territorial consolidation program and the U.S.-Colombia Labor Action plan.

However, implementation has been challenging and results have not always kept pace with established goals.

- ◆ As the United States Government continues its strategically important efforts to support the Colombian Government, what additional steps can be taken to help strengthen institutional capacity in Colombia at the local and national level to implement initiatives such as the Law on Victims and Land Restitution, as well as any other initiatives that might result from a successful peace process?

A recent report by members of the House of Representatives finds that effort is still needed on the part of the United States and Colombia to make the U.S.-Colombia Action plan a reality on the ground. The report highlights that indirect employment is still a challenge, that the inspection system could be strengthened, and that protections for workers still need to be improved.

- ◆ What steps are needed in order to strengthen the implementation of the Labor Action Plan?

Afro-Colombian communities continue to be disproportionately affected by the internal armed conflict, forced displacement and human rights abuses.

- ◆ What steps can be taken to support the Colombian Government's efforts to provide the country's Afro-Colombian population with greater protections and greater access to programs under the Law on Victims and Land Restitution?

Answer. Colombia continues to make progress on human rights and labor issues, but significant challenges remain, including attacks against and killing of human rights defenders and labor activists, continued forced displacement, threats against those who return to their lands, and slow progress in combating impunity.

The United States and Colombia maintain a frank dialogue at the national and municipal levels, and with local and international NGOs and labor organizations to identify issues and to improve conditions. U.S. programs support the development of rule of law, human rights, capacity for municipal governments, and victim assistance initiatives by the Government of Colombia.

Through Economic Support Funds, the United States promotes economic prosperity through the licit economy, improving living conditions for Colombia's most vulnerable groups, and promotes respect for human rights and strengthens the rule of law. USAID also supports Colombian efforts to transition out of conflict and to establish conditions for sustainable peace. This includes more than \$60 million for an Afro-Colombian and Indigenous Program, intended to assist these communities, which have been disproportionately affected by the conflict and other factors. The United States continues its collaboration within the areas of rural development and land restitution, key concerns at the heart of the Colombia's ongoing conflict. USAID announced \$68 million in support of Colombian efforts to: (1) restore land to victims of conflict; (2) issue land titles; and (3) generate opportunities for viable rural livelihoods for small farmers. In addition, USAID will help expand the coverage of legal protection of land rights, especially those of small farmers, by strengthening the Colombian Government's land titling efforts. USAID also maintains other programs intended to help build the capacity of civil society and the Colombian Government to improve respect for human rights; expand access to justice; and to strengthen electoral institutions and labor unions. The question of support for Disarmament, Demobilization and Reintegration (DDR) will occur in the event a peace accord is achieved. The United States has experience in Colombia in this area, having provided more than \$144 million between 2006 and 2014 to support reintegration of ex-combatants, including child soldiers. If confirmed, I would propose to quickly establish a strong dialogue with Congress on how best we could support DDR and other activities attendant to an eventual possible peace accord. Another area worth considering in this regard is the possibility of international organization involvement, and U.S. support for such initiatives. Additionally, the State Department provides emergency humanitarian assistance for internally displaced people in Colombia and Colombian refugees in neighboring countries, including \$36 million this year.

We are committed to full implementation of the Colombia Labor Action Plan, and continue to work intensively with Colombia to achieve this goal. President Obama raised labor as a priority issue with President Santos during his official visit to Washington the first week of December. Colombian Minister of Labor Pardo participated in the meeting between our Presidents, and also met separately with Secretary of Labor Perez to discuss areas for continued focus and collaboration. Our Department of Labor and USTR maintain a fluid dialogue with the Ministry of Labor and with all stakeholders on Action Plan issues and compliance.

The United States, through the Department of Labor, will continue its support of a grant to the International Labor Organization (ILO) presence in Colombia to train inspectors in areas of the Labor Action Plan. As part of the plan, the Government of Colombia committed to doubling its labor inspectorate by hiring 480 new inspectors by 2014. As of September 2013, there were 634 inspector positions total, 546 of which were filled. Training these inspectors is an integral part of implementing Colombia's new labor laws, which support the goals of the Labor Action Plan. As noted, USTR and the Department of Labor continue to engage with the Ministry of Labor in regular technical meetings regarding the collection of fines issued by labor inspectors, among other issues.

If confirmed, I will engage our Colombian partners to ensure we address the full range of labor rights issues covered under the plan. Indeed, as I noted in the December 11 hearing, if confirmed I would commit to make this a matter of regular and routine discourse with the highest levels of the Colombian Government so that they understand our position and expectations. Colombia needs to do a better job at collecting fines imposed for labor violations, undertaking targeted inspections in the five priority sectors (palm oil, sugar, mines, ports, and flowers), and halting abusive third party contracting. With respect to violence and threats against labor activists, I share your concerns that even one murder of a unionist is one too many. We regularly raise these concerns at all levels of the Colombian Government, in Washington and in Bogota. A part of the ILO grant is dedicated to training judicial investigators and prosecutors on labor rights and strengthening their abilities to investigate these murders and threats.

Women and members of both Afro-Colombian and indigenous communities are disproportionately affected by violence, poverty, forced displacement, landmines, sexual violence, forced recruitment, and discrimination. Colombia is recognizing past human rights violations and affirming the right of victims to truth, justice, and reparation. These positive steps are necessary if Colombia is to achieve sustainable peace and reconciliation. Again, as I indicated in the December 11 hearing, if confirmed, I will seek to identify additional ways we can help address their needs, in cooperation with Colombia counterparts. One of the mechanisms which we can use is the U.S.-Colombia Action Plan on Racial and Ethnic Equality (CAPREE) process, an innovative approach conceived by the Bureau of Western Hemisphere Affairs to systematize collaboration and sharing best practices to address the needs of racial and ethnic minorities. I would continue our collaboration with Colombia in supporting economic development, educational opportunities, and addressing barriers to inclusion for indigenous and afro-descendent communities in both the United States and Colombia. It is important to continue support for educational and development programs for these communities through the State Department and USAID.

The Race, Ethnicity, and Social Inclusion Unit (RESIU) within the State Department helps us carry out and maintain focus on our bilateral and regional dialogue with partners in the Western Hemisphere on issues impacting Afro-descendants and indigenous communities.

RESPONSES OF BRUCE HEYMAN TO QUESTIONS
SUBMITTED BY SENATOR ROBERT MENEZES

Question. January 1, 2014 marks the 20th anniversary of NAFTA. Over the past two decades, tremendous efforts have been taken to promote the interchange of goods, services, people, and investment across the three countries of North America. Today, Canada is our most important trade partner in terms of both exports and imports.

♦ Although the countries of North America have recently turned to Asia and Europe for the next generation of trade deals, what is the assessment of the future of North American integration? What steps can be taken to promote the further integration of the three countries?

Answer. The groundbreaking North American Free Trade Agreement (NAFTA) created the world's largest free trade area. Its adoption and implementation have represented huge steps toward shared prosperity. NAFTA helped create new markets and opportunities in all three countries and enabled the United States and Canada to deepen and develop further the world's largest and most comprehensive trade relationship. The administration is negotiating a next-generation trade agreement, the Trans-Pacific Partnership (TPP), which includes NAFTA partners Canada and Mexico. The TPP would serve as the foundation for an expanded regional trading and investment market and its adoption would represent our best opportunity to adopt a comprehensive strategy—one that would benefit the citizens of the United States—to integrate further the combined economic output of the United

States, Canada, and Mexico. In addition, the three countries continue to expand cooperation on regulatory regimes, cross-border trade facilitation, and agriculture, health, environment, and security issues. Mexico will host the next North American Leaders' summit in February 2014, where President Obama and his counterparts will discuss many of these issues. If confirmed, I look forward to supporting U.S. efforts in strengthening our North American ties to make us more prosperous and secure.

Question. In February 2011, the United States and Canada signed the Beyond the Border declaration describing their shared visions for a common approach to perimeter security and economic competitiveness. The declaration commits both nations to negotiate on information-sharing and joint threat assessments to develop a common and early understanding of the threat environment; infrastructure investment to accommodate continued growth in legal commercial and passenger traffic; integrated cross-border law enforcement operations; and integrated steps to strengthen shared cyber-infrastructure.

◆ What is the current assessment of the Beyond the Border initiative and what steps can be taken to further advance its progress?

Answer. I understand that a tremendous amount of border management cooperation occurs under the auspices of the Beyond the Border initiative. If confirmed, I will work with Canadian and U.S. agencies to ensure that we continue to improve border security and facilitate trade. One accomplishment of the Beyond the Border initiative is the entry/exit project, through which the United States and Canada exchange information on third country nationals who cross our shared land border, such that a record of an entry into one country could be considered a record of an exit from the other. Another example is the NEXUS program, which expedites travel for low-risk, preapproved travelers between the United States and Canada. The program continues to expand and now allows NEXUS members to participate in the TSA precheck program. If confirmed, I will support this initiative and work with Canada to look for additional opportunities to facilitate citizen travel, such as upgrading border infrastructure.

RESPONSES OF CATHERINE ANN NOVELLI TO QUESTIONS
SUBMITTED BY SENATOR BOB CORKER

Question. The United States and the European Union will soon enter a third round of discussions on Transatlantic Trade and Investment Partnership (TTIP). The TTIP negotiations provide a great opportunity for the United States to address a number of unresolved issues, including protecting U.S. innovation and intellectual property protection in pharmaceuticals. Some in U.S. industry have expressed concerns over inadequate protection of confidential commercial information submitted for the purposes of marketing approval to EU authorities, specifically the European Medicines Agency.

◆ Do you share these concerns? If so, what steps do you plan to engage with the EU such that these concerns are adequately addressed?

Answer. I understand and share U.S. stakeholder concerns regarding data protection, and if confirmed, I will work diligently to ensure U.S. commercial information is afforded adequate protection. If confirmed, I will also work to ensure the effective protection and enforcement of all U.S. intellectual property and property rights, including intellectual property associated with pharmaceuticals.

I know that the United States is closely monitoring this situation, including in the context of the TTIP negotiations. If confirmed, I will also continue to engage actively with the EU on this issue.

Question. In May of this year, this committee held a hearing on Europe and the economy. As you would expect, the issue of the Transatlantic Trade and Investment Partnership was discussed, including the issues of regulatory convergence generally and the inclusion of financial services regulatory cooperation specifically. In that hearing Under Secretary of State Hormats stated that the administration's position was that all issues would be on the table in the TTIP—that nothing would be excluded. Subsequently, however, Treasury Under Secretary Brainard then offered that financial services regulatory issues would be excluded from TTIP and would be reserved for existing dialogues.

◆ Does the administration support the full inclusion of financial services regulatory cooperation in the TTIP agreement? If not, why not? If we agree to exclude this issue from TTIP, what is the risk that the EU will seek to exclude sectors that are important to us?

Answer. Financial services are a critical component of the transatlantic relationship. I understand that in the TTIP, as in all our trade agreements, the administration will continue to seek to ensure that U.S. financial services firms enjoy nondiscriminatory market access and the full range of investor protections.

It is my understanding that since the financial crisis, Treasury and our financial regulators have been actively engaged on a range of financial regulatory issues. There is an active, ongoing agenda with ambitious deadlines on regulatory and prudential cooperation in the financial sector—both multilaterally in the G20 and Financial Stability Board, bilaterally under the Financial Markets Regulatory Dialogue, and in international standards setting bodies such as the Basel Committee on Banking Supervision and the International Organization of Securities Commissions. This work will continue in parallel alongside TTIP. I also understand that administration officials have made clear that it will not weaken financial regulations through our trade agreements.

RESPONSES OF TINA S. K Aidanow TO QUESTIONS
SUBMITTED BY SENATOR BOB CORKER

Question. How would you describe the operational capability of al-Qaeda? How would you describe its organizational structure? How has the operational capability of al-Qaeda and its organizational structure changed over the past decade?

Answer. Al-Qaeda (AQ) remains fundamentally a hierarchical organization, although with the death in 2011 of Usama bin Laden, and persistent counterterrorism pressure against its core elements in South Asia, the AQ core has been significantly degraded. However, Ayman al-Zawahiri remains the recognized ideological leader of a jihadist movement that includes AQ-affiliated and allied groups worldwide that continues to pose a terrorist threat to the United States.

The AQ threat has become more geographically diverse, with much of the organization's activity devolving to its affiliates around the world, which are increasingly setting their own goals and specifying their own targets. As avenues previously open to these and other violent extremist organizations for receiving and sending funds have become more difficult to access, several groups have engaged in kidnapping for ransom and other criminal activities, and thus have also increased their financial independence.

The August threat to our Embassies underscored AQ's operational capability on the local level and demonstrated the ability of AQ-affiliates and inspired groups to plot and conduct attacks locally and to plot more modest attacks against the U.S. homeland and U.S. interests. Among AQ affiliates, Al Qaeda in the Arabian Peninsula (AQAP) has shown itself to be AQ's most dangerous affiliate and established itself as the first AQ affiliate with the determination and capability of striking the United States, as we saw on December 25, 2009, when it attempted to destroy an airliner bound for Detroit, and again the following year, with a plot to destroy several U.S.-bound airplanes with bombs timed to detonate in the cargo holds.

AQ-affiliated groups in Syria are a growing concern, especially al-Nusra Front (ANF) and Al Qaeda in Iraq (AQI), now known as the Islamic State of Iraq and the Levant (ISIL). The conflict in Syria is attracting thousands of fighters from around the world, some of whom are joining violent extremist groups, including ANF and AQI/ISIL. AQI/ISIL is the strongest it has been since its peak in 2006, and it has exploited the security environments in Iraq and the conflict in Syria to significantly increase the pace and complexity of its attacks.

In the short term, we must maintain the pressure on AQ and its affiliates to disrupt their operations and bring terrorists to justice within a framework that respects human rights and the rule of law. In the long term, the President made it clear that we need to do more to counter the social, economic, and political drivers of violent extremism that fuel terrorist recruitment and also build the capacity of our partners to address terrorist threats within their borders and regions.

Question. How has the terrorist threat inside Syria evolved over the past 2 years and what has driven that evolution? What are the long-term, regional and global risks of the unprecedented level of foreign fighters in Syria and what steps can the U.S. Government take to mitigate those risks?

Answer. The prolonged instability in Syria has allowed for the steadily increasing insertion of al-Qaeda affiliates, Shia militants, and other terrorist fighters into the Syrian battlefield. Syria's long and increasingly porous borders remain areas where these groups continue to facilitate the movement of people and materiel to support operational activity. In addition, these groups have also been able to utilize various

means of strategic messaging in their efforts to recruit additional fighters from within and outside of Syria.

Over the long term, an increasing presence of foreign fighters within Syria poses a grave threat to regional and global stability. We are aware of these potential consequences due to the considerable number of foreign fighters who traveled to Iraq over the past decade. First and foremost, we are concerned with the ability of foreign fighters to gain considerable battlefield and other operational experience while in Syria, and the relationships they may develop with larger terrorist organizations while there. This poses a considerable threat to Syria's longer term stability and related ability to stabilize and transition to a more open and inclusive system post-Assad. Second, this long-term ability to operate within Syria can provide these groups the ability for possible external planning, either within the region or against U.S. or other Western targets. The potential for either of these eventualities is a focus of our current mitigation efforts. The interagency is currently working with partners in the region and in Europe to mitigate the threats posed by foreign fighter travel. These efforts include developing options for closer cooperation on law enforcement and border security, efforts to increase information sharing on known foreign fighters and suspect travelers, and developing and sharing best practices on public messaging to counter the potential recruitment of fighters.

RESPONSES OF PUNEET TALWAR TO QUESTIONS
SUBMITTED BY SENATOR BOB CORKER

Question. This administration has sought to provide significant military capability throughout the Middle East through foreign military sales. How does this more robust capability advance U.S. national security interests and still maintain the qualitative military edge of Israel within the region?

Answer. The administration has sought to enhance security cooperation with and between U.S. partners in the Middle East as one of its fundamental goals for the region. The United States is engaged in extensive efforts to ensure its partners have credible military capabilities to respond to potential regional threats. An essential part of this approach is providing our partners access when appropriate to military technologies critical to their national defense. These sales will also allow U.S. security partners to bear a greater share of the burden for regional security.

Enhancing the capabilities of our Arab partners does not come at the expense of Israel's security. Israel remains, by a significant margin, the leading recipient of foreign military financing and the Israel Defense Forces enjoy privileged access to the most advanced U.S. military equipment, such as the F-35 Joint Strike Fighter and the V-22 Osprey. If confirmed, I will continue to prioritize the PM Bureau's efforts to strengthen security cooperation with Israel and safeguard its qualitative military edge (QME).

Question. Countries emerging from conflict, such as Iraq and Libya, may demonstrate great need in modernizing their military forces and aligning their capabilities with U.S. security interests. Under what circumstances should we export U.S. defense technology or provide other security assistance to such countries when we have significant policy disputes?

Answer. All decisions to provide U.S. defense equipment or security assistance are based on advancing and protecting the national security interests of the United States in accordance with the Conventional Arms Transfer Policy. In the case of Iraq and Libya, it is in the direct interest of the United States for these countries to professionalize and modernize their armed forces.

The United States should be engaged in Libya at this critical time in the country's transition to support the Libyan people. Violent extremist groups will seek to exploit any instability in Libya. U.S. security cooperation can prevent violent extremists from gaining ground in North Africa.

If confirmed, I will continue to advocate for U.S. interests in Iraq and the region, including the development of a strong, capable Iraqi Security Forces. The primary objective of U.S. foreign policy in Iraq is the development of a long-term and enduring strategic partnership between the United States and a stable, sovereign, self-reliant Iraq that contributes to peace and security in the region. Bolstering Iraq's ability to defend its air space and protect its borders will contribute to stability and security in the region. Iraq seeks the foundational defense systems necessary for this effort. These systems will build long-term ties between Iraq and its suppliers. The U.S. Government should continue to provide Iraq the equipment, training, and support necessary to build its defense capabilities and support its ongoing fight against al-Qaeda in Iraq and other terrorist elements.

U.S. security assistance is critical to Iraq's security and supports the continued development and professionalization of the Iraqi military. The Department's Foreign Military Sales and Foreign Military Financing programs bolster this defense relationship, promote U.S. security interests, and help ensure the United States is a key strategic partner for Iraq over the long term.

Question. UAV Export Policy.—More than 2 years have passed since the Italian Government requested a license to purchase missiles and other requirements for arming the predator unmanned systems. Since that time, the administration's interagency policymaking process has been engaged in building a policy that will clarify when, to whom, and under what conditions the United States may consider exporting systems controlled under the Missile Technology Control Regime categories 1 and 2, particularly armed systems.

♦ What is the status of the development of such a policy? What is the current timeline for completing this policy?

Answer. I have not been involved in this process in my current capacity, but I understand that the Departments of State and Defense have been diligently working on a UAV export policy for some time. The PM Bureau has played a key role in this process. If confirmed, I will make sure the PM Bureau briefs Congress on the outcome of the review as soon as it is available. The administration understands the importance and sensitivity of the issue, and PM looks forward to continuing to work closely with you, your staff, and your colleagues on this issue in the coming months.

Question. Export Control Reform Initiative.—While much work has already been completed toward harmonizing the export control lists of State and Commerce, the majority of the lists have yet to go to final publication in the Federal Registry. How will you play a role in the critical stage between preliminary and final publication to ensure that we maintain appropriate protections on those items deemed necessary to security while ensuring that the reform initiative truly makes the licensing process more transparent and predictable for U.S. businesses?

Answer. If confirmed, implementing Export Control Reform will be a top priority. Proposed rules are the product of careful interagency deliberation and public comment on those rules is an essential part of the process. PM's Directorate of Defense Trade Controls is the lead element in this effort and I will support them in ensuring that the input of government and public stakeholders will continue to be used to develop effective final rules which retain control on the U.S. Munitions List (USML) of those items that have critical military and intelligence applications, and which generally have limited foreign availability and commercial use.

The Directorate will continue its outreach efforts to the defense export industry to ensure understanding of and compliance with the new regulations. New information technologies also will make the export licensing process more transparent and predictable. Full deployment of the USXports system to the three largest U.S. export regulatory agencies in the coming year will streamline the processes through which license applications are handled, and in time, exporters will benefit from a single on-line interface with all export licensing agencies.

RESPONSE OF MIKE A. HAMMER TO QUESTION
SUBMITTED BY SENATOR BOB CORNER

Question. One aspect of the U.S. health care delivery that has continued to trouble me is that U.S. consumers pay more for their pharmaceuticals and medical devices than other developed countries. Because developed countries continue to set their prices below competitive levels, it forces our consumers to shoulder more than their fair share of the global research and development burden. Another trend among developed countries that only exacerbates this problem is the weakening of intellectual property protections amongst our trading partners. Of the 40 countries on USTR's watch list for 2013, 23 are listed because of their weak pharmaceutical IP protections; these include many U.S. trading partners. The administration is currently in negotiations on two multilateral trade agreements and I believe it is crucial that strong IP protections be included to ensure developed countries shoulder their share of this global burden.

Chile was once again listed on the USTR's priority watch list in 2013. Of primary concern is that Chile has yet to pass legislation or implement regulations that would fulfill their free trade agreement obligations regarding patent enforcement. Although the FTA was signed in 2003 and became enforceable in 2004, Chile has yet to put in place a system that will effectively satisfy their current obligations.

♦ Mr. Hammer, if confirmed, how do you intend to address this issue and work to ensure Chile fulfills its FTA obligations?

Answer. American ingenuity and innovation are key to propelling the United States economy, particularly in the fields of medicine, technology, and culture. This is possible because of our country's respect for and enforcement of intellectual property rights. If confirmed, I will make intellectual property rights enforcement a priority and will work with all levels of the Chilean Government to strengthen its enforcement capabilities. I intend to marshal the resources of U.S. Government agencies such as Office of the U.S. Trade Representative, Department of Commerce—including the U.S. Patent and Trademark Office—to encourage the Government of Chile to comply with its intellectual property obligations under our bilateral free trade agreement.

I will mobilize the private sector and business organizations such as the American Chamber of Commerce, and use the Embassy's public-diplomacy programs to impress upon Chileans the importance of intellectual property rights. I will raise awareness of intellectual property issues among Chilean opinion-leaders and government officials.

Chile is positioning itself to be a hub for entrepreneurship through initiatives like Start Up Chile which looks to attract world-class businesses with innovative ideas. Chile needs a strong intellectual property rights protection and enforcement regime if it hopes to build an economy based more on knowledge, and less on commodities.

Chile should bolster its pharmaceutical patent regime and ensure protection to intellectual property rights holders in the digital arena. It has made significant strides in recent years, but must continue to make progress in order to implement and become fully compliant with its multilateral and bilateral commitments.

In response to U.S. Government outreach, we have seen Chile take positive steps in recent years. It created the National Institute for Industrial Property to oversee industrial property registration and protection, took law enforcement actions against the sale of counterfeit and pirated products, and fostered constructive cooperation between rights holders and enforcement officials.

RESPONSE OF KEVIN WHITAKER TO QUESTION
SUBMITTED BY SENATOR BOB CORKER

Question. In the U.S. health care system there is a differential between what U.S. consumers pay for their pharmaceuticals and what other developed countries and U.S. trading partners pay. This differential is only exacerbated by a recent trend where our trading partners are weakening their intellectual property protections. Of the 40 countries on USTR's watch list for 2013, 23 are listed because of their weak pharmaceutical IP protections; many of these are U.S. trading partners. The administration is currently in negotiations on two multilateral trade agreements and I believe it is crucial that strong IP protections be included to ensure developed countries shoulder their share of this global burden.

Colombia has been listed in the USTR's watch list for 2013. Over the past year in Colombia we have seen the environment for innovation significantly deteriorate. The Colombian Government has imposed price controls, proposed discriminatory burdens on patent applicants and drafted regulations for approval of follow-on biologics that do not meet international standards.

♦ Mr. Whitaker, if confirmed as ambassador to Colombia, what will you do to ensure that this trend is reversed?

Answer. Promoting protection of intellectual property rights (IPR) would be a priority for me, if confirmed. I would work to encourage the Colombian Government to develop regulations and policies that create a business environment that strongly supports innovation and creativity. The United States is already closely following developments in biologics regulation, working in cooperation with stakeholders and like-minded governments. We have also expressed our concerns before international organizations, such as relevant World Trade Organization Committees and during the OECD Trade Committee's review of Colombia on November 6.

Colombia's President Santos has identified innovation as a priority for his government. A strong IPR system is essential to that effort. I look forward to the opportunity, if confirmed, to support Colombia's efforts to build an IPR system that promotes the rights of innovators and creators, the quality and safety of products, and fosters a strong business environment for the benefit of both of our countries.

RESPONSE OF BRUCE HEYMAN TO QUESTION
SUBMITTED BY SENATOR BOB CORKER

Question. One aspect of the U.S. health care delivery that has continued to trouble me is that U.S. consumers pay more for their pharmaceuticals and medical devices than other developed countries. Because developed countries continue to set their prices below competitive levels, it forces our consumers to shoulder more than their fair share of the global research and development burden. Another trend among developed countries that only exacerbates this problem is the weakening of intellectual property protections amongst our trading partners. Of the 40 countries on USTR's watch list for 2013, 23 are listed because of their weak pharmaceutical IP protections; these include many U.S. trading partners. The administration is currently in negotiations on two multilateral trade agreements and I believe it is crucial that strong IP protections be included to ensure developed countries shoulder their share of this global burden.

Canada has been on USTR's watch list for the last several years. One concern that has been continuously raised is Canada's imposition of a heightened "usefulness" test for IP challenges that is substantially different from the one required under their TRIPS and NAFTA obligations. This has allowed Canadian drug manufacturers to invalidate patents for established medications that had already been found "safe and effective" by their health regulator, Health Canada. When high-income, developed countries are finding new ways to evade their share of the global research and development burden, our government needs to act to protect U.S. consumers who ultimately get stuck with the bill.

♦ Mr. Heyman, if confirmed, can you discuss how you plan to work to strengthen U.S. patent protections in Canada?

Answer. Protection for intellectual property rights is the foundation of success for American business, as well as small inventors and creators. Intellectual property rights protection fosters and promotes investment in innovation and creativity that is so important to our economic well-being and global competitiveness. More specifically, it is important that all trading partners respect and properly apply internationally accepted criteria for obtaining a patent, including the utility standard.

If confirmed, I will raise the issue of strong patent protection with key Canadian Government interlocutors who can effect change on this issue. As soon as I arrive, I will raise the issue in my introductory calls and will continue to press officials until we see progress. I will seek to persuade Canadian authorities that effective patent protection is in our mutual economic interest and is essential for further innovation and investment. I will engage with concerned business stakeholders and will look to Washington agencies and interested stakeholders for their input.

RESPONSES OF PUNEET TALWAR TO QUESTIONS
SUBMITTED BY SENATOR MARCO RUBIO

Question. How many times since 2009 have you been in direct bilateral contact, either in person or over the phone, with Iranian officials?

Answer. On four occasions since 2009, I joined meetings between the U.S. and Iranian Permanent Representatives to the United Nations in which letters were exchanged between the President and Iranian leaders. I joined meetings on the margins of P5+1 talks with Deputy Secretary Bill Burns and Under Secretary Sherman and Iranian officials. I was part of five meetings in Oman. These meetings were initially focused on establishing whether we could have a channel for bilateral communications, facilitated by the Omanis, on the nuclear issue. After the election of Iranian President Rouhani these talks included the development of substantive ideas for P5+1 negotiations. I also had direct contact with the Iranians on the margins of the 2013 U.N. General Assembly for the same purpose.

Question. What Iranian officials did you talk to or meet with as part of the so-called "backchannel" effort?

Answer. I was a part of a team that conducted discussions with senior Iranian Foreign Ministry officials responsible for nuclear negotiations.

Question. In your exchanges with these officials, what issues other than Iran's nuclear program did you discuss?

Answer. These negotiations focused exclusively on Iran's nuclear program because they were connected to the P5+1 process, which is limited to the nuclear issue. However, senior administration officials have raised our concerns about American citi-

zens detained or missing in Iran on the margins of P5+1 talks as did the President directly with President Rouhani in late September during their phone conversation.

Question. You said during your testimony in front of the committee that you and other U.S. officials did not raise Iran's human rights record or its ongoing support for terrorism as part of this backchannel process. Why were these topics not raised?

Answer. Direct bilateral talks were connected to the P5+1 process, which focused exclusively on the nuclear issue. However, the administration remains extremely concerned about the Iranian Government's human rights abuses and its attempts to use terrorism—both directly and through its numerous proxies—to promote instability in the region and around the world. The administration has sought to address these concerns in other ways, including by imposing sanctions on those facilitating human rights abuses and supporting terrorism, as well as by working with partners to counter Iran's support for these destabilizing activities. President Obama has made clear we will continue to do so, even as we seek an agreement to prevent Iran from acquiring a nuclear weapon. Regarding Iran's human rights record, senior administration officials have raised our concerns about American citizens detained or missing in Iran on the margins of P5+1 deliberations as did the President directly with President Rouhani in late September.

Question. Given the fact that you participated in these discussions with what is, according to the State Department, the world's foremost state sponsor of terrorism, and you and your colleagues in the administration apparently failed to brief any member of Congress about these talks, why should we take seriously your pledge to work with the committee on other sensitive issues confronting our Nation?

Answer. I spent over 15 years working in the Congress before joining the administration—including more than 10 years as a professional staff member for the Senate Foreign Relations Committee as chief advisor on the Middle East for then-Chairman Biden. I have a deep respect for Congress' role in setting and implementing our foreign policy agenda and believe in a strong partnership between the committee and the State Department. If confirmed, I am committed to consulting with the committee on the full range of issues covered by the Political-Military Bureau.

RESPONSES OF KEVIN WHITAKER TO QUESTIONS
SUBMITTED BY SENATOR MARCO RUBIO

Question. What is the strength of the FARC and what are their main goals today?

Answer. Over the past 50 years, the FARC transitioned from an ideology-based movement into one of the most dangerous and extensive transnational criminal and terrorist organizations in the hemisphere. Today's FARC works to extend its territorial, political, and financial control over Colombian regions using all manner of illicit activities—illegal mining, extortion, narcotics sales, and kidnapping—to fund its activities.

As a result of Colombia's successful military campaigns against the FARC, significantly aided by U.S. assistance, advice, and intelligence support, the FARC has been on a steady decline in terms of numbers of guerrilla fighters and territory where it has influence. Total direct military strength is estimated at this point to have fallen to approximately 8,000, compared to nearly 20,000 in 2003. The FARC's shrinking military size and capabilities, as well as its profound unpopularity with the great majority of Colombians, are among the factors that pushed the FARC to the negotiating table. That said, the FARC remains a dangerous terrorist organization that continues to organize deadly attacks against Colombian security forces, civilians, and infrastructure.

Question. What percentage of the FARC do we believe to be irreconcilable?

Answer. It is difficult to predict at this moment the numbers of FARC who would refuse to adhere to the conditions established in an eventual peace treaty. FARC negotiators insist that they speak for the entire terrorist group, and that the group maintains its military discipline, and that therefore and that the entire structure would comply with the requirements of a peace accord. Based on history of previous demobilizations, the attractiveness and financial rewards of the criminal activities that the FARC now engages in, and other factors, it is reasonable to assume that some FARC guerrillas would continue those activities even if peace is achieved.

Question. What would a peace agreement mean for U.S. support of Colombian operations against the FARC and other narcoterrorist organizations operating in and around Colombia?

Answer. The United States and Colombia remain committed to combating the FARC, the ELN, and other terrorist groups in the region. Our ultimate aim will remain ensuring Colombia is able to eradicate narcotics crops and stop other illicit enterprises, in order to achieve the peace, security, and justice that Colombia has earned. As in any such case, our ability to continue our support will depend on the presence of legal authorities and financial support to do so. We will continue to work closely with Congress to seek the resources necessary to accomplish the job. As Attorney General Holder said on his visit to Colombia, our nations have “displayed a shared commitment—and dedication—to building on the progress that our respective countries have made possible in recent years, particularly when it comes to protecting our citizens from violence and harm and combating transnational organized crime.”

Question. Colombia remains the world’s No. 2 producer and exporter of cocaine, and the No. 1 to the U.S. Plan Colombia has been by all accounts a successful program. In the event of a peace agreement, how will U.S. policy change and what will U.S. policy be to counter remaining narcoterrorist elements and other illicit traffickers operation in and around Colombia?

Answer. Should the Government of Colombia and the FARC reach a peace agreement, we would not anticipate changing our policy with respect to continuing to support our Colombian partners’ ongoing and effective actions to confront narcotics trafficking and terrorism. The United States will continue to promote counternarcotics cooperation in Colombia and the region.

If confirmed, I will lead U.S. country team efforts as we seek further to attack and dismantle transnational and organized crime structures, including the trafficking of drugs and weapons, and associated violence, and strengthen Colombian institutions, in coordination with our Colombian partners. Our ongoing efforts in Colombia, with more than \$8.5 billion under Plan Colombia and its follow-on programs, support interdiction and eradication, the rule of law, human rights, law enforcement training, and demand reduction. Notable achievements include a 53-percent reduction in coca cultivation between 2007 and 2012, and a 63-percent drop on pure cocaine production potential, from 470 metric tons (MT) to 175 MT, over the same time period. Coca cultivation is at its lowest level since 1996. Major crimes such as kidnapping and homicide were also down 89 percent and 48 percent, respectively, from 2002 to 2012.

In addition, through the U.S.-Colombia Action Plan on Regional Security Cooperation, we are joining forces with the Colombians to implement capacity-building activities for security personnel in Central America and the Caribbean. We began with 39 activities in 2013 and will increase our cooperation to 152 activities in 2014.

Question. According to the United States Government, the vast majority of illicit air traffic of Colombian-produced narcotics emanates from Venezuela. If confirmed, how do you plan to work with our Colombian partners to address this cross-border issue between Colombia and Venezuela and national security threat to Honduras and the United States?

Answer. U.S. Government estimates indicate that approximately 20 percent of Colombia’s narcotics production is shipped out of the region by air, and the majority of that departs from Venezuela. Colombian law enforcement authorities have on some occasions been able to collaborate with the Venezuelan Government on issues related to counternarcotics, but the Venezuelan Government’s refusal to work consistently and systematically with U.S. authorities on this matter represents a significant barrier to a more comprehensive and effective approach. While there are clear indications of isolated and episodic cooperation with the United States, a sustained and broad effort is missing because of the lack of Venezuelan political will to do so.

If confirmed, I will continue to urge Colombia to find mechanisms to work with Venezuelan authorities, where possible, to address this issue most effectively.

The United States, Colombia, and other nations in the region work collaboratively on a broad radar detection effort in the Caribbean, dedicated to finding and, if possible, to interdicting such traffic. These efforts have helped develop an increasingly detailed picture of illicit flights outbound from Venezuela, which will be useful for planning purposes going forward.

Question. Will the administration support a peace agreement with the FARC that fails to verifiably end FARC members’ involvement in transnational criminal activities or does not hold fully accountable FARC members accused of kidnapping, murder, or committing crimes against humanity?

Answer. The Santos administration has made clear that the end state they seek through the peace talks is an agreement that ends the FARC’s criminal activities

and results in a definitive disarmament of that group. With respect to accountability, the Santos administration has outlined a transitional justice agenda as part of the path to peace, and has made clear that crimes against humanity and serious violations of international humanitarian law must be identified and judicial action taken to hold those most responsible to account. President Santos has said that his notion is not to sacrifice justice for peace, but rather to achieve peace with the maximum amount of justice. Consistent with the government's insistence that nothing is agreed to until everything is agreed to, the outlines of any provision for transitional justice in an eventual peace agreement are not yet clear.

We believe that accountability for human rights abuses and humanitarian law violations is essential to achieving a durable peace, and that this peace negotiation is an important and timely effort to achieve these results. As Secretary Kerry noted during his visit to Colombia, "the Santos administration has undertaken a very courageous and very necessary and very imaginative effort to seek a political solution to one of the world's longest conflicts, and any negotiation that can help to strengthen Colombia's democracy, that promotes respect for rule of law and human rights, and achieves an enduring peace that the people of Colombia can share in, is a welcome development, and the United States of America will support that peace." These are, first and foremost, decisions for the Colombians and their government to make about their future. A peace that fails to hold the FARC accountable is unlikely to satisfy the Colombian Government or people. We have called on Colombia to ensure that any peace agreement adheres to Colombia's domestic and international legal obligations.

Question. In the event of a peace agreement, will there be changes in Colombia's counternarcotics and extradition policies?

Answer. As we have previously stated, we welcome and support the efforts by President Santos and the Colombian people to pursue the lasting peace Colombia deserves. Our relationship transcends long-term security and counternarcotics cooperation. Colombia has been consolidating gains internally and leading the region, and helping its neighbors who face similar challenges.

We look forward to continued cooperation on counternarcotics and extradition, and if confirmed, I will actively support these critically important efforts. According to U.S. Government estimates, the land used for coca cultivation decreased by 53 percent from 167,000 hectares in 2007 to 78,000 hectares in 2012—the smallest area under cultivation since 1996. U.S. Government estimates indicate that there has been a 63-percent drop in cocaine production potential in Colombia since 2007, from an estimated 470 metric tons in 2007 to 175 metric tons in 2012. It is precisely Colombia's successful counternarcotics campaign that has helped set the stage for the peace process by undercutting funding for the FARC.

With respect to extraditions, as I noted in the December 11 hearing, we will continue to seek access to individuals who are wanted to stand trial in the United States for very serious crimes. If confirmed as Ambassador, I will work diligently with appropriate U.S. and Colombian authorities to ensure that our bilateral law enforcement relationship, including with respect to extradition, remains strong.

Question. Will you seek assurances that Colombian authorities comply with any extradition requests for FARC members indicted in the United States?

Answer. If confirmed, I will vigorously support our ongoing efforts, coordinated through the Departments of State and Justice, to ensure individuals indicted in the United States are extradited. This relationship has been remarkably effective and productive over time, with more than 1,500 individuals extradited to the United States over the last 15 years.

Question. In the event of a peace agreement, will there be any changes to U.S. policy with regards to the FARC?

Answer. The FARC was designated as a Foreign Terrorist Organization on October 8, 1997, and will remain a designated FTO until that designation is revoked by the Secretary of State based on the criteria identified by law.

Question. Is the administration considering, or will consider, changes to U.S. policy on Cuba in the event of a peace agreement? Please explain.

Answer. There is no connection between an eventual possible peace agreement and U.S. policy toward Cuba.

The President and his administration remain committed to policies that support the Cuban people's desire to freely determine their future, that reduces their dependence on the Cuban state, and that advance U.S. national interests. In his November 18 speech at the OAS, Secretary Kerry echoed President Obama's message that the U.S. Government is open to forging a new relationship with Cuba,

while calling on the Cuban Government to respect the rights of its citizens to speak without fear of arrest or violence and to choose their own leaders.

As I noted in the December 11 hearing, I worked on Cuba from 2000–2005 as the deputy and then director of Cuban affairs. That experience gave me a unique and detailed understanding of Cuba, the nature of the regime, and the abuses that have been committed by it. If confirmed, I will commit to use that understanding to directly discuss Cuba with the Colombian Government in order to ensure that our policies to support democracy and the Cuban people are fully understood.

Question. Please explain how the Cuban Government, a U.S.-designated State Sponsor of Terrorism and the worst human rights violator in the Western Hemisphere, serve as guarantor of a “peace agreement” with the FARC, a U.S.-designated Foreign Terrorist Organization?

Answer. This was a decision of the parties to the talks, the Colombian Government and the FARC.

In August, 2012, the Colombian Government and the FARC announced a “General Agreement for the Termination of the Conflict and the Construction of a Stable and Lasting Peace.” That agreement indicated that the talks would be established in Oslo, Norway, and that the principal venue for the talks would be Havana, Cuba. The agreement also established that the peace talks would enjoy the “support of the Governments of Cuba and Norway as guarantors and the Governments of Venezuela and Chile as accompaniment.”

Question. The extradition of notorious drug traffickers has been a hallmark of our security cooperation with the Government of Colombia. In March 2011, the administration failed to persuade President Santos to extradite Walid Makled to the United States, who was ultimately sent to Venezuela.

- ◆ What has been the impact of this decision to U.S. counternarcotics and counterterrorism efforts?
- ◆ Please explain the conditions of Mr. Makled incarceration in Venezuela and what steps have Venezuelan authorities taken to prosecute him and other Venezuelan individuals he has implicated in drug trafficking?
- ◆ Is it true that Makled, who was wanted in Venezuela on murder charges, is routinely released?
- ◆ Are you confident about the Venezuelan Government’s ability to fully investigate and prosecute the Venezuelan individuals implicated by Mr. Makled?

Answer. We have and continue to work successfully in partnership with Colombia to counter illicit drugs and terrorism through interdiction and eradication programs, capacity-building for security institutions, and economic and alternative development support to consolidation zones. We have achieved dramatic and positive results as a result of this cooperation, and if confirmed, I will make this area of collaboration a top priority.

Walid Makled was arrested in Colombia by Colombian authorities in August 2010, based in part on information provided by U.S. law enforcement authorities. While in Colombian custody, U.S. law enforcement authorities had ample access to Makled in order to interview him on his criminal activities. The U.S. agencies that took part in this effort worked to ensure that the resulting information was made available for potential U.S. investigations and prosecutions.

The United States sought Makled’s extradition based on indictments for narcotics trafficking handed down by the Southern District of New York. Venezuela simultaneously sought Makled’s extradition.

The United States prepared a thorough and convincing extradition request, submitted it in a timely manner, and backed it with several, direct discussions with the highest levels of the Colombian Government. The Colombian Government was aware of the existence of our request, its legal sufficiency, and our very strong motivation to have the important trafficker face justice in the United States for his serious crimes. Ultimately, the Colombian Government approved the Venezuelan request and delivered Makled to Venezuela in May 2011. Clearly the United States was disappointed by the Colombian Government’s decision; we firmly believe that trying Makled in U.S. courts would have been a better service of justice. The fact that U.S. authorities were able to extensively interview him while in Colombia assisted other, related investigative efforts.

We respect the extradition processes of the Government of Colombia, which has facilitated the transfer of more than 1,607 suspects to the United States since 1997, and we will continue to work together actively on this issue. Colombia remains one of our closest counternarcotics partners, and our related cooperation spans a wide range of programs, from drug eradication and interdiction to prosecuting alleged drug traffickers. Our successful, ongoing counternarcotics and counterterrorism co-

operation with Colombian authorities was not affected by this decision. In fact, we have achieved important successes in the meantime, and continue to enjoy close and cooperative relations with our Colombian counterparts in the law enforcement and judicial communities.

We do not have direct information about Makled's conditions of detention in Venezuela, including about whether he is released temporarily. Press reports indicate that he was tried on charges of narcotics trafficking, money laundering, and murder, beginning in April 2012. The precise disposition of the trial, including its results, has not been made public by Venezuelan authorities.

The Venezuelan Government has a responsibility to thoroughly investigate and effectively prosecute the crimes that it accuses Makled of, but has significant credibility problems. We are not confident that it will fully investigate and prosecute crimes which come to its attention. As the Department noted in the Country Report on Human Rights Practices for 2012, "while the constitution provides for an independent judiciary, there was evidence that the judiciary lacked independence. There were credible allegations of corruption and political influence throughout the judiciary." Moreover, former Supreme Court Justice Eladio Aponte Aponte asserted there was no judicial independence in Venezuela and that senior government officials, 'from the President on down,' regularly told judges how to handle cases coming before their courts."

We respect the extradition processes of the Colombian Government and if confirmed, I will continue to work closely with you on this and other cases. Our extradition relationship with Colombia has yielded important results and real justice for very serious criminals.

Question. It has come to my attention that Portus, a company located in Jacksonville, FL, is having difficulty in exporting their products to Colombia even after the implementation of the FTA. Are you willing to meet with my constituents to discuss the issue in more detail so that you may assist them where possible?

Answer. If confirmed as Ambassador, I will make myself available to meet with U.S. firms doing business in Colombia. I would be pleased to meet with your constituents to discuss the matter and assist them if possible.

RESPONSE OF CATHERINE ANN NOVELLI TO QUESTION
SUBMITTED BY SENATOR CHRISTOPHER A. COONS

Question. Ms. Novelli—As I'm sure you're aware, in the last few years India has adopted a variety of discriminatory trade and economic measures that unfairly disadvantage U.S. companies and U.S. workers, including forced localization measures and failure to respect intellectual property rights. In June, I joined Senator Menendez and other Senators in writing to Secretary Kerry in advance of the U.S.-India Strategic Dialogue asking him to raise these concerns with the Indian Government, making it clear that we will consider all trade tools at our disposal if India does not end its discriminatory practices. It is our understanding that Secretary Kerry has done so, but we must continue to place such concerns at the top of the economic agenda with India.

♦ If confirmed, what steps will you take to encourage the Indian Government to address the concerns of the U.S. private sector regarding unfair business practices?

Answer. If confirmed, I will make India a primary focus country. India is widely expected to be the third-largest economy by 2030. U.S.-India trade has grown nearly fivefold since 2000 to reach \$94.5 billion in 2012 and defense trade alone has grown to over \$8 billion. U.S. firms are engaged in nearly every sector, from broadcast media and consumer goods, to financial services, but there is a great deal of untapped potential.

I will engage with high-level Government of India counterparts to discuss U.S. concerns, India's international obligations and best practices. Through steady engagement, I hope to achieve a more level playing field that further opens India's markets for U.S. firms for trade and investment. I will coordinate closely with U.S. businesses and other U.S. Government agencies to effectively and consistently engage the Government of India on these challenging issues.

The State Department will continue to lead and contribute to U.S. Government efforts to convey to India the challenges U.S. companies face through formal engagements like the Strategic Dialogue and the CEO Forum and congressionally mandated reporting like Special 301 and Notorious Markets. In addition, I will work closely with our Embassy in New Delhi and consulates in India who are, on a daily basis, advocating for U.S. firms at all levels. I will also seek to advance U.S.-India

negotiations on a Bilateral Investment Treaty that would open markets and provide protections for U.S. investors.

RESPONSES OF BRUCE HEYMAN TO QUESTIONS
SUBMITTED BY SENATOR JAMES E. RISCH

Question. Trade between Canada and the United States will be a critical issue in your new post. Each country promotes and restricts their industries under different regulatory regimes. As you know U.S. softwood lumber industry needs a strong advocate in Canada to build an equitable agreement for cross-border softwood trade.

♦ What role do you intend to play regarding the advocacy of U.S. timber interests?

Answer. The U.S. trade relationship with Canada is of vital importance to both of our countries. I understand the Softwood Lumber Agreement the United States and Canada reached in 2006 was renewed last year until October 2015. The agreement provides a process for arbitration of disputes between the United States and Canada, and both countries continue to follow this process. If confirmed, I assure you that I will advocate for U.S. interests in Canada, including on behalf of U.S. timber industry stakeholders, at the federal and provincial levels.

Question. Like a number of other states, Idaho has wrestled with the abuse of oxycodone. As a border state, we are particularly interested in the dialogue with Canada to ensure abuse deterrent formulas of drugs, specifically oxycodone, are approved for sale. The Federal Drug Administration only allows the sale of abuse deterrent oxycodone in the United States, and both the Office of National Drug Control Policy and the FDA have engaged the Canadian Health Minister on this issue. Currently the new Health Minister is supposedly considering changing Canadian policies regarding access to nonabuse deterrent oxycodone. If Canada does not align its policies with the U.S. FDA, the older nonabuse deterrent formulations will more easily come across the border and harm U.S. citizens.

♦ Do you support coordinating efforts between our countries and will you make it one of your priorities to pursue harmonized policies regarding pharmaceutical safety?

Answer. The prescription drug abuse epidemic is a shared challenge that each of our nations faces. The United States has a strong and productive relationship with Canada, and we must work together to address this problem.

One important step to reducing prescription drug abuse is through the expanded use of abuse-deterrent formulations for prescription drugs. Abuse-deterrent formulations can reduce the potential for misuse while providing effective treatment. If confirmed, I will work with Canadian officials to encourage the evaluation and use of abuse-deterrent formulations, along with other important safety measures, to reduce the diversion and abuse of prescription drugs on both sides of the border.

Question. An important issue in the Pacific Northwest is the Columbia River Treaty between the United States and Canada. Beginning in 2024, either nation can terminate most provisions of the treaty with at least 10 years written notice. Over the past several months, regional stakeholders have been working with the U.S. Entity made up of the Bonneville Power Administration and the U.S. Army Corps of Engineers to develop a set of regional recommendations to share with the State Department. Historically, the issues of flood control and power generation have been the focus of the treaty.

♦ As the U.S. Government looks to discuss this treaty with Canada, what do you believe are the top priorities for this treaty?

Answer. There is a process underway to determine the future of the Columbia River Treaty, and the State Department will receive the recommendation of regional stakeholders this month. Upon receipt of this recommendation, the U.S. Government will conduct an interagency review of the current operation of the Columbia River Treaty, and determine if renegotiation is in the U.S. national interest. The Department of State will coordinate the interagency review. It is too early in the process to know what the final recommendations will be, but, if confirmed as Ambassador, my priority will be to work cooperatively with the Canadian Government to achieve the best possible outcome for U.S. interests. If confirmed, I plan to consult closely with the U.S. Congress as this process unfolds.

RESPONSES OF TINA S. K Aidanow TO QUESTIONS
 SUBMITTED BY SENATOR EDWARD J. MARKEY

Question. Your testimony describes one of your focuses as countering the messages terrorist groups use for recruitment. Are we tying our hands about responding to certain negative messages (e.g., claims the use of drone strikes) due to government secrecy about those operations?

Answer. The President is committed to ensuring that U.S. counterterrorism (CT) efforts are conducted in a transparent manner. As a part of this commitment, in a comprehensive address at the National Defense University (NDU) on May 23, 2013, President Obama laid out the legal and policy framework for U.S. counterterrorism strategy.

U.S. direct action operations are only one element within a much broader set of policy tools that together implement U.S. counterterrorism strategy. Building strong counterterrorism partnerships and enhancing partner capacity to address terrorism threats are at the heart of that strategy, as is countering the radicalism that fuels terrorism. If confirmed as Coordinator for Counterterrorism, I will be committed to employing all tools of U.S. counterterrorism policy, in particular U.S. efforts to counter violent extremism, and where appropriate, countering misinformation regarding U.S. counterterrorism efforts. While I, and other CT officials, cannot comment on the details or locations of specific counterterrorism operations, we aim to achieve the widest possible reach for our CVE messaging. Whether through satellite television, radio, or face-to-face interactions, CT has committed to undertaking CVE activities with the greatest possible breadth and transparency, yet within the bounds of our national security needs.

Challenging the terrorist narrative was the basis for the decision to establish the Center for Strategic Counterterrorism Communications (CSCC). CSCC directly counters violent extremist propaganda in the communications environment; develops and promulgates narratives, public communication strategies, and thematic guidance for USG use; identifies and facilitates technology solutions and best practices; and recommends USG communications capabilities improvements.

CSCC's work is guided and supported by world-class research, academic outreach, and intelligence reporting and analysis. One of CSCC's major program efforts is countering the al-Qaeda (AQ) narrative and propaganda in digital environments, working in Arabic, Urdu, Somali and English, and using text, still images, and video. CSCC's Digital Outreach Team (DOT) focuses specifically on al-Qaeda and the constellation of like-minded terrorist groups associated and affiliated with al-Qaeda. The team pushes back against AQ propaganda in interactive digital environment-like forums, YouTube, Twitter, and Facebook.

Question. 22 USC 2349aa-7 states that the Secretary of State is responsible for coordinating all assistance related to international terrorism which is provided by the U.S. Government to foreign countries. Does that include assistance furnished by the intelligence community?

Answer. The State Department is committed to ensuring that U.S. counterterrorism foreign assistance is fully coordinated within the interagency, and the Bureau of Counterterrorism serves as a focal point for the Department within the counterterrorism community. As a result, while I cannot comment on intelligence issues, as a general matter our awareness of activities throughout the interagency enables us to serve in an advisory role on foreign assistance policy and program planning efforts and to ensure our overall efforts are coordinated.

Question. There have been credible reports documented by the United Nations, the Afghan Independent Human Rights Commission of detainees being tortured in Afghan custody after transfers by U.S. forces. What is your office's role in preventing abuses of detainees and other human rights violations by foreign intelligence services who either participate in joint capture operations or receive funding from the United States?

Answer. I cannot comment on intelligence matters or operational matters in this response, but in general the administration has a firm policy that individuals who are captured must not be tortured or subjected to cruel, inhumane or degrading treatment. If confirmed, I would strive to ensure that this policy is upheld on all issues my bureau works on.

Beyond the imperative to uphold touchstone U.S. human and civil rights principles in such matters, we work to prevent such practices because they can often serve to exacerbate the very conditions that lead to radicalization and violent extremist challenges in the first place. We believe strongly that effective counter-

terrorism practices must be undertaken within a firm rule of law framework that protects civilians and offers adequate civil, legal, and human rights protections.

I would also note that the State Department vets foreign military and police participants in capacity-building programs to ensure that neither they nor their units are the subject of allegations of human rights violations. The Counterterrorism Bureau also includes in its capacity-building curricula training modules that reinforce the importance of human rights conventions and norms in the conduct of counterterrorism operations.

I am committed to ensuring that the CT Bureau remains active in its efforts to ensure that our international CT partners adhere to the highest standards for the protection of human rights.

RESPONSE OF KEVIN WHITAKER TO QUESTION
SUBMITTED BY SENATOR EDWARD J. MARKEY

Question. The U.S. Government, as well as other governments, has expressed concern over Colombia's draft biologics regulation, which includes an abbreviated pathway for the marketing approval of biosimilars. This abbreviated pathway does not adhere to standards for approval of biosimilars that have been established by the World Health Organization (WHO), the U.S. Food and Drug Administration (FDA) and the European Medicines Agency (EMA). International attention to this issue has resulted in President Santos expressing a willingness to address this issue; however, continued engagement on this matter is critical.

- ◆ As Ambassador, what actions will you take to help ensure that Colombia issues a final regulation for the approval of biosimilars that is in line with other internationally adopted standards that ensure quality and protect patient safety?

Answer. If confirmed, I will work to engage the Government of Colombia at the highest levels to help ensure Colombia's final regulation is in line with international standards to ensure quality pharmaceuticals and patient safety. Given the timeline, this would be an immediate priority.

The United States is already closely following developments in biologics regulation, working in cooperation with stakeholders and like-minded governments.

We will continue to follow up on this issue.

RESPONSE OF BRUCE HEYMAN TO QUESTION
SUBMITTED BY SENATOR JEFF FLAKE

Question. It is my understanding that Canada, as a result of a judicial decision, has adopted a new patent standard for patents relating to the pharmaceutical industry. The result has been that patents which were previously approved by Canada's health agency as safe and effective for patient use, and which have been used by thousands of people, are now being revoked. Another unfortunate result has been that competitors of the companies that received the initial patent are now able to produce and sell the same drug for the Canadian market. Outgoing Ambassador Jacobson has been actively engaged with the Canadian Government on this issue.

- ◆ If confirmed, will you pick up where Ambassador Jacobson left off?
- ◆ Will you work with representatives of other countries that are similarly disadvantaged by this change in patent standard?

Answer. Protection for intellectual property rights is the foundation of the success of American business, as well as small inventors and creators. This protection fosters and promotes investment in innovation so important to our economic well-being and global competitiveness. All trading partners should respect and properly apply the internationally accepted criteria for obtaining a patent, including the utility standard.

If confirmed, I will raise the issue of strong patent protection with the key Canadian Government interlocutors who can effect change on this issue. I will raise the issue during the course of my courtesy calls and continue to press officials until we see progress. I will seek to persuade Canadian authorities that effective patent protection is in our mutual economic interest and is essential for further innovation and investment, and would collaborate with my counterparts from other countries with similar concerns. If confirmed, I will engage with business stakeholders who have concerns in this area and look to Washington agencies and other stakeholders for their input.

RESPONSES OF CATHERINE ANN NOVELLI TO QUESTIONS
SUBMITTED BY SENATOR JOHN BARRASSO

PRESIDENTIAL PERMITS

Question #1. Does the State Department require a NEPA review for every pipeline connection made to an existing permitted pipeline? If not, in what circumstances is it required? Has the State Department published its policy in this regard? Where might pipeline owners/operators locate the State Department's explanation of this policy? Does the published policy constitute authority that pipeline owners/operators can rely upon, or is the policy subject to the State Department's ad hoc interpretation?

Answer. As a general matter, if confirmed, I am committed to ensuring that the Department's permit review process is objective, transparent and rigorous.

I understand that the Department's practice is to handle Presidential Permit decisions in a way that is consistent with NEPA, and that the question of whether a NEPA-consistent review will be conducted, and if so, what form it will take, depends on the facts of each case. Regarding the question of pipeline connections or any particular change that a company may consider to pipeline facilities within the scope of a Presidential Permit, the principal question is whether the particular change contemplated (type, purpose, location, etc.) is consistent with the terms of the existing Presidential Permit. If the proposed change is not within the terms of the existing permit, then the Department determines, consistent with NEPA, whether issuing a new or revised permit would trigger environmental analysis. There are a number of sources of policy information available (see list below) for pipeline owners/operators and others, though the published policies necessarily do not attempt to prejudge inquiries that will vary upon the facts.

1. Executive Order 13337 provides an overview of the overall process: <http://www.gpo.gov/fdsys/pkg/FR-2004-05-05/pdf/04-10378.pdf>.

2. Department of State NEPA regulations (which in turn reference CEQ regulations): http://www.ecfr.gov/cgi-bin/text-idx?c=ecfr&sid=d3adb2fedec50e11eb59b2adda8b02b2&tpl=/ecfr/browse/Title22/22cfr/161_main_02.tpl.

3. Department of State Public Notice on Procedures for Issuance of a Presidential Permit Where There Has Been a Transfer of the Underlying Facility, Bridge or Border Crossing for Land Transportation <http://www.gpo.gov/fdsys/pkg/FR-2005-05-31/html/05-10736.htm>.

4. Interim Guidance for the Use Of Third-Party Contractors in Preparation Of Environmental Documents By The Department Of State <http://www.state.gov/documents/organization/190304.pdf>.

5. Applicants are also welcome to reach out to the Department with any questions. Contact information is found on the Department's Web site: <http://www.state.gov/enr/applicant/index.htm>.

Question #2. Pipeline owners must conduct maintenance to keep pipelines safe. Does the State Department require a new permit if a company: (1) replaces existing pipe, without changing diameter, throughput, etc.; (2) adds a relief tank; (3) caps a section of a pipeline; (4) adds a block valve; or (5) adds a connection?

Answer. Pipeline safety is critically important. I understand the State Department expects operators to perform ordinary maintenance, such as replacing an existing pipe where old pipe is damaged, when needed to meet best-practices for pipeline safety. My understanding is that permits issued by the Department of State typically authorize the permittee to maintain their permitted pipeline facilities, and no new permit would be required to undertake such necessary maintenance. However, some other modifications could be substantial enough to require a review by the State Department. Determining whether a new permit would be needed in such cases would require examination of the existing permit and the proposed modifications, including any explanations and information provided by the permittee.

Question #3. How does the State Department define the border facilities of a cross-border pipeline? Is it the area from the border to the first block valve; or from the border to the first terminal? What constitutes the facilities in the immediate vicinity of the international boundary line?

Answer. My understanding is that the permits issued by the Department of State typically include a description or definition of the facilities covered by the permit. I have been informed that the Department of State's current practice when it issues a new permit for pipeline border facilities is to define the scope of the permit as covering the facilities up to and including the first mainline shutoff valve or pumping station that is proposed for construction or in existence at that time in the

United States, and to date the block valves the Department has considered have been located far enough from the border that it has not needed to consider whether there is a minimum distance that must be covered by the permit. Older permits describe pipeline facilities in different ways.

Question #4. States review the environmental impact of pipelines built in their States. PHMSA is responsible for pipeline safety. How broadly do you construe the State Department's authority to review the environmental impacts of changes to existing permitted pipelines? Do you believe the State Department is entitled to review any change to any section of the pipeline? Is the State Department's review limited to only the border facilities?

Answer. As described above, whether an environmental review will be conducted, and if so, what form it will take, depends on the facts of each case. I also understand that NEPA-consistent environmental analyses may sometimes take into account connected actions, and/or the cumulative effects of a potential environmental impact.

Question #5. Pipeline permits, once granted, are not time limited. Companies build pipeline, rail, and trucking infrastructure to respond to market conditions, and future connections to pipelines are not foreseen when they are initially permitted, although it is the nature of pipelines to have connections made to them. Does the State Department require a new permit when a permittee adjusts its marketing (e.g., given shifts in the market, the permittee responds to opportunities that allow product to be delivered to/from the pipeline by rail, truck facility, or a new pipeline at a location other than the original pipeline termini)?

Answer. As a general matter, it is my understanding that the Department allows some flexibility for permittees to adjust to market demand, including in how a product might be handled before or after it crosses through the facilities covered by the permit. Whether such adjustments require a new permit depends on the facts of each case. I understand, for example, that permittees may sometimes want to change their business plan for using a pipeline border facility in a way that requires new construction or a substantial change in operations that may not be authorized by a permit. I would expect the Department of State to consult with the permittee to ascertain the nature of any proposed changes to the pipeline border facilities or their operation, as well as any other information relevant to the Department's analysis. As long as a permittee continues to use pipeline border facilities in a manner that is authorized in a Presidential Permit, no new permit would be required.

Question #6. Does the State Department afford permittees an opportunity to be heard and meet with staff to discuss technical issues, as FERC does in pre-filing? Where is the protocol for such consultations published for public access? Please provide an example of when the State Department has evaluated an industry concern that resulted in the State Department adopting a change of policy or process.

Answer. The Department of State's permitting process provides opportunities for staff to meet with permittees or applicants to discuss technical issues before and after they file an application for a new Presidential Permit. The Department's Web site invites inquiries from applicants: <http://www.state.gov/e/enr/applicant/index.htm>; <http://www.state.gov/p/wha/rt/permit/>. My understanding is that most application processes involve significant correspondence between the applicant and the Department, and the Department routinely accepts requests from applicants for meetings. I believe that frank, open communication can help applicants prepare the materials that will assist the Department and make the processing of applications more efficient. I understand that the Department's current approach to defining pipeline border facilities in new permits was developed following consultations that included industry.

Question #7. Does the State Department issue written orders that explain its policy determinations? Does the State Department issue written orders explaining any decision to conduct an environmental review of applications submitted as "name change" applications under Public Notice 5092? (It states at the end of that notice that if State receives information that the transfer potentially would have a significant impact on the quality of the human environment, the State Department will evaluate what further steps it will take with respect to environmental review of the application.)

Answer. My understanding is that most application processes result in significant correspondence between the applicant and the Department, and the Department often uses such correspondence to explain specific policy determinations made in a particular case. Further, if the Department does undertake an environmental review, the resulting documentation—whether a Finding of No Significant Impact,