

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

HEARINGS

BEFORE THE

**COMMITTEE ON FOREIGN RELATIONS
UNITED STATES SENATE**

ONE HUNDRED THIRTEENTH CONGRESS

FIRST SESSION

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



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U.S. GOVERNMENT PRINTING OFFICE

88-305 PDF

WASHINGTON . 2014

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**NOMINATIONS OF GEOFFREY R. PYATT AND
TULINABO SALAMA MUSHINGI**

WEDNESDAY, JUNE 19, 2013

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

Geoffrey R. Pyatt, of California, to be Ambassador to Ukraine
Tulinabo Salama Mushingi, of Virginia, to be Ambassador to
Burkina Faso

The committee met, pursuant to notice, at 2:05 p.m., in room SD-419, Dirksen Senate Office Building, Hon. Christopher Murphy, presiding.

Present: Senators Murphy and Johnson.

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

Senator MURPHY. I call this nomination meeting to order.

Today, the Senate Foreign Relations Committee will consider two nominations: Geoffrey Pyatt, to be Ambassador to the Ukraine, and Dr. Tulinabo Salama Mushingi, to be the Ambassador to Burkina Faso.

Before we begin, let me remind members that the deadline for submission of questions for the record is noon on Friday.

First, let me begin by welcoming our two nominees, as well as your families. We are glad that you are both joined by your families, and we know that you will introduce them in your opening remarks.

I will give some brief remarks and then turn it over to Senator Johnson for his. I will introduce our two witnesses—I will likely do that together—and then allow you to give opening statements, followed by questions.

Let me congratulate you both on your nominations. If confirmed, you are going to be called upon to implement the policies of the United States and to strive to advance the interests of our great country. The challenges that you both face are unique.

~~in Ukraine, we have a country~~ ~~entering on a tight rope,~~
dependent, in many ways, still on Russia, its much larger neighbor, but desirous of a closer relationship with Europe and the West. The United States is committed to helping Ukraine become a modern, prosperous democracy.

Ukraine is important, for many reasons. It is the second-largest country in Europe, rich in natural resources, with a strategic location on the border of Russia and the European Union, and coastline, of course, on the Black Sea.

In 1996, Ukraine completed the removal of the Soviet-era nuclear arsenal from its territory, a brave decision that made the Ukraine an example for many other nations to follow. More recently, Ukraine has made strides in developing its own energy resources and attracting foreign investment, an endeavor that will make it, hopefully, easier to achieve an association agreement with the European Union and accompanying reforms to come.

Our new Ambassador will be arriving in-country at a time of great importance, second perhaps only to 1991 as a potential inflection point in modern Ukrainian history. This November, the European Union will convene the Eastern Partnership summit, where we hope that Ukraine will sign an association agreement to set Ukraine firmly on the path of joining the European Union.

But, in order to proceed with Ukraine's political association and economic integration with the European Union, they must continue making progress on the overall reform agenda, including clear signals that the era of selective political prosecutions is over. The challenges are significant, but not insurmountable. Our mutual interests demand that we must continue to strengthen our ties with Ukraine, and work with them as they chart a new path to a modern, democratic future, in partnership with Europe.

Another nation that is very important to the United States, and where we also must help move forward modern democratic reforms is Burkina Faso. Like the Ukraine, the United States has worked closely with Burkina Faso in the areas of security cooperation and economic development. The President there has played an important and constructive role recently as a regional peacemaker, an example that we hope other leaders in the region will follow. He was instrumental in negotiating a cease-fire agreement between the Malian Government and the Tuareg rebels, signed just yesterday, following talks at the Presidential palace in the country's capital. At the same time, though, we follow continuing reports of human rights abuses in country that we know our next Ambassador will have to address, as well.

Going forward, we hope the President and the ruling party will expand the space for political opposition and undertake the reforms necessary to ensure the long-term stability of Burkina Faso.

We are both very interested in your perspectives today. We are glad that you are here.

And I will turn it over now to Senator Johnson for his opening remarks.

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

Senator JOHNSON. Well, thank you, Mr. Chairman.

And, Mr. Pyatt and Dr. Mushingi, welcome. We also want to welcome your families.

And I just want to say, I truly appreciate your willingness to serve this Nation. As Senator Murphy was stating, it is just an incredibly important responsibility. You do represent us in these two

very important countries. I have been to Ukraine. We had a very interesting hearing last week about the pressure of Russia, both in terms of their own civil rights, their own civil society, but also the pressure they are putting on that belt of democracy around it. And, of course, Burkina Faso is becoming an important country, from the standpoint of our effort against global terrorism as al-Qaeda is spreading around northern Africa.

So, these are two very important countries, and I truly do appreciate your willingness to serve this Nation, and I am looking forward to your testimony. So, welcome.

Senator MURPHY. Thank you, Senator Johnson.

Let me now introduce our two guests. I will introduce you both at this time. I will start with Mr. Pyatt and then Dr. Mushingi can give testimony.

First, let me recognize Geoffrey Pyatt, of California, the nominee for Ambassador to Ukraine. Mr. Pyatt is a career member of the Senior Foreign Service. He is currently the Principal Deputy Assistant Secretary of State for the Bureau of South and Central Asian Affairs, where he has served admirably. He was previously the Deputy Chief of Mission at the U.S. Mission to the International Atomic Energy Agency, and international organizations in Vienna, the Deputy Chief of Mission at the U.S. Embassy in New Delhi, and Economic Officer at the U.S. consulate in Hong Kong. He received his B.A. from the University of California at Irvine. His crowning achievement, however, was undoubtedly receiving his master's degree in New Haven, CT, from Yale University. [Laughter.]

Shameless. [Laughter.]

Dr. Mushingi is our nominee to be Ambassador to Burkina Faso. Dr. Mushingi is a career member of the Senior Foreign Service, as well, currently serving as Deputy Executive Secretary and Executive Director of the Executive Office of the Secretary of State. There is no title in the Federal Government that has the word "executive" in it more than yours. [Laughter.]

From 2009 to 2011, he was Deputy Chief of Mission at the U.S. Embassy in Ethiopia. He previously served in Tanzania, Morocco, Mozambique, and Washington, DC. He began his career as a cultural and language trainer for the Peace Corps. He received his B.A. and M.A. from the Institut Supérieur—oh, boy, you have got a long title, here—well, let us just say he received it in the Republic of Congo, and he received an M.A. from Howard University, and a Ph.D. from Georgetown University.

We welcome both of you today, appreciate your patience in getting to today's hearing, and look forward to your testimony.

Mr. Pyatt, we will begin with you.

**STATEMENT OF GEOFFREY R. PYATT, OF CALIFORNIA,
TO BE AMBASSADOR TO UKRAINE**

~~Mr. PYATT. Thank you, Senator Murphy. And certainly, I look back on my time in New Haven as a highlight of my education, so thank you for the reference, there.~~

Mr. Chairman, members of the committee, it is a great honor to appear before you as President Obama's nominee to be the next United States Ambassador to Ukraine. I am grateful to the Presi-

dent, Secretary Kerry, and former Secretary Clinton for the confidence they have placed in me through this nomination. And, if confirmed, I will look forward to working closely with the members of the Foreign Relations Committee and its staff.

With the Chairman's permission, I would like to begin by introducing my wife, Mary, with whom I have shared a 23-year Foreign Service career that has taken us and our children much further than either of us could have imagined, with Mary serving as a teacher at each of our overseas assignments.

If confirmed, I will continue to build our strategic partnership with Ukraine and realize the potential we see in this relationship. The U.S.-Ukraine Charter on Strategic Partnership, signed by Secretary Rice, and the commission that Vice President Biden established to implement this charter, set high expectations for our bilateral ties. If confirmed, my highest goal will be to sustain the effort to advance Ukraine on the path toward a modern European democracy.

One area of notable achievement in our bilateral relationship is cooperation on nonproliferation, and, in particular, the removal of all highly enriched uranium from Ukraine, as jointly pledged by President Yanukovich and President Obama at the 2010 Nuclear Security summit. Ukraine's leadership on this issue stands as an example for countries around the world. Indeed, Ukraine's decision to remove all of its nuclear weapons and join the NPT as a non-nuclear-weapon state, was one of the major accomplishments for European peace in the past 20 years.

In recent years, Ukraine has become a valuable contributor to U.N. peacekeeping. Ukraine also participates in NATO operations, including troops in Afghanistan and Kosovo. The United States strategic goals for Ukraine have remained broadly consistent throughout more than 21 years of independence. We support Ukraine's sovereignty, independence, and territorial integrity.

In keeping with the aspirations of the Ukrainian people, the United States promotes democracy, a market economy, and rule of law in order to encourage the development of a strong, prosperous, and European state. If confirmed, I will encourage the Ukrainian Government to act now to take advantage of the historic opportunity to pursue European integration and to meet the EU's conditions for signature of the European Union/Ukraine association agreement.

In the past 3 years, the United States has expressed increasing concern about the political situation in Ukraine, especially regarding the selective prosecutions of opposition leaders. If confirmed, I will encourage Ukrainians to set high standards for themselves on human rights and rule of law, recognizing that democratic principles are in Ukraine's own interests and fundamental to United States policy.

I will also support Ukrainian aspirations for free and fair elections that meet the bar they set for themselves in 2010, especially looking forward to the 2015 Presidential elections.

This year, as Chairman in Office of the OSCE, Ukraine has the opportunity to demonstrate its international leadership and set an example for other countries. We have been encouraged by the role that Ukraine has played so far in its OSCE chairmanship, and, if

confirmed, I will look forward to working closely with Ukraine to sustain this success.

Ukraine's economic prosperity depends on financial stability, promoting reforms, and attracting foreign direct investment, especially in the energy sector, which is an area of growing United States/Ukraine cooperation. United States companies are ready to invest in unlocking Ukraine's gas resources and helping the country to achieve its goal of increased energy independence. But, our trade and investment relationships should be bigger, and the business climate in Ukraine has been weakened by corruption and questions about the fairness of the courts. If confirmed, I will make it a priority to advocate on behalf of United States companies and to work with Ukrainians to advance the rule of law, the protection of intellectual property rights and investor rights.

Ukraine is a young democracy, with its first generation of citizens born into an independent country just now reaching adulthood. If confirmed, I will use our public diplomacy tools to continue engagement with this emerging generation as they play an increasing role in society, government, and business. I would also look forward to working closely with the vibrant Ukrainian diaspora in the United States.

Ukraine and its people face critical choices in the months and years ahead. If confirmed, I will do all I can to support the men and women of the U.S. mission as they work with Ukrainians to further United States interests and advance Ukraine's future as an independent and prosperous European democracy.

I would like to thank you, Mr. Chairman, for the honor of appearing today, and I would be happy to address your questions.

[The prepared statement of Mr. Pyatt follows:]

PREPARED STATEMENT OF GEOFFREY R. PYATT

Mr. Chairman, Ranking Member, and members of the committee, it is a great honor to appear before you as President Obama's nominee to be the next United States Ambassador to Ukraine. I am grateful to the President, Secretary Kerry, and former Secretary Clinton for the confidence they have placed in me through this nomination, and if confirmed I will look forward to working closely with the Congress and members of the Foreign Relations Committee and its staff.

With the chairman's permission I would like to begin by introducing my wife Mary, with whom I have shared a 23-year Foreign Service career that has taken us and our children much further than either of us could have imagined. As a teacher at each of our overseas posts, Mary has done much to build good will and to demonstrate why the idea of America remains so powerfully attractive around the world.

If confirmed, I will continue to build our strategic partnership with Ukraine and will work to realize the potential we see in this relationship with bipartisan support. The U.S.—Ukraine Charter on Strategic Partnership signed by Secretary Rice, and the commission that Vice President Biden established to implement this charter, set high expectations for our bilateral ties. And if confirmed, my highest goal will be to sustain the effort to advance Ukraine on the path toward a modern European democracy.

One area of notable achievement in our bilateral relationship is cooperation on nonproliferation, in particular, the removal of all highly enriched uranium from Ukraine, as jointly pledged by President Obama and President Yanukovich at the 2010 Nuclear Security Summit. Ukraine's leadership on this issue stands as an example for countries around the world. Indeed, Ukraine's decision to remove all of its nuclear weapons and join the Nuclear Nonproliferation Treaty as a nonnuclear weapon state was one of the major accomplishments for European peace in the last 20 years.

I have a particular commitment to these issues of nuclear nonproliferation from my time as Deputy Chief of Mission at the U.S. Mission to International Organizations and the International Atomic Energy Agency in Vienna, and if confirmed I will

continue to encourage Ukraine's contributions as a global partner on nuclear security, nonproliferation, and disarmament.

The United States strategic goals for Ukraine have remained broadly consistent throughout more than 21 years of independence. We support Ukraine's sovereignty, independence, and territorial integrity, along with its desire to pursue its own political and economic interests. In keeping with the aspirations of the Ukrainian people, the United States promotes democracy, a market economy, and rule of law in order to encourage the development of a strong, prosperous, and European state. If confirmed, I will encourage the Ukrainian Government to act now to take advantage of this historic opportunity to pursue Ukraine's hopes for European integration and to meet the EU's conditions for signature of the EU-Ukraine Association Agreement.

In the past 3 years, the United States has expressed increasing concern about the political situation in Ukraine, especially regarding the selective prosecutions of opposition leaders. If confirmed, I will encourage Ukrainians to set high standards for themselves on human rights and rule of law, recognizing that democratic principles are in Ukraine's own interest, and central to U.S. policy. I will also support Ukrainian aspirations for free and fair elections that meet the bar they set for themselves in 2010, especially looking ahead to the 2015 Presidential election.

The U.S. commitment to supporting Ukraine is demonstrated by the size of our assistance program—approximately \$104 million last year, despite reduced budgets globally. Ukraine also hosts the largest Peace Corps program in the world. Our assistance promotes long-term progress in democracy and human rights, in economic development, health and energy independence, and in military and nonproliferation cooperation.

In recent years, Ukraine has become a valuable contributor to international peacekeeping. It currently has over 500 peacekeepers deployed across seven different U.N. peacekeeping operations. Ukraine is the largest contributor of military helicopters to U.N. missions. Ukraine also participates in NATO operations, including troops in Afghanistan and troops deployed to the NATO mission in Kosovo, and will soon contribute a ship to NATO's antipiracy mission off of the coast of Somalia.

This year, as chairman in office of the Organization for Security and Cooperation in Europe (OSCE), Ukraine has the opportunity to demonstrate its international leadership and to set an example for other countries. My current assignment as Principal Deputy Assistant Secretary has given me the opportunity to work closely with the OSCE to advance U.S. interests in Central Asia. In this regard, we have been encouraged by the role that Ukraine has played so far in its OSCE chairmanship, and if confirmed I will look forward to working closely with Ukraine to sustain this success.

Ukraine's economic prosperity depends on financial stability, promoting reforms and attracting foreign direct investment, especially in the energy sector, which is an area of growing U.S.-Ukraine cooperation. On energy security, U.S. companies are ready to invest in unlocking Ukraine's gas resources, and helping the country to achieve its goal of increased energy independence. But our trade and investment relationship should be bigger than it is, and the business climate in Ukraine has been weakened by corruption, a lack of transparency, and questions about the fairness of the courts. If confirmed, I will make it a priority to advocate on behalf of U.S. companies and to work with Ukrainians both in and out of government to advance rule of law, the protection of intellectual property rights, and investor rights.

Ukraine has a highly educated population, an active civil society, and tremendous natural resources. And Ukraine is a young democracy, with its first generation of citizens born into an independent country just now reaching adulthood. If confirmed, I will use all our public diplomacy tools to continue our engagement with this emerging generation as they play an increasingly important role in society, government, and business. I also would look forward to working closely with the vibrant Ukrainian diaspora community in the United States.

Through a diverse and challenging diplomatic career I've learned that there is no greater honor—nor greater responsibility—than representing the United States abroad. I have also learned the importance of clarity on American principles, and that modesty in the pursuit of U.S. goals can be appropriate, especially when it comes to countries that are still defining their place in the world.

Ukraine and its people face critical choices in the months and years ahead. If confirmed, I will do all I can to support the men and women of the U.S. mission as they work with Ukrainians to further U.S. interests and advance Ukraine's future as an independent and prosperous European democracy.

I would like to thank you, Mr. Chairman, for the honor of appearing today and would be happy to address your questions.

Senator MURPHY. OK.

Dr. Mushingi.

**STATEMENT OF TULINABO SALAMA MUSHINGI, OF VIRGINIA,
TO BE AMBASSADOR TO BURKINA FASO**

Dr. MUSHINGI. Mr. Chairman, Ranking Member, and distinguished members of the committee, I am honored to appear before you as the nominee for United States Ambassador to Burkina Faso.

With your permission, let me introduce my wife, Rebecca.

I very much appreciate the confidence and trust the President and Secretary of State have shown in nominating me for this position. I am equally grateful to receive this distinguished committee's consideration.

I believe that my work and travels across Africa have provided me with the experience needed to foster strong ties between our two countries. If confirmed, it would be a privilege to return to Africa to lead the efforts of our strong interagency team, which is committed to our country's increasing engagement in the Sahel region of West Africa.

Our strong bilateral relationship with Burkina Faso aims to build a shared and mutually beneficial commitment to, one, strengthening democratic institutions; two, fostering inclusive economic development; and three, promoting regional stability.

Burkina Faso faces serious economic challenges and a regional humanitarian emergency. The United States has provided humanitarian assistance for at-risk populations in Burkina Faso, including more than 50,000 Malian refugees.

A 5-year Millennium Challenge Corporation compact will help to reduce poverty through investments in roads, improved agricultural productivity, and primary education. Current USAID assistance is boosting food security, improving governance, and widening access to basic health care services. Our strong Peace Corps program is working in education, a community economic development, and community health programs.

Burkina Faso has been a valued partner in promoting regional security and combating terrorism. It has deployed troops to peacekeeping efforts in Darfur and Mali. Burkina Faso is also an active member of the Trans-Sahara Counterterrorism Partnership.

To date, the Burkinabe have played a positive role in mediating conflicts in Cote d'Ivoire, Togo, Guinea, and, most recently, in Mali. If confirmed, I will work to maximize the effectiveness of our security cooperation with Burkina Faso. I will, above all, strive to protect American citizens and interests, advance U.S. national security in the Sahel region, increase mutual understanding, reflect American values, and deliver results for the American people and Burkinabe.

Thank you, Mr. Chairman, for inviting me to appear before you today. I would be pleased to answer any questions you may have.

[The prepared statement of Dr. Mushingi follows:]

PREPARED STATEMENT OF TULINABO MUSHINGI

Mr. Chairman, Ranking Member, and distinguished members of the committee, I am honored to appear before you as the nominee for United States Ambassador to Burkina Faso. I very much appreciate the confidence and trust the President and Secretary of State have shown in nominating me for this position. I am equally grateful to receive this distinguished committee's consideration.

I believe that my work and travels across Africa have provided me with the experience needed to foster strong ties between the United States and Burkina Faso. If confirmed, it will be a privilege to return to Africa to lead the efforts of our robust interagency team, which is committed to the growing partnership between the United States and Burkina Faso, and our country's increasing engagement in the Sahel region of West Africa.

Our strong bilateral relationship with Burkina Faso aims to build a shared and mutually beneficial commitment to strengthening democratic institutions, fostering inclusive economic development and promoting regional stability. Working in partnership, the leadership of our Embassy and the Burkinabé government have successfully advanced some political and economic reforms in Burkina Faso that will serve our peoples well. If confirmed, I will continue this work to deepen our bilateral partnership through programs and policies that support multiparty democracy, sustainable development to address chronic food insecurity, good governance, and regional security.

In December 2012, Burkina Faso successfully held parliamentary and local elections, which were judged free and fair by the international community. We will build upon this momentum to further strengthen democratic institutions, including promoting transparent and accountable governance, respect for human rights, and adherence to constitutional rule.

Burkina Faso faces serious economic challenges. A serious drought in 2011 resulted in a regional humanitarian emergency, which further exacerbated high levels of poverty, malnutrition, and food insecurity. Since then, the United States has provided humanitarian assistance for vulnerable populations in Burkina Faso, including 50,000 Malian refugees the Burkinabé government is hosting in the north of the country. We will continue to support Burkina Faso's efforts to address long-term development challenges. A 5-year, \$481million Millennium Challenge Corporation Compact, which is on track to successfully conclude in 2014, will help to reduce poverty through investments in roads, improved agricultural productivity, land use rights, and primary education. Current USAID assistance is boosting food security, supporting economic growth, improving governance, and widening access to basic health care services. Our strong Peace Corps program has on average 150 volunteers working in education, community economic development, and community health programs.

Economic diversification and improvements to infrastructure and education will be critical to generating the sustainable growth Burkina Faso needs to tackle high poverty rates. The Burkinabé government has taken steps to combat corruption and improve the investment climate, including land tenure policy reforms supported under the MCC compact. If confirmed, I will continue to support progress on economic reforms and promote bilateral trade. I will also continue to work to leverage our assistance programs with those of other donors and the private sector to support Burkina Faso's continued transition to a market economy.

Burkina Faso has been a valued partner in promoting regional security and combating terrorism. It has deployed over 660 troops to the African-led International Support Mission in Mali (AFISMA) and has recently pledged to increase its commitment to 850 troops when the mission transitions under a U.N. mandate. Burkina Faso will also soon deploy its fifth battalion of peacekeepers to the U.N. mission in Darfur, all trained by the U.S. Government through the Africa Contingency Operations Training & Assistance (ACOTA) program. Burkina Faso is also an active member of the Trans-Sahara Counterterrorism Partnership (TSCTP) and a dedicated ally in efforts to combat violent extremism. To date, the Burkinabé have played a positive role in mediating conflicts in Cote d'Ivoire, Togo, Guinea, and most recently in Mali.

If confirmed, I will work to maximize the effectiveness of our security cooperation with Burkina Faso. I will above all endeavour to protect American citizens and interests, advance U.S. national security in the Sahel region, increase mutual understanding, reflect American values in interactions with the government and people of Burkina Faso and deliver results for the American people.

Thank you for inviting me to appear before you today. I would be pleased to answer any questions you may have.

Senator MURPHY. Thank you, to both of our witnesses.

I will begin with questions and then turn it over to Senator Johnson.

To Mr. Pyatt, let us explore the fulcrum point that we are going to be at, this November, when the Eastern Partnership summit is convened in Vilnius. And, as I said in my opening remarks, at least

I hope that there will be an association agreement extended to the Ukraine.

It has been made fairly clear to the Ukrainians that there are a number of steps that have to happen in between now and then. One of them may be a very specific step, that if Tymoshenko is not released, there may not be an association agreement extended. There was a series of releases of political prisoners earlier this year, which I think was an encouraging sign in the right direction, but, as I and many other people made clear to the Ukrainians, certainly not enough.

Can you just delve a little bit deeper into this question. You are going to—you know, assuming that we can move your confirmation forward as quickly as possible, you are going to have a short amount of time, clearly building on a fairly impressive legacy of the outgoing Ambassador, to try to convince the Ukrainians to make these choices. Some say that there is no way that Yanukovich will release Tymoshenko, that the threat to his political base is too great, and that even the association agreement is not enough.

I am interested in both your take, as you have gotten ready for this assignment, on the levers that are at play here, especially for the new Ambassador, to try to get the Ukrainians to make more progress, specifically with respect to Tymoshenko.

Mr. PYATT. Thank you, Senator, for the question.

Senator MURPHY. And just turn—

Mr. PYATT. Thank you, Senator, for the question, which is a critical one and goes to the focal point of United States policy in Ukraine today. I would offer a couple of quick thoughts in response.

First and foremost, I think it is useful to remember that the desirability of Ukraine's European future is one of the few issues on which there is broad political consensus in Ukraine today. Against the background of a very divided political environment, there is consensus between the government, the opposition, and, importantly, Ukraine's leading business organizations and business houses, that Ukraine has enormous benefits that will accrue to it from the signature of the association agreement, and, in particular, the deep and comprehensive free trade agreement.

I have been impressed that that Ukraine aspiration has been reiterated so forcefully by President Yanukovich, by Foreign Minister Kozhara, when he was here in Washington last month, and by a variety of other senior officials in the course of our bilateral consultations.

As you note, there are some conditions that are attached to that signature in November; most importantly, the end to selective prosecutions of political opponents, and, in particular, Mrs. Tymoshenko.

If confirmed, my intention would be to partner as closely as possible with our European partners, who are forcefully engaged on these issues. We have pursued a policy of direct engagement, as Under Secretary Sherman labeled it when she visited Kiev, in March. And I think that that approach of direct engagement has shown some progress, including, significantly, the pardon and release, in March, of former Interior Minister Lutsenko. I thought Senator Cardin got it exactly right in his statement on that deci-

sion. It was an important and hopeful step forward, but it was only one step.

Looking to the next couple of months and weeks, Ukraine needs to make a decision about how to approach that key condition along with the other conditions that the European Union has established. The United States will stand with Europe and stand with Ukraine as they proceed down that road. And certainly, if I am so fortunate as to be confirmed, it will be my highest priority, in my first weeks at the mission, to work with colleagues and to mobilize the diplomatic effort that Ambassador Tefft has been actively pursuing with his European counterpart to encourage President Yanukovich to walk through the door that the European Union is holding open and to seize the important opportunities that the association agreement represents, and the prospect that that holds for substantially lifting Ukraine's economic situation over time, riding on the back of the economic opportunities that the association agreement would bring along with it.

Senator MURPHY. One of the arrows in our quiver is the help that we can give the Ukrainians with respect to energy independence. And, in my second round of questions, I will have some questions for you, Dr. Mushingi. But, let me use my remaining time to explore that issue with you.

Clearly, there is another decision that they are going to have to make about the sale of their pipeline infrastructure to the Russians, in exchange for a new agreement on sales of energy resources coming in. This is potentially an asset worth somewhere in the neighborhood of \$30 billion. And if they get this deal wrong, it has pretty important fiscal implications for the Ukrainians and very important security consequences, from an energy perspective, for the entire region.

How do we help the Ukrainians get the best deal, moving forward, with the Russians? And then, from the larger perspective, what can we do to try to move them toward energy independence? I know we are doing a lot right now with respect to helping them develop some shale resources, but there is much more, I am sure, that we can do.

Mr. PYATT. Thank you, Senator. Critical question. I have been involved with a lot of countries, where energy politics are important, but I have never seen a place where they are as central as they are in Ukraine, as your question, itself, reflected.

I think, as we look ahead, Ukraine has a tremendous opportunity. You alluded to the shale gas revolution and the fact that you have two major U.S. international oil companies—Exxon Mobil and Chevron—both of whom are very close to production-sharing agreements with Ukraine. Ukraine has already concluded such an agreement with Royal Dutch Shell. I have talked to experts who have indicated that they believe that, within 6 or 7 years, Ukraine could achieve 50-percent energy independence, just based on the adoption of the correct policies. There are policy choices that Ukraine has to make which will be requirements for securing the sort of large investment in transfer of technology that our companies would be prepared to be engaged with. We are also working with Ukraine through our Strategic Partnership Commission. We have a working group on Energy, led by Ambassador Carlos

Pascual, that has been actively engaged on some of the other policy decisions that Ukraine needs to make to unlock its potential role as an energy hub for all of Europe.

The energy politics of the region are changing dramatically; in part, as a result of the shale gas revolution in the United States. Ukraine has begun reverse imports from Western Europe, of gas. It has enormous potential to serve as a leveler for pricing and gas allocation across Europe, if it makes the right policy choices.

The question of the pipeline, that you alluded to, is particularly sensitive, because it goes to one of the things which makes Ukraine's future role so possible, which is its participation in the European energy community. And I will look forward to working with our companies and supporting them, if confirmed, in order to make clear that everybody has a clear understanding of the implications for American investment that would be carried by a decision to sell off some or all of Ukraine's pipeline resources.

Senator MURPHY. I will continue on that on the second round, but, at this point, turn it over to Senator Johnson for questions.

Senator JOHNSON. Thank you, Mr. Chairman. I may be picking it up right off the bat.

Senator MURPHY. Yes. Go ahead.

Senator JOHNSON. What are those policy choices? You mentioned ownership of the pipelines. But, are there other policy choices that Ukraine has to move forward with?

Mr. PYATT. Thank you, Senator. I think—well, the most important one is the future of the association agreement. And I think one of the reasons that the Vilnius summit, that the chairman alluded to, is so important is because that will put Ukraine on a stairway toward closer relations with Europe, and it will bring with it a series of disciplines, in terms of policies, in terms of regulatory frameworks, that will have the effect of cementing what we all hope for, which is Ukraine's future as a democratic, rule-of-law society.

I am inclined to look at the Vilnius summit as less an endpoint than a way station, because even if what we all seek is achieved, and Ukraine and the European Union signs the association agreement, there will then have to be a process of ratification in Europe, there will be a process of implementation, including on issues important to Ukraine, such as visa-free travel. All of those will provide leverage for Europe and for the United States, working with our European partners, to continue encouraging Ukraine in the direction we seek.

I want to underline, as Vice President Biden said very eloquently when he was in Kiev, 4 years ago, the United States stands with the people of Ukraine. Our hope for Ukraine's future as a democratic European state is mirrored in every poll I have seen of Ukrainian public attitudes, but there are some challenging political decisions that have to be made on everything from pipelines, as the chairman alluded to, questions of energy pricing and gas pricing, which are part of the negotiations with the IMF, questions of how to structure the 2015 elections, and then, most crucially of all, the question of how to deal with the political opposition, which is embedded in the challenge of the concern that many have expressed,

including the U.S. Government at the senior-most levels, about the phenomenon of selective prosecutions.

Senator JOHNSON. In your opening comments—I am not sure I am using it as the exact quote, but you made it seem like it was universally accepted, that desire to move closer to Europe. But, at the same time, the—I am seeing a drift more toward Russia. What type of pressure is Russia being brought to bear—for example, not to join the association?

Mr. PYATT. Yes, a critical question. And I think I would answer it two ways, Senator.

First, if I can quote Vice President Biden again, he made very clear that we reject any notions of spheres of influence. And, of course, it is appropriate for Ukraine to have a deep and significant relationship with its large Russian neighbor. It is Ukraine's largest trading partner. But, we see Ukraine, over the long term, as being part of Europe. And that is a view which comes, not just from the Ukrainian people and the public opinion surveys that I have looked at, but we hear it from the highest levels of the Ukrainian Government, including President Yanukovich, Foreign Minister Kozhara, Prime Minister Azarov. And that is what we want to leverage off of. We want to work with Ukraine to achieve the future that the Ukrainians themselves have said they seek.

Russia, as you alluded to, has had this active conversation with Ukraine; in particular, regarding the question of the Eurasian Economic Union. It is an issue that I have watched carefully, because the Eurasian Economic Union is also active in the region of Central Asia, that I am presently responsible for.

It is interesting to me. One large Central Asian country that I have worked with closely is Kazakhstan. Kazakhstan is a member of the Eurasian Customs Union, but it has found that, since its membership, if you look at the data from the World Bank and others, the main benefits from that membership have accrued to Russia. Russia's exports to Kazakhstan have gone up. Kazakhstan's exports to Russia have been flat, largely owing to nontariff barriers and other obstacles. Meanwhile, Kazakhstan has found that it has to navigate around very high external tariffs that are imposed by the Customs Union.

I take it as a hopeful sign that President Yanukovich has chosen not to pursue membership in the Eurasian Economic Union, but is pursuing something short of observership, which is appropriate and which our European partners have said is completely nonthreatening to what we all seek, which is Ukraine's membership in the deep and comprehensive free trade agreement with Europe.

So, I think there is a debate on these issues. It is appropriate that there should be a debate on these issues in Ukraine. That is what we would hope for in a democratic society. But, what is interesting to me is, as I alluded to in my earlier response to the chairman, what is interesting is, across the board, every major political party and the major business and social and community groups have all said the same thing, which is, Ukraine's future lies in closer relations with Europe. And that is something that the United States should applaud.

Senator JOHNSON. OK. Well, we will come back to Ukraine later. We will bring Dr. Mushingi into the conversation, here.

Doctor, you had mentioned, in your opening statement, that one of your responsibilities is to protect Americans and Americans' interests in Burkina Faso. Can you tell me how many Americans are there and what those interests are that need to be protected?

Dr. MUSHINGI. Thank you, Senator. For now, we have about 1,000 American citizens in the Burkina Faso. That includes the official Americans working for the U.S. Government, but also private citizens.

As far as interests, this is one of those new economies, as we look around the world, and there's little known about it. But, we believe that—we have our top priority of strengthening economic growth, that we have an opening there, where the prosperity of the country will be attractive to some Americans, as well. And, for now, it is slow moving. But, we have at least 5 to 10 American businesses involved in Burkina Faso.

Senator JOHNSON. In what areas are there—I know there is gold. It is primarily an agricultural society, but is it—I mean, are there some real investment opportunities?

Dr. MUSHINGI. Yes, sir. The big one, as you said, is—the big one is agriculture. And, for now, cotton is the big, big leading export for Burkina Faso. But, gold comes second to that. But, as I said, this is an emerging economy, and therefore, everything that we can think about is open. Transportation, that is one area.

But, back to agriculture, where our policies—but also the policies of the country are in sync with what we want to do, it is really a wide, wide-open market—the agricultural equipment, if we can sell some agricultural equipment there. Our biggest program, which is the Millennium Challenge Corporation, the bulk of that money is going into improving agricultural productivity. And everything from equipment to seeds to transportation, just for the whole chain, is open.

Senator JOHNSON. OK. Thank you, Doctor.

Thank you, Mr. Chairman.

Senator MURPHY. Thank you, Senator.

We will now do a second round of questions, and I will continue with you, Dr. Mushingi.

Talk to us about the Malian refugee issue inside Burkina Faso today. About 50,000, as I understand, refugees are there today. Talk to you about the security concerns within the country, relevant to that large a population, what kind of conditions they are living in, and what role the United States has to play in trying to secure those camps and then trying to either bring those folks back home or integrate them into society, if they're going to stay.

Dr. MUSHINGI. Yes, thank you, Senator.

Yes, as I said, we have about—there are about—close to 50,000 Malian refugees in—within the borders of Burkina Faso, most of them in the north. And we are providing humanitarian assistance for those refugees, working with the Burkinabe Government. But, again, what we are trying to do is to maximize our aid, meaning—working with all the other partners, the civil society, the Burkinabe Government, but also other donors, such as France, in addressing the issue. This is one of those issues that transcends one country, and everybody has to work together.

We are working with the Burkinabe Government in training—on the security side—in training their local police to patrol the borders. That is to see who is coming in and who is not coming in. Once they are in the camp, our Bureau for Population and Migration and Refugees at State Department has already provided enough—have—has provided funding to work—to increase the basic health services within the camps—water, sanitation, and food—but also working with the Malians and the Burkinabe to register the Malian refugees who are in the country. And this, of course, as you alluded to, the agreement that was signed yesterday has—there is a provision for how—to see how these Malians can also continue to participate in the affairs of the country. And here we are talking about leading up to the elections.

Senator MURPHY. This is your first assignment in this particular country, but, of course, you have been actively engaged in watching and analyzing the region for your entire life. Talk to me specifically about President Compaore. Difficult to sort of figure out which direction he is heading in. He has, at times, been blamed as a destabilizing factor in the region, but, with respect to this new agreement, clearly he has, now, a renewed interest in bringing people together.

I know that you have yet to take up this assignment, but give a little window into President Compaore and whether he is sincerely committed, in the long run, to trying to be a peacemaker or whether we are still living with some of his reputation, in the past, as someone that caused, sometimes, more troubles than he solved.

Dr. MUSHINGI. Yes. Thank you, Senator, for your question.

President Compaore, for the last decade or so, has been a valued partner of the United States, but also has been engaged in helping us, especially with the regional issues. Regional stability in that region involves all the actors in the region, and President Compaore has taken a lead in that aspect, and we are grateful for his lead.

Going from our President's speech when he visited Africa a few years ago, the idea is for the Africans to take the lead in their affairs. We are there as partners and providing the help we can, and—but, they have to take the lead. And, on the West Africa side, in the grouping, the ECOWAS grouping, the economic grouping of West African nations, President Compaore has proven to be a leader, especially in mediating many of these conflicts.

To his success, we know that Cote d'Ivoire—he helped with Cote d'Ivoire; and, so far, peace seems to be holding. He helped in Guinea Bissau—in Guinea. He helped in Togo, leading to the democratic elections. And now he is taking this strong lead in Mali, and we are grateful for that, as well.

Senator MURPHY. As are we.

Mr. Pyatt, one additional question. Can—it is a simple one—can Ukraine achieve an association agreement with Tymoshenko still in jail? Is that the—there are—is that a bottom-line necessity in order to achieve an association agreement?

Mr. PYATT. Senator, I hope you will excuse me if I refrain from trying to predict, at this point, 6 months out, where we might be. I can say, Europe has been very clear about its conditions. The 27, soon to be 28, will have to reach a decision if we get to November and Mrs. Tymoshenko is still in detention.

What I can say is that, if I am confirmed, I will work as hard as I can, as closely as I can, with my European partners to make sure that the Ukrainian Government reaches the correct decision. And I say this, having listened very, very carefully to Senator Durbin's floor statement yesterday. And I think the one thing that came through to me in his very welcome intervention was the idea that this is not about an individual, it is about a principle. And the principle is how a democratic government deals with a political opposition when leaders are out of power. And I think—I—again, I am reluctant to speculate on where things will turn out. I know that the European Union Ambassador in Kiev has said some hopeful things recently about his aspirations, that there may be a compromise that can be reached. And again, the handling of former Interior Minister Lutsenko shows that there is a road that the Ukrainian Government can follow involving a pardon, involving the release of political opponents.

So, I know that is not a complete answer to your question, but I think it is probably about the best I can offer at this point. And again, if I am confirmed, you have my assurance that this will be at the very top of my list as I begin to find my feet with the Embassy team in Kiev.

Senator MURPHY. I did not expect you to give a complete answer. But, Senator Durbin wanted to be here today. I am one of the cosponsors of his resolution calling for the release of Mrs. Tymoshenko. I appreciate the work that you will do on this.

Senator JOHNSON.

Senator JOHNSON. Thank you, Mr. Chairman.

Dr. MUSHINGI, a quick followup on the Mali refugee problem. How many refugees are there, currently?

Dr. MUSHINGI. The last number I was briefed on was about 50,000 Malian refugees.

Senator JOHNSON. You were talking about registering. Is the thought that they will be repatriated to Mali at some point in time, or are they going to be assimilated into the culture?

Dr. MUSHINGI. The thought is, first and foremost, for us—as you know very well the region and what is going on in that region—first and foremost, to know, at least to have an idea of, who is within the camp, and how to deal with the people who are in the camp. The next level is to work with the Malian Government. This agreement is an agreement that is leading to eventual elections in their country. To work with the Malians to see how those refugees can participate in the elections in their country. And, third, what any country that receives refugees hopes for, that refugees will be able to go back—

Senator JOHNSON. Return.

Dr. MUSHINGI [continuing]. To their own country.

Senator JOHNSON. OK.

Dr. MUSHINGI. But, as you know, it is a long process.

Senator JOHNSON. Thank you.

Mr. Pyatt, let us talk a little bit about the rule of law in Ukraine. Is that really what we are talking about, with political prosecutions? And is that shaking the confidence from the standpoint of U.S. investors—I guess I am glad to hear Royal Dutch Shell is concluding agreement; is that a hangup for, potentially, American

companies, when they see, on the one side, the type of law they have, when it comes to the political situation?

Mr. PYATT. Thank you, Senator. I am reminded of something Secretary of State Colin Powell used to say when he would talk to us about investment, that money is a coward. And, I think, from that perspective, it is very important that Ukraine provides an environment for investment for business that is transparent, that provides the assurance of fair adjudication of disputes.

The large energy investments that are on the horizon, in particular, I think can be real bellwethers in this regard, because these are very large American companies, which bring state-of-the-art technology, but also bring American business practices, in the best sense of the word, in terms of the Foreign Corrupt Practices Act, in terms of their preparedness to commit to long-term partnerships, but to commit to a long-term partnership based on honesty, based on the rule of law.

The United States, as a policy matter, our assistance programs have done a lot of good work in this area. Ukraine recently passed a new criminal procedure code that reflected a lot of work by the USAID mission in Ukraine. I know that the mission has been also engaged on the question of a new prosecutorial code. There is work to be done.

When I have been engaged with some of the Central Asian governments, I sometimes remind myself, these are countries that have only experienced 21, going on 22, years of independence. They are still figuring out a lot of the rules of the road. And I ask myself, you know, Where was the United States, 22 years after 1776?

But, there are opportunities that Ukraine has at this moment, and certainly we are prepared to work comprehensively—and I think our business community is, as well—if the conditions are right. But, as I said in my prepared statement, as I have looked at our economic and commercial relationship, it is much smaller than it should be. This is a country of 46 million people, with four EU member states on its border. I would like to see a much larger trade and investment relationship. But, that will only come if the conditions are right.

Senator JOHNSON. Obviously, Russia's using its oil and gas exports as pressure. Are we going to be equally as prepared to utilize investment and foreign aid, basically, to create those—you know, the positive pressure for Ukraine to do the right thing? Is that your intention?

Mr. PYATT. Critically important question, and, I think, especially in areas like energy. Again, if those experts I have talked to are correct and Ukraine achieves 50-percent energy independence on the basis of new investment in shale gas, on the basis of assistance that USAID is providing on energy efficiency, on the basis of other nonconventional sources, that has the potential to change the energy politics of the region in a positive way that reinforces what has been United States policy for more than two decades, at this point, which is United States support for the territorial integrity and independence of a democratic and European Ukraine.

Senator JOHNSON. Can you just speak a little bit in terms of political corruption, whether it is the wheat program, wheat exports,

and your thoughts on what we can do, in terms of bringing pressure to bear to minimize that problem?

Mr. PYATT. Again, Senator, critical issue. I am glad you raise it. I know the mission has been engaged, for instance, on the question of the extractive industry's transparency initiative. The Ukrainian Government has adopted a roadmap. It is pursuing membership in that initiative, which would have the effect of building confidence in the business environment and establishing rules of the road, which would benefit, not just foreign investors, European or American, or, for that matter, Russian, companies, but also Ukrainian investors and Ukrainian companies.

And, I think, again, this is part—as I look at it, and having spent much of my career working in countries that are in transition, which are developing their democratic cultures, this is part of that building process. And it has certainly been my experience that economic and commercial modernization and political modernization go hand in hand. There is a great deal that Ukrainians can be proud of, in terms of what they have accomplished since independence in political development. The 2010 Presidential elections absolutely met international standards, in terms of a free and fair electoral process. You have a flourishing civil society. You have got an active press. And you have a vibrant political opposition. But, that is a foundation on which Ukraine ought to build more.

As Secretary Clinton said in one of her comments not so long ago, Ukraine deserves better. And if I am confirmed, I want to work with the Ukrainian people, and especially the emerging new generation of younger Ukrainians, to achieve that more hopeful future.

Senator JOHNSON. If I can risk going over a little bit, I am almost reluctant to ask this question, but, in terms of political prosecutions—not necessarily always a black-and-white issue. And without speaking to any one particular case, I mean, how muddied is the water there? How many are pure—I mean, to what extent is it pure political prosecution versus there sometimes are not all angels? Do you know what I am trying to get at?

Mr. PYATT. I think I know exactly what you are getting at, Senator. I think I would answer it this way. I, of course, have not looked over any of the prosecutorial dossiers on this. I do not have the factual background on the specific cases. But, I do know, as—in fact, as Senator Durbin, who, of course, has the legal expertise and has looked at these issues, said, just yesterday, when a former Prime Minister is imprisoned on the basis of a political—of a legal judgment against a decision she reached while in office, that raises questions about rule of law, and it raises the specter of the allegation of politically motivated prosecutions.

So, that is, I think—let me leave it at that. Thank you.

Senator JOHNSON. OK. Well, I appreciate that.

Senator MURPHY. Thank you.

Let me just ask one last question to you, Dr. Mushingi. I wanted to ask a broader question, given your lifetime's work on United States/African relations. We spend a lot of time here talking about the investment that China is making in the African economy; in particular, their interest in natural resources. We, thankfully, have a renewed interest in our relationship with African nations, but

largely because of the tumult in northern Africa and a growing recognition of the security challenges that are presented to the United States in Africa. We do not talk enough here, I think, about the work that we can do with foreign aid and economic development assistance to try to keep up with the interest that China is showing.

Can you just speak for a second as to what, given your broad experience in the region tells you, should be United States policy with respect to economic investment in Africa? In particular, standing next to a pretty impressive buying spree from the Chinese over the last several decades.

Dr. MUSHINGI. Thank you very much, Senator, for your question.

I have dealt with that issue, the presence of the Chinese and other people in many of those countries. My last posting, which was Ethiopia, where I was Deputy Chief of Mission, we had to grapple with that issue, and deal with it. In fact, I had a chance to brief Senator Durbin when he came around to visit us. And one question was about the Chinese presence.

On Burkina Faso, one thing that I can say for sure is that we have the will of the people. They want to work with us. And we believe that investment in promoting economic growth and strengthening the rule of law are insurance against violent extremism, regional conflicts, but, more importantly, poverty.

Now, if confirmed, one of my priorities will be working with the Burkinabe Government to have a level of playing field so that everybody involved in the country, whether they are Chinese, French, Americans—that we can compete for the same opportunities, starting from the same level.

The Chinese interests in many of those countries or—is—can be, also, a—an opportunity for us that we can see where the—those companies are, and what they are doing. But, working with the local government, my priority, if confirmed, will be to ask and make sure that the American companies, as well, can—American companies can compete as well as those other companies from the other countries.

Senator MURPHY. Well, thank you.

Thank you to both of our witnesses. I think this has been a very good hearing. My only disappointment is that we did not spend more time talking about the very important Burkina Faso/Ukraine bilateral relationship. [Laughter.]

But, maybe we will save that for next time.

We have given members until Friday to submit questions. If there are additional questions, we hope that you will return answers to us with as much speed as possible. We are hopeful that we will be able to bring your nomination before this committee in the very near future, perhaps before our next recess.

And again, thank you both for appearing here before us. Assuming your successful confirmation, we look forward to working with you.

And, with that, this hearing is adjourned.

[Whereupon, at 2:55 p.m., the hearing was adjourned.]

ADDITIONAL QUESTIONS AND ANSWERS SUBMITTED FOR THE RECORD

RESPONSES OF GEOFFREY PYATT TO QUESTIONS SUBMITTED BY
SENATOR ROBERT MENENDEZ

Question. Last year, Ukraine removed the last batch of highly enriched uranium (HEU) from two of its remaining nuclear sites, bringing it closer in line with the commitments made by President Yanukovich and President Obama at the 2010 Nuclear Security Summit. This past May, Ukraine demonstrated its own long-term commitment to nuclear disarmament and nonproliferation when it opened a rocket engine airframes disposal facility to house the destruction of RS-22 (SS-24) missiles.

- How is the United States prepared to assist Ukraine as it enters the final stage of fulfillment of its international commitments stipulated under the Strategic Arms Reduction Treaty?

Answer. We consider Ukraine a key strategic partner on issues of nonproliferation, arms control, and nuclear security. Since becoming a non-nuclear-weapon state in 1996, Ukraine has continued to play a leading role in global efforts to reduce the threat of WMD, including by removing all highly enriched uranium from Ukraine in 2012.

Ukraine is financing the operation of a full-scale water washout facility to remove the propellant from Ukraine's remaining legacy SS-24 solid rocket motors. Through the Department of State's Nonproliferation and Disarmament Fund (NDF) and the Department of Defense's Cooperative Threat Reduction program, the United States assists with this project through three primary efforts:

- Construction of an empty motor case elimination facility to facilitate the safe, ecologically sound incineration of residual propellant and empty motor cases.
- Provision of a fixed-fee payment for the empty motor cases once Ukraine has removed the propellant.
- Support for the safe storage of the remaining solid rocket motors.

The United States is proud to work with and support Ukraine on these projects.

Question. The Tymoshenko prosecution and imprisonment has been a disaster for Ukraine and has hurt the country's reputation. The release of Lutsenko was a positive step, but how many other political prisoners do we know about in Ukraine? What sorts of conditions are they being held in and what are the prospects for their release?

Answer. The Department has engaged at the highest levels, including directly with President Yanukovich, to express concern about the politically motivated prosecution of opposition leaders, including former Prime Minister Tymoshenko.

As far as the Department is aware, Mrs. Tymoshenko is the last high-profile political figure still in detention as a result of a politically motivated prosecution. She currently faces criminal charges in three other cases and is under investigation for her alleged involvement in the 1996 murder of Yevhen Shcherban. Former Interior Minister Yuriy Lutsenko was released in April 2013, following a Presidential pardon. Former Deputy Minister of Defense Valeriy Ivashchenko was released on probation, but following Denmark's decision to grant him asylum, the Prosecutor General's Office has proposed to reinstate his original 5-year prison sentence.

The Department's 2012 Human Rights Report noted that prison and detention center conditions in Ukraine remained poor, did not meet international standards, and at times posed a serious threat to the health of prisoners. In the case of Mrs. Tymoshenko, she was transferred from prison to a hospital in April 2012.

Question. The administration recently identified Ukraine as a "Priority Foreign Country" (PFC) for its lax IP practices, and has now launched a section 301 investigation. This was the first time since 2005 that USTR had designated any country a "Priority Foreign Country." To quote USTR's 2013 Special 301 report, "The PFC designation is reserved by statute for countries with the most egregious IPR-related acts, policies, and practices with the greatest adverse impact on relevant U.S. products, and that are not entering into good faith negotiations or making significant progress in negotiations to provide adequate and effective IPR protection."

In its 2013 report, USTR specifically cited the rampant use of pirated software by the Ukrainian Government itself as one of the reasons for its PFC designation. Overall, estimates are that only 16 percent of the software utilized in the country is legitimate. Ukraine is certainly not the only country with a poor regime for protecting IP, but the Ukraine Government has demonstrated a lack of responsiveness in addressing these issues. The U.S. Government has been pressing the Ukrainians

on this issue for a long time, including signing an IPR Action Plan with the Ukrainian Government in 2010.

- Unfortunately, we have seen little progress in implementing this Action Plan. What do you plan to do once you have arrived in Kiev to ensure that this issue gets the attention it needs from the Ukrainian Government?

Answer. As you note, Ukraine was designated a Priority Foreign Country for failing to provide adequate and effective protection of intellectual property rights (IPR). Following this designation, Ukrainian Government officials announced their intent to cooperate fully with the United States to develop and implement a plan to push forward IPR protections.

If confirmed, I will make it a priority to advocate on behalf of U.S. companies and to work with Ukrainians, both in and out of government, to advance the protection of intellectual property rights. Working with Deputy Prime Minister Gryshchenko, I intend to hold the Government to its commitments to legalize the software on its computers, crack down on Internet piracy sites and pass legislation to protect copyright.

I will also seek to partner with Ukrainian business associations, industry, and other diplomatic missions to mobilize our shared interests in strengthening the Government's IPR protection effort. I also intend to continue the Embassy's efforts to raise awareness about how IPR protection benefits Ukraine's economy.

RESPONSE OF GEOFFREY PYATT TO QUESTION SUBMITTED BY
SENATOR CHRISTOPHER A. COONS

Question. This year, the United States Trade Representative (USTR) designated Ukraine a "Priority Foreign Country" (PFC) due to the Eastern European nation's disregard for the protection of U.S. intellectual property, particularly copyrighted works. This marks the first new PFC designation in 8 years. Ukraine's piracy rate for software alone is over 80 percent, and USTR noted the widespread use of pirated software by the Ukrainian Government as one of the reasons for the designation. The United States has pushed the Ukrainian Government to crack down on piracy for many years, including the signing of an IPR Action Plan in 2010. But Ukraine has failed to implement the bulk of the Action Plan, and little progress has been made.

- In your new role, how will you help to ensure that the Ukrainian Government more directly addresses American concerns over intellectual property right protections?

Answer. As you note, Ukraine was designated a Priority Foreign Country for failing to provide adequate and effective protection of intellectual property rights (IPR). Following this designation, Ukrainian Government officials announced their intent to cooperate fully with the United States to develop and implement a plan to push forward IPR protections.

If confirmed, I will make it a priority to advocate on behalf of U.S. companies and to work with Ukrainians both in and out of government to advance the protection of intellectual property rights. Working with Deputy Prime Minister Gryshchenko, I intend to hold the Government to its commitments to legalize the software on its computers, crack down on Internet piracy sites, and pass legislation to protect copyright.

I will also seek to partner with Ukrainian business associations, industry, and other diplomatic missions to mobilize our shared interests in strengthening the Government's IPR protection effort.

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