

## Hearing Transcript

### House Foreign Affairs Committee Hearing on President Obama's Fiscal 2017 Budget Request for Foreign Affairs

February 25, 2016

ROYCE:

This hearing will come to order. This morning, the committee once again welcomes Secretary of State John Kerry to consider the department's budget request.

When Secretary Kerry last appeared before us, he was presenting the Obama administration's nuclear agreement with Iran. In the seven months since, the administration got its agreement and the Middle East has been transformed, and not for the better.

Now, with access to \$100 billion in unfrozen assets and sanctions wiped away, Iran has instantly become the dominant country in the region. The Revolutionary Guards, already Iran's most powerful economic actor, in the words of the Treasury Department, will only grow more powerful with international investment.

The committee has deep concerns about the way the Obama administration, in apparent deference to Tehran, has chosen to ignore portions of a new bipartisan law ending visa waiver travel for those who have visited Iran. And Mr. Secretary, the committee still awaits a detailed response to its many questions about a surprise \$1.7 billion payment to the Iranian regime that coincided with the release of several Americans.

Look no further than Syria for the horrible consequences of an emboldened Iran. The slaughter continues. And while the secretary does his best to broker some sort of cease-fire, the fact remains that Russia, Iran and Assad are calling the shots on the ground.

The administration says there is no military solution to the conflict in Syria, yet as far as Putin and Assad see it, there very much is. Of course, Russia's backing of Assad means that ISIS only grows elsewhere. The ISIS JV team has gone global, capable of striking in Europe, in Asia, in Africa and here at home.

Some 50 ISIS-linked groups have carried out attacks in over 20 countries. In the failed state of Libya, ISIS has doubled in size. Now it has 6,000 fighters in Libya. Every day that ISIS advances, it draws recruits to plot new attacks abroad. The committee hopes to understand just what is the department's strategy to counter violent extremism.

Looking toward Asia, the committee met yesterday with the Chinese foreign minister and reminded him that the South China Sea must remain open to international shipping and that any disputes should be resolved peacefully. Even after the latest North Korean nuclear test, Chinese pressure on the regime in North Korea is weak. Fortunately, the president just signed into law this

committee's North Korea Sanctions and Policy Enhancement Act. It is now up to the president to enforce this law aggressively, to cut off the funds now flowing to the Kim regime in North Korea.

After years of congressional pressing, this budget does acknowledge the need to respond to Russia's weaponization of information and to ISIS propaganda, but the Broadcasting Board of Governors, the international broadcasting agency that your predecessor called defunct, remains in desperate need of an overhaul. And Mr. Secretary, working together we can, we must fix this.

Facing a chronic budget deficit, even good programs may not be supportable at levels we'd like, and that's why I'm proud that this committee's scrutiny of the department's new diplomatic security training facility helped to save the taxpayers over \$500 million.

I now recognize the ranking member, Mr. Engel of New York, for any opening comments he may have.

ENGEL:

Thank you, Mr. Chairman. And Mr. Secretary, as always, welcome to our committee. We work very hard on this committee to keep it and make it the most bipartisan committee in Congress because when it comes to foreign policy, differences really should stop at the water's edge.

So I want to thank you for your distinguished service to our country. I know that you sat on this side of the dais long enough to understand Congress's important role in foreign policy, and we're grateful for everything you do.

I will get into a few specifics, but even if we all listed our top 10 foreign policy priorities, we'd just be scratching the surface. I can never remember a time when so much was happening all at the same time, all at once, because if you threw a dart at the map of the world, wherever it landed, you'd find an American foreign policy interest.

It might not be a top priority today because we focus mostly on the fires already burning out of control. But what happens if we don't provide resources in sub-Saharan Africa to consolidate democratic gains? What happens to the Asia rebalance if we neglect U.S.-India security cooperation? What happens if we say tackling climate change and protecting the environment just need to wait?

The issues we ignore today will be the fires burning out of control tomorrow, and one thing's certain, stopping an ongoing crisis is a much costlier business than preventing one in terms of American dollars and often American lives.

So we need a robust foreign policy. We need to invest in diplomacy, development and foreign assistance, in order to tackle all of these challenges. We need to make the case that modest investments today, just over 1 percent of the federal budget, will pay back huge dividends for our security and prosperity tomorrow.

We need to show that American leadership is always a sure thing because if we're not doing this work around the world, no one else will.

So let me turn to a few particulars. I know and you know, Mr. Secretary, we must continue to hold Iran's feet to the fire. We must make sure that they adhere to the agreement to the letter of the law. I'm glad the administration imposed new sanctions following Iran's ballistic missile test. We need to continue making sure Iran again is following its nuclear deal obligations to the letter.

We also need to crack down on Iran's other destructive behavior. Iran continues stirring up trouble throughout the region, from sending IRGC commanders to Syria, to supporting the Houthis in Yemen, to spreading instability in Lebanon to be the main supporter of Hezbollah.

We need to do what it takes to curb Iran's ongoing mischief and support our allies and partners in the region, especially the state of Israel, which Iran poses an existential threat to.

In Syria, even with the planned cease-fire, I don't foresee a quick end to the crisis, especially now that Russia has provided Assad another lifeline. The millions of refugees and displaced families desperately need humanitarian assistance, and we should support the administration's \$4.1 billion request.

But food and supplies won't end this conflict. We need to push for a political resolution to get Assad out of power and help the Syrian people start rebuilding. We also need a new AUMF giving the president what he needs to defeat ISIS while preventing another large-scale open-ended commitment of American troops on the ground.

Turning to Ukraine, as fighting again intensifies, we cannot take our eye off the ball. Today, Ukraine's top priority should be rooting out corruption and pushing reform, and we need to support these efforts. We need to work with Ukraine. We need to be a partner of Ukraine. A stronger, more prosperous Ukraine stands a better chance of turning Putin back.

And speaking of Putin, we need to let him know that we will never acquiesce to his illegal occupation of Crimea and his aggression in Ukraine will not be tolerated. So that's why I'm glad we're doing the right thing by bolstering NATO in Eastern Europe to deter further Russian aggression. And any talk of sanctions relief for Russia is premature so long as Ukraine doesn't control its own eastern border.

But Mr. Secretary we must do more to counter Russian propaganda. The chairman and I feel very strong about the fact that people in the Russian language sometimes only hear on the air what Putin wants them to hear, and they get a very unbalanced view, and we need to be -- to move in there and make sure that they get a balanced view.

So here in our neighborhood, let me applaud President Obama for what he's done over the last year. We should support the president's billion-dollar request for Central America. If we're getting to the root causes of child migration from El Salvador, Guatemala and Honduras, fewer children will attempt the dangerous trek.

Our top ally in the region, Colombia, is nearing a historic peace agreement with the Revolutionary Armed Forces of Colombia, the FARC. Just as we've supported Colombia throughout this conflict, we should continue standing with Colombia's people and government as they build a peaceful future.

Turning to Argentina, the new government's desire to work more closely with the U.S. is a good sign. Chairman Royce and I have urged the president to prioritize this relationship, and I'm glad the president's traveling there next month.

Our policy on the Americas in the Americas brings me finally to global health. The Zika virus may soon touch nearly every country in the hemisphere, and the connection between Zika and the birth defect microcephaly creates even greater urgency. We should prioritize awareness efforts, including the risk of sexual transmission, and meet the needs for contraception. Women need the right tools and information to choose whether and when to have children, particularly with this virus running wild.

More generally, we continue to see the importance of investing in global health. The president's budget request is strong, but we should focus on the right priorities. For example, tuberculosis is the world's number one infectious killer, so I don't understand why the funding request from last year hasn't gone up.

So Mr. Secretary, I could go on and on, but I look forward to hearing from you on these and other concerns. Again, thank you.

And I yield back, Mr. Chairman.

ROYCE:

Thank you, Mr. Engel.

So this morning, we are pleased to be joined by Mr. John Kerry, the 68th secretary of state. Prior to his appointment, the secretary served as United States senator from Massachusetts for 28 years and chaired the Senate Foreign Relations Committee for the last four years.

And so Mr. Secretary, welcome again.

Without objection, the witness's full prepared statement will be made part of the record. Members here will have five calendar days to submit any statements or questions or any other material for the record.

We want as many members as possible to have a chance to question the secretary. And to accomplish that, I would just ask every member and the witness, let's try to stick to the time limit, and that means leaving an adequate amount of time for the secretary to answer your questions. So if we ask our questions succinctly and we get a succinct response, with can get through the members of the committee.

And with that, we'll begin with the summary of, Mr. Secretary, your testimony. Thank you again.

KERRY:

Mr. Chairman, thank you very much, ranking member Engel, all the members of the committee. I'm privileged to be here to have a chance to present the 2017 budget and answer your questions. And obviously, I know most of them will be more with respect to policy, et cetera. But I will try to be very rapid in this opening.

First, our request for resources this year of \$50 billion is equal, as ranking member Engel reminded everybody, to about 1 percent of the entire federal budget. One penny on the dollar is everything we do with respect to diplomatic security, development security, relationship security, all of the things we do with our embassies, AID, everything.

And I would suggest very respectfully to the members of this committee it is a minimum, minimum price for the leadership that we offer to the world, that we are currently engaged -- I think, as the chairman said, I can't remember a time where there were as many hotspots, as many difficult challenges because of the transformation taking in the world right now -- taking place. And as a result, we are engaged in more places simultaneously than at any time that I can remember in my public life.

The scope of that engagement is, frankly, essential to protect the interests of our country, to project our values, and to provide for the security of the United States. We're confronted today by perils that are as old as nationalist aggression, state actions, and as new as cyberwarfare and non-state actors who are the principle protagonists in today's conflicts, as well as dictators in too many places who run roughshod over global international norms, and also by violent extremists who combine modern media techniques with medieval thinking in order to wage war on civilization itself.

And despite the dangers, I come to you unabashedly, ready to say that we Americans, I think, have many and profound reasons for confidence. In recent years, our economy has added more jobs than all of the rest of the industrial world combined. Our military, our armed forces, are second to none. My friends, it's not even close.

Our alliances in Europe and Asia are vigilant and strong and growing stronger with the TPP and with the rebalance. And our citizens are, frankly, unmatched with any country in the world in their generosity and their commitment to humanitarian causes to civil society and to freedom.

We hear a lot of verbal hand wringing today, but I, for one, will tell you that, despite my deep respect and affection for my colleagues that I have worked with these last three years-plus, I wouldn't switch places with one foreign minister in the world. And I certainly don't want to see the United States retreat to some illusionary golden age, given the conflicts and the challenges that we face in the world today and the need to project our values and protect our interests and build the security of our nation.

So I frankly think that here and now, we have enormous opportunities that we are seizing. In the past year, with great debate here, obviously, and many people who chose to oppose it, we reached

an historic multilateral accord -- multilateral accord, P5- plus-1, and the world with Iran -- that has cut off that country's pathways to a nuclear weapon. And it has made the world safer because they no longer have the fissionable materiel or the capacity to build that bomb.

In Paris in December, we joined governments from more than 190 nations. That's not insignificant, that 190 nations agreed on specific steps, a comprehensive agreement to curb greenhouse gas emissions and limit the most harmful consequences of climate change that we are witnessing to a greater degree every single day.

Witness the drought in California, the increased flooding, the increased numbers of fires, the intensity of storms, the fact that we spent about \$8 billion in response to the intensity of those storms over the course of the last year alone, compared to the minimal costs that we are asking you to provide for the global Green Climate Fund.

In addition, we signed the Trans-Pacific Partnership, which will ensure a level playing field for American businesses and workers, and it will reassert United States leadership in a region that is vital to our interests.

In northern and eastern Europe, we are quadrupling support for our Security Reassurance Initiative, giving Russia a very clear choice between continued sanctions and meeting its obligations to a sovereign and democratic Ukraine.

In our hemisphere, we're helping Colombia to end the globe's longest-running civil conflict. Though there are still hurdles in that effort, we're working at it. We're aiding our partners in Central America to implement reforms that will reduce the pressure for illegal migration. In Asia, we're standing with our allies in opposition to the threats posed by a belligerent North Korea, and we're helping Pakistan and Afghanistan to counter violent extremism. And we are encouraging resolution of competing maritime claims in the South China Sea.

With friends in fast-growing Africa, we have embarked on specific initiatives to combat hunger, to promote health, to empower women, to fight back against such terrorist groups as al Shabaab and Boko Haram. And of course the administration recognizes the threat posed by violent extremism extends far beyond any one region and will not be addressed simply by military means.

So the approach we have adopted is a comprehensive and a long- term one. Diplomatically, we are striving to end conflicts that fuel extremism, such as those in Libya and Yemen. And we also work with partners to more broadly share intelligence. And as everybody here knows, we have forged a 66-nation coalition to counter Daesh, and we will defeat Daesh. I have no question about that.

We've just moved with troops that we support on Sababi (ph). We are making enormous progress there. We have, together with the enormous efforts of the Iraqi military, now liberated 40 percent of the territory that was held by Daesh. We're moving on Hit. We will eventually move on Mosul. We've cut off the road access to Raqqa and Mosul. And there are many other things happening that we can discuss in the course of the morning.

We're assisting the government in Baghdad as it seeks to professionalize its security forces, and through the International Syria Support Group, which we formed, put together, we have helped design a plan that has resulted in the delivery of a possible cessation of hostilities to take place on Saturday. We have a team that will be working in Geneva and another team working in the next couple days directly with the co-chairs, the Russians, in an effort to try to encourage that process to take hold.

I will say that for the first time in years, five or six communities have received some 114 trucks of humanitarian assistance, and some 80,000 people now have supplies for a month that didn't have it a week ago before we were able to seal that agreement.

And my hope is, though I know it's very difficult -- no illusions about it -- my hope is that we can work out a modality in the next few days that will see this actually take hold. We're calling on every eligible party to join in this effort, and we can talk more, obviously, in the course of the morning about our vision for the political settlement itself.

So I just close by saying, Mr. Chairman, as everybody knows, this is the last budget of the Obama administration, the last one we will submit to this committee on behalf of American foreign policy and the national security of our country. There is nothing that I as secretary, or personally as a citizen, take more seriously than protecting the security of our country.

I ask for the fair consideration, for your counsel, your advice, your support and backing for this budget and our initiatives. But above all, I just want to say thank you to all of you for the extraordinary privilege of being able to work with you in support of an agenda that I believe not only reflects the best hopes and values of our country, but I am convinced when you analyze the challenges of the world today, I believe this budget also reflects the best hopes of the world. And that's what America's leadership is all about.

So I thank you, and I look forward to your questions.

ROYCE:

Thank you, Mr. Secretary. We're going to move as quickly as possible, keeping all members to five minutes so we can get to as many members here as we possibly can.

Let me start with the observation that since just last month, Mr. Secretary, we've seen major foreign economic developments in terms of investment in Iran, \$20 billion on the part of Airbus, a half a billion to modernize a car factory from Peugeot. We see French and Italian energy companies investing billions to revive the oil and gas infrastructure. These companies are government-backed, many of them, and we have Chinese and we have Russian investment.

In the face of this flood, isn't snapback really just an empty threat? Hasn't the dam broken?

KERRY:

Not at all, Congressman -- Mr. Chairman, not in the least. Every country that you've just mentioned, China, Russia, France, Britain, Germany, are all agreed and signed up to and have voted for a United Nations resolution that says snapback will take effect if Iran were to engage in an egregious, unsolvable violation of the JCPOA.

But in the meantime, Mr. Chairman, they are going to do what they are permitted to do under the agreement, which is do business in terms of Iran, and hopefully, those links will ultimately result in transformation to some degree.

Now, I would ask all of you to ask a question. Why isn't it Boeing? Why isn't it General Motors? I sat next to the chairman of General Motors the other day in Davos, Switzerland. They're sitting there watching Peugeot go in, and others. We can't do that. Why? Because we still have a sanctions regime against Iran on our embargo because of our other issues...

ROYCE:

Because of ballistic missiles and because of...

KERRY:

Because of other issues.

ROYCE:

... their support for terrorism.

KERRY:

That's correct, Mr. Chairman. But we can't sit here and complain about other people...

ROYCE:

OK, let...

KERRY:

... doing what they're allowed to do when we ourselves prevent ourselves...

ROYCE:

But the major economic actor from the standpoint of members of this committee, or many of us, is the IRGC, is the Iranian Revolutionary Guard Corps. And we see them on the march. We see them, in violation of another U.N. sanction, not only working on their ICBM programs but also carrying out terrorist activities.



So given the stock you're putting in the snapback provision, are you asking Congress to renew the Iran Sanctions Act? Because that's going to expire. That's going to expire at the end of this year. This is the foundation of the sanctions regime. It expires. There is nothing to snapback.

KERRY:

That's not accurate, Mr. Chairman. We have all the snapback power that we need without the ISA. I'm not saying, you know, not do it, but I wouldn't advise that right now for a number of reasons. We've just announced implementation day. Whatever we do with respect to the Iran Sanctions Act, my colleagues, friends, should be really done in the light of what we know is happening or not happening in the context of implementation and Iran's behavior going forward.

Now, it's too early to measure all of that. Everybody here knows we can pass the Iran Sanctions Act, if we needed to, because of Iran's behavior in 10 minutes in each house, in the Senate and in the House. There's no rush here, number one.

Number two, the president has all the power in the world through the Emergency Economic Powers Act to be able to implement -- that's what we did to implement many of the sanctions we've put in place. The executive orders are empowered under that and the power of the presidency, not, you know...

ROYCE:

Let me close, though, with an observation.

KERRY:

They're not dependent...

ROYCE:

Right.

KERRY:

... they're not dependent on the ISA. That's my point.

ROYCE:

I understand that point. But when you say there's no rush here, let me point that in terms of the Iranian behavior, there is very much a rush towards the mass production of an ICBM program, and we're witnessing this. There is a rush on their part. There was a rush into Yemen with militia. There was a rush into Syria with Quds Forces and with proxies from Iran.

It is that that we're seeing now, so if the administration isn't supportive of this renewal, not only are we preventing the possibility of a snapback, but from the standpoint of myself and many of the

members of this committee, we're also giving relief on missiles, basically. We're giving relief on actions which we would consider terrorist activity, you know, especially the attacks by the Quds forces.

KERRY:

Mr. Chairman, I respectfully beg to differ with you on that. We're not, in fact, giving them a freebie on anything, which is precisely why we left the missile sanctions in place. The arms sanctions are in place. The sanctions on terrorist support are in place. The sanctions on human rights are in place.

They are separate from the JCPOA, and they were purposely separated in the context of these negotiations to protect our ability to be able to push Iran if they engage those activities.

Now, we just sanctioned Iran. On January 16th, we sanctioned three entities and eight individuals for their support for the missile activities. And we have made it very clear to Iran that if it chooses to engage in those activities going forward, there will be further activity. So we have it now (ph).

And secondly, Mr. president -- Mr. Chairman, we haven't lost our ability to put the sanctions in place or snapback. As I said to you, they are not reliant -- that power is not reliant on the Iran Sanctions Act.

ROYCE:

My time has expired, so I'm going to go now to Mr. Eliot Engel, the ranking member of this committee.

ENGEL:

Thank you, Mr. Chairman. Mr. Secretary I'm going to throw out a few things and ask you to comment on them.

First of all, to continue on Iran, what steps are we taking and will we take to combat Iran's support for terrorism and other malign activities? What are we doing to make sure that Israel will be safe as Iran rearms and continues to arm Hezbollah, which threatens Israel?

With Ukraine, Russia is challenging our NATO allies across the continent. I'm encouraged by the president's commitment of significant additional resources to a defense of Europe, but I still think we need to do more. NATO needs to permanently station a brigade in Poland and the Baltic states, and every ally needs to get above the 2 percent requirement for their defense spending.

So I'm hoping that the administration will permanently commit more troops to the defense of Europe and press our allies to more adequately share the burden of their defense.

I'd like to ask you what the administration thinks will happen next and what we're doing vis-a-vis North Korea.

And finally, I want to talk about Pakistan because I'm concerned that Pakistan continues to play a double game, fighting terrorism that has a direct impact inside Pakistan, and supporting it in places like India and Afghanistan, where Pakistan believes such a policy furthers its national interests.

So what are we doing about that? How does our assistance support or hinder our hope that Pakistan begins to fight all terrorists?

KERRY:

Well, Mr. Ranking Member, let me try to address those as quickly as I can. On Iran, let me just inform everybody here that the IRGC has actually pulled its troops back from Syria. Ayatollah Khamenei pulled a significant number of troops out. Their presence is actually reduced in Syria, number one.

Number two, that doesn't mean that they're still not engaged and active in the flow of weapons from Syria through Damascus to Lebanon. We're concerned about that, and that is an ongoing concern.

The other thing is that this money -- I keep hearing this figure of \$100 billion, \$150 billion. Iran is not going to get \$100 billion or \$150 billion, certainly not in the near term, and that figure is not accurate. It's more -- our estimates are somewhere in the vicinity of \$50 billion to \$55 billion at some point in time, but it's way below that right now. And in fact, they are complaining about the slowness with which there has been a process of repatriation.

So I urge you to go to the intel piece, get the intel briefing on what has happened with the IRGC and what is happening with the flow of money.

Now, with respect to Iran's behavior in the region, we have been deeply engaged with our GCC friends, and I've had three or four meetings now with them since last summer, when they came to Camp David since then. I'm meeting with them again shortly.

We've engaged in a major plus-up of our military exercise, military cooperation, military support. We are joining with them in an active effort to push back against other activities. We're part of the coalition that has been supporting the Saudis and the Emiratis and others who've pushed into Yemen to protect Saudi Arabia against the Houthis. And I believe we may even now, as a result of those efforts, find a ripeness in a political process that might be able to help resolve that.

On Syria, Iran has come to the table, together with Russia, to agree to two communiqués in Vienna and a United Nations Security Council resolution outlining the framework for the political resolution of Syria.

Now, I'm not here to vouch for the words, but I'm here to say to you there is at least a framework on paper which we are now following with hopes of getting back to the discussion in Geneva in the next week, with the support of Iran and Russia.

Now, we're going to have to put that to the test. We're not sitting here saying it's going to happen automatically. But if there's going a political settlement, the only way to get there is with the agreement and consent of all the parties. All the stakeholders are at the table for the first time.

So we're hopeful that we can press that forward and at least come to you with a notion in a matter of months, weeks, they're either serious or they're not. If they're not serious, then we're going to have to be talking with you about whatever plan B is going to be.

But if there's a prayer of holding Syria together, unified as a whole country without further refugee migration challenges to Europe and challenges to Jordan and Lebanon and the rest of the region, we must pursue some kind of a political process.

With respect to Europe, we have engaged in a significant plus-up, as I just mentioned. The budget goes from about \$700 million, \$700- plus, \$750 million up to \$3.4 billion in our support for the forward deployment of both troops rotating, support structure, and assistance to Europe. And I won't go into all the details now. Maybe I'll submit it for the record because of the timeframe.

But I just want to say to you that there's a very robust effort going on the front-line state support and our support for Ukraine, our pushing on Minsk.

President Obama has had three or four conversations with President Putin in the course of the last months, from the United Nations meeting on. In every one of them, he spends probably 50 percent of the time at least on the issue of Ukraine and full implementation of Minsk and responsibility for protecting the integrity and sovereignty of Ukraine. So we're deeply engaged on those fronts, and I think our support is welcome and very important.

ROYCE:

We're going to go now to Ileana Ros-Lehtinen of Florida.

ROS-LEHTINEN:

Thank you so much, Mr. Chairman.

Welcome, Mr. Secretary. I hope that we're both opposed to Abu Mazen's schemes at the U.N. to achieve unilateral statehood recognition outside of the peace process. I remain firmly opposed to your administration's offer continually to get a waiver to the law that prohibits U.S. funds from going to UNESCO, a law that has been effective at preventing the Palestinians from being admitted to other U.N. agencies. So I will continue to fight every effort by the administration to get a waiver to that law.

In its last months of legacy shopping, as it tries to check off the remaining goals of its misguided foreign policy, is your administration going to abstain from a vote on a French resolution at the U.N. supporting Palestinian statehood?

So I'll ask you to definitively answer here this morning, Mr. Secretary. Will the United States veto any resolution at the U.N. supporting Palestinian statehood? Yes or no.

KERRY:

I don't know of any resolution by the French specifically...

ROS-LEHTINEN:

If there (ph) were?

KERRY:

Well, we have always opposed any one-sided resolution, something that is unfair to Israel or that...

ROS-LEHTINEN:

Thank you. Thank you.

And moving on to the administration's shameful concession policy toward Cuba that has turned its back on human rights advocate, yes or no, are human rights in Cuba a priority for this administration?

KERRY:

Of course they are.

ROS-LEHTINEN:

Thank you. Then how do you explain this year's budget request for even less democracy funding for Cuba, while repression is worse than ever before? And you're about to travel to Cuba for your second visit. Yesterday was the 20th anniversary, as you know, of the shutdown of the Brothers to the Rescue planes that were ordered by Raul Castro, resulting in the murder of innocent Americans.

Will you commit, Mr. Secretary, to the families of these victims today that you will seek the extradition of Castro regime officials responsible for the shutdown, General Ruben Martinez Puente, Lorenzo Alberto Perez-Perez and Francisco Perez-Perez?

KERRY:

Well, Madam Chair, let me just say that we are engaged actually more directly on human rights than we ever have been or capable of being because we now have negotiated additional diplomatic presence in Cuba. We now have negotiated the right for our diplomats to be able to travel...

ROS-LEHTINEN:

Mr. Secretary, you're aware that over 8,000 people were arrested...

KERRY:

Yes, I'm very well aware.

ROS-LEHTINEN:

... since the December 17th announcement of President Obama...

KERRY:

When you say arrested, there were people who...

ROS-LEHTINEN:

Arbitrary arrests, detaining human rights advocates...

KERRY:

Correct.

ROS-LEHTINEN:

... whatever you would like to call people who are...

(CROSSTALK)

ROS-LEHTINEN:

... being held outside of their will.

KERRY:

People were indeed detained...

ROS-LEHTINEN:

Eight thousand.

KERRY:

... for a matter of hours, and there were -- we are very much aware of that, and we have objected to that, and we are...

ROS-LEHTINEN:

Thank you, Mr. Secretary.

(CROSSTALK)

KERRY:

We have succeeded in getting people released who previously had not been...

ROS-LEHTINEN:

Yes, some...

KERRY:

Some -- five have been...

ROS-LEHTINEN:

... have been released were actually put on the list and...

KERRY:

Some five of whom...

ROS-LEHTINEN:

... re-arrested so that they could be released again, and some who were released were -- anyway.

KERRY:

Some...

ROS-LEHTINEN:

That's very interesting about that list of freed people that Castro plays (ph). I hope we're not silly enough to believe that.

And I'm wondering if you know on which illegally confiscated U.S. property you will be holding a press conference while you're in Havana. Last year, you held a press conference in the Hotel Nacional. The American owner, the Intercontinental Hotel Corporation, still has a U.S.-certified claim for its majority interest in the hotel.

Do you know which illegally confiscated property you will stop at this time? And then finally, will you commit to this committee that you will pressure Castro to unconditionally return to the United States New Jersey cop killer Joanne Chesimard?

Human rights, confiscated property, U.S. fugitives from justice -- does any of it matter to this administration?

KERRY:

It matters hugely. In fact, we believe we have actually created more opportunities for intervention, more opportunities to make progress. One in four people in Cuba now are beginning to work for private -- private enterprise.

KERRY:

How do you explain...

KERRY:

They are able to move...

ROS-LEHTINEN:

... the massive exodus, the 80 percent increase of Cubans leaving the island?

(CROSSTALK)

KERRY:

Do you want an answer or do want to just ask a question. I can sit here, if you want to do that.

ROS-LEHTINEN:

But you're talking about small business owners that are just -- I'd like to...

(CROSSTALK)

ROS-LEHTINEN:

... that optometrist because those rose-colored glasses are amazing. There've been massive arrests, massive exodus, and still we talk about this non-existent entrepreneurial class in Cuba.

KERRY:



We now have more opportunity to engage. We have more visits taking place with various groups, NGOs and others, who are going to Cuba and engaging with the Cuban people than ever before in the last 50 years of our policy. We believe...

(CROSSTALK)

ROS-LEHTINEN:

... record numbers...

KERRY:

This has a greater chance of changing Cuba than anything that has happened in the last 50 years. Didn't work for 50 years.

ROYCE:

We need to go to...

KERRY:

Nothing changed.

ROYCE:

Mr. Gregory...

KERRY:

Now it is changing.

ROYCE:

We need to go to Mr. Gregory Meeks of New York.

Time's expired.

MEEKS:

Thank you, Mr. Chairman.

Mr. Secretary, first I want to thank you for the great work that you've been doing. And I just want to ask three quick questions in the spirit of what the chair has asked us to make sure that we time (ph) and give you and opportunity to answer those questions.

First question, of course, deals with the situation in Turkey as it moves tipping points. Specifically, I'm referring to tensions and conflict between -- between Turkey and the Kurdish community. I think the details are important because we're working well with the Syrian Kurds, the YPK, in the fight against (inaudible) but nevertheless, the rising tensions between the Kurds in Turkey have deepened, and since the -- particularly since the tragic events in Ankara.

And so my question basically there is how's Turkey's tensions with the Kurds affected our ongoing fight against Daesh and the -- and of the humanitarian tragedy there. And what role, if any, can the United States play in helping with the Kurdish question?

Secondly -- different part of the world -- as you've also indicated in your opening statement, I'm delighted that, you know, we (ph) was able to share the 15th anniversary of Plan Colombia with President Santos here. And now we're talking about Peace Colombia, which I think is tremendously important, as we, hopefully, get to an end of that situation there.

So but I'm concerned about how we make sure that African Colombians and indigenous are included in the \$450 million that's there.

And finally, you also mentioned that we have concluded the negotiations in Asia on TPP. And if we do not vote here in the United States to support the administration's negotiations, what setbacks, if any, will it have for us in the region, whether it's dealing with our allies and friends that are part of the agreement vis-a-vis China? And will they have a strategic advantage over us?

KERRY:

Thank you very much, Congressman. I appreciate the questions. Let me just move quickly through them.

Turkey is our ally, NATO ally. We work very closely with Turkey, obviously. Turkey has a border with Syria, and Turkey has enormous interests in what is happening there. We are very sensitive to this challenge of their concern about the PKK, their concern about the links of the PKK to the YPG, and so forth.

Now, we've been talking with them considerably about it. We need to respect Turkey's concerns, and we will, we have, we believe. Going forward is very important that there not be a different problem created by the short-term solution of working with the Kurds, and then that creates a longer-term challenge for all of us in the region. So we're working very, very carefully.

On the other hand, we've also needed to have some people on the ground who are prepared to push back against Daesh. Kobani is an example of that. We were able to hold Kobani and drive Daesh out of Kobani as a result of Kurd support. And the Peshmerga, particularly with respect to the north component, that northeast component of -- northwest component of Iraq, have been particularly helpful and engaged.

They were essential to a number of successful military initiatives to push Daesh back. And in fact, there are different Kurds because some are more prepared and more comfortable working with Turkey than others are, and those divisions are very complicated and need to be managed carefully.

Bottom line to your question is, we are talking with the Turks right now about how to proceed in ways that do not cross important lines for them and that respect the sensitivities of the region, and I'm confident we will be able to do that.

With respect to Peace Colombia, we're -- we've committed, as you know, and it's in the budget, a very important de-mining initiative, which could take place in the aftermath of an agreement.

There's still some difficult issues to resolve in the context of the agreement, and we're encouraging that process. President Obama has appointed Bernie Aronson as a special envoy to those talks. He has the respect and confidence of President Santos and the other participants. I may well be meeting with some of them shortly in the next days, depending on how events flow.

There are many countries that are supportive of this effort, and our hope is that we can resolve the transitional justice issues and the victims' issues, which are two of the most critical ones outstanding at the moment.

On the TPP, folks, I just -- you know, I know -- I mean, I've been part of trade debate on the Hill for the 28-plus years I served in the Senate. I know how difficult it is. I was there when NAFTA passed, and we went through some enormous transitions.

This agreement is different from any trade agreement that I saw in any other time that I was here because labor requirements, environment requirements are boldly within the of for corners of the agreement, and because this is essential, frankly, to raising the business standards of the region.

It eliminates 18,000 taxes on American goods that can be exported into the region. It's a benefit to American workers. It will create jobs here in America. And it will profoundly impact the standards going forward for the protection of intellectual property, for the protection under cyber, and for our ability to raise the transparency and accountability by which people do business.

If this doesn't pass, then we are rejecting the most important economic initiative and unifying moment of I think the last, you know, 20, 30 years, and we would be turning our back on American leadership in that endeavor, and then leave to people who want to race to the bottom the standards for doing business, the absence of transparency, the absence of efforts to counter corruption, to deal with reform.

Important reforms are contained in this TPP. And I simply urge you, look at it, analyze it, and I believe in the end, you will agree this is not like any prior trade agreement and I believe takes us to a much better place and reinforces American leadership in the region.

ROYCE:

Mr. Chris Smith of New Jersey.

SMITH:

Thank you. Thank you, Mr. Chairman, and thank you, Mr. Secretary, for your service.

A couple of questions. When I learned late last year that the administration was contemplating designating massive crimes against the Yazidis as genocide, which it is, but not Christians, I convened an emergency hearing on December 9th. Mirza Ismael, chairman of the Yazidi Human Rights International, testified that the Yazidis were on the verge of annihilation, but also said the Yazidis and the Christians face this -- this is his quote -- "faces genocide together."

Chaldean Bishop Kalabod testified, and I quote him, "Christians have encountered genocide, and the Obama administration refuses to recognize their plight." Dr. George (sic) Stanton of Genocide Watch, testified, "Failure to call ISIS's mass murder of Christians, Muslims and other groups in addition to the Yazidis by its proper name, genocide, would be an act of denial as grave as U.S. refusal to recognize the Rwandan genocide in 1994."

My first question is, when and will Christians and other minority faiths be included in a genocide designation? And secondly, because I know I only have five minutes, last year, a Reuters investigative report -- it was a very incisive report, and without objection, I would ask it be made part of the record -- found that tier three recommendations made by the Trafficking in Persons office experts in 14 instances, including Malaysia, China, Cuba, India and Oman, were rejected further up the chain of command at State and artificially given a clean bill of health for other political purposes.

I convened a hearing. Curry Johnston (ph) testified in November. I asked a lot of pointed questions about who made these decisions, were there other political factors involved. She was very tight-lipped -- you know, very good person, but did not convey information.

Can you assure us -- because the new TIP report will be coming out very shortly -- that that won't happen again this year? You know the credibility of the TIP report in speaking truth to power and defending victims against these heinous crimes of sex and labor trafficking, as you know, because you were a very strong supporter of it as a senator, and of course, as secretary of state.

We've got to get the book right. What you do with that is all up to the administration in terms of penalties and sanctions, but the book has to speak truth to power by getting it right. Fourteen instances. Can you respond?

KERRY:

Yes, I can and I will respond. I'm responsible for that report. I accept responsibility for that report. I made the decision about Malaysia, and I made it strictly on the merits. And in fact, Malaysia has made improvements. It has increased prosecutions. It has increased its investigations. It has passed amendments on anti- trafficking. It has passed amendments on providing better law enforcement protection. It has issued regulations in consultation with NGOs, and it has increased law enforcement efforts to prosecute and to convict, and it had additional convictions.

Now, you know, you have to make a judgment in some of these cases, but I will absolutely vouch for the integrity of this process. We have a very detailed year-long effort, where people are measuring, and I have instructed our embassies to be engaged year-long in working with countries to try to give them time to make changes, to respond to our needs.

Sometimes, you are better off working with encouraging and getting people to do something than just slamming them in a report and finding that they say, Well, to hell with them, and they walk away and they don't respond.

We found in the case of Malaysia and some other countries we've actually been able to make progress. But I can assure you this report will demote somebody who deserves to be demoted and we'll call it as we see it. And I don't think anybody -- you know, but I'm responsible...

SMITH:

With respect, Cuba, China, Oman -- we were told (inaudible) because they helped on the -- the negotiations with Iran. Cuba because of the rapprochement that's occurred. And China, when it comes to sex trafficking, because of the missing girls, tens of millions of missing girls, has become the ultimate magnet for pimps who are making turning women into commodities and selling them across borders into China. It is, I believe, the worst violator in the entire world in terms of the massive numbers. So I would hope China would be looked at.

And again on the Christian designation. If you could...

KERRY:

I'll come back to that. I do want to speak to that very much. But let me just say to you, you know, each of these are real judgments that we make, that I make, ultimately. On Cuba, Cuba was upgraded to a tier two watch list from tier three because it did make significant efforts to address and prosecute sex trafficking, including the conviction of 13 sex traffickers.

And it provided more services to sex-trafficking victims. The government provided training to Cuban officials to address sex trafficking. The ministry of tourism actually reached out to address sex tourism and reduce the demand for commercial sex, and they have committed to reform their laws in accordance with the U.N. Palermo protocol.

Now, if that doesn't happen, then there's a measurement to try to go backwards. But we felt that in each of these cases, there was progress. Now, I would put on the record here today we are concerned that the government of Cuba has not recognized forced labor as a problem, criminalized forced labor, or reported efforts to prevent it. And so there are things that we need to do going forward. And that's what we'll measure.

On the Christian issue, I share your concern very, very much. Again, this is a judgment that I have to make. I will make it. And any reports that we have made a decision to the contrary, that it's not -- the decision's been made not to be incorrect.

That doesn't mean we've made a decision to do so. This has to be done on the basis the legal standard with respect to genocide and the legal standard with respect to crimes against humanity. I have asked our legal department to evaluate, to re-evaluate actually, several observations that were circulating as part of the vetting process of this issue. And I'm concerned about it, and I will make a judgment. I will also try to do so very, very soon. We know this is hanging out there.

ROYCE:

We need to go to Mr. Albio Sires of New Jersey.

SIRES:

Thank you, Mr. Chairman. Mr. Secretary, thank you for all your hard work.

I want to go back to the topic of Cuba. I know that we have had this issue of 50 years, but there seems to be more repression in the last 10 years -- this year, this past year, than in the last 10 years. And I was wondering, with all the people going back and forth to Cuba, are any efforts being made to bring Joanne Chesimard back to the United States?

KERRY:

We are discussing all of the outstanding -- I might add, in conjunction with the chairwoman's question also -- we're entering into the period now where we're going to begin to be discussing the confiscated property, and that's a very critical component of this, as well as extradition or release of various people. And all of those human rights issues are on the table. I've pursued them and the president will pursue them when he's there.

SIRES:

Joanne Chesimard?

KERRY:

Yes. I said we will be working on all of these issues. I can't go into the specifics of each of them now.

SIRES:

And there seems to be more repression now than in the last 10 years, after we made these -- all these contacts with Cuba. Are we addressing that?

KERRY:

Well, yes, we are addressing the arrests. We were particularly incensed by the arrests of several of the people who had been part of the release effort originally. And here's what -- here's what the

Cubans say. The Cubans say, Well, they went out and broke the law again. And we looked at what they had allegedly broken, and we object entirely.

One of them had hung a sign in a window saying that, I will -- you know, I will only vote in an election in which I can vote to choose my president, and so forth. And four-year sentence. That's ridiculous. It's obscene. And we believe it's obscene, and we've told them that is wrong.

So we continues to press those issues. But we do have more ability to be able to interact with the Cuban people. When I was there to raise the flag, to have the Marines raise the flag, the Marines who lowered the flag who there to raise the flag -- there were Cubans massed behind the...

SIRES:

There were no dissidents, though. Dissidents weren't invited.

KERRY:

No, no, no. These are people who cheered mightily at the return of the United States and the presence of our country. And my speech, in which I talked about democracy and talked about the need to have protection of human rights, was broadcast to the entire country, and some of it -- a little bit of it in Spanish. And the president's...

SIRES:

Are diplomats allowed...

(CROSSTALK)

KERRY:

We have more ability -- we have more ability because of this to interact with the Cuban people, and more Americans are traveling there and interacting...

SIRES:

Even our diplomats are restricted from moving around throughout the island.

KERRY:

Our diplomats -- we negotiated an ability for our diplomats, a specific number -- as we test the, you know, expansion of this relationship, more diplomats are able to proceed to travel around unannounced, and without people following them or engaged in any activities. We have diplomats who are able to travel around the country.

SIRES:

Are they actually traveling?

KERRY:

I believe they are. I've heard nothing to the contrary.

SIRES:

The other thing I want to talk about is Colombia. If they do come to an understanding, I hope that we do not walk away from helping Colombia.

KERRY:

We are deeply committed. President Obama -- that was part of the reason for the celebration of the 15-year mark. We invested -- we, you, everybody here, or not everybody, but those of you in the upper dais certainly invested significantly in the 19 -- late 1990s in Plan Colombia, and it's made all the difference. That is why we talk about Plan Paz, Plan Peace, because we wanted to continue that investment.

SIRES:

If we do reach peace, I hope that we still continue to assist Colombia.

KERRY:

So do I. So I do.

SIRES:

And the other thing, this morning in the news, I saw that Russia gave Afghanistan all these arms. What do we make of that? I mean, now there's an incursion by Russians into Afghanistan?

KERRY:

The Russians are deeply concerned about the stability of the country. They have raised the issue with us of trying to protect the region. They have concerns about countries near them. They have concerns about the flow of terrorists. That is also one of their concerns about Syria.

And so they are engaged -- in fact, we are discussing with the Russians these issues of security for the ongoing challenges of Afghanistan.

SIRES:

So were you aware that they were going, these arms, to Afghanistan?

KERRY:



We know that they're supporting the Afghan...

SIRES:

This morning. It was in the news this morning.

(CROSSTALK)

KERRY:

... by the Afghan government or -- or the...

SIRES:

Yes, they gave 10,000 rifles or whatever, you know, arms.

KERRY:

Yes. Yes. We support that.

SIRES:

OK. Thank you Mr. Secretary.

KERRY:

Thank you.

ROYCE:

We now go to Mr. Dana Rohrabacher of California.

ROHRABACHER:

Thank you, Mr. Secretary. And again, thank you for your service to our country. You work very hard for us, and while we have some disagreements, policy disagreements, you have our respect and our gratitude.

So first of all, let me mention then some of these issues that we may have disagreement on. Let me say that the decision will be made very, very soon to act on the idea of whether Christians and Yazidis are targets of genocide, let me just note this has been going on, we've been seeing this now for well over a year, probably several years now of the slaughter of Christians in the Middle East. And for us to not have made a decision and that we are making the decision but that decision hasn't been made yet is unacceptable. We are talking about the lives of tens of thousands of people who are brutally, being brutally slaughtered, targeted for genocide. I have a bill HR 4017, and the

President has commented that it would just be giving preference to Christians, is it preference to give -- I mean is it wrong to give preference people who are targets of genocide and say we are going to save them realizing that they are the ones who are the most likely to be slaughtered?

KERRY:

No, this decision has to be made strictly -- and it has to be made quickly, and I understand that. I think I only had the first discussion come to my desk on this in terms of the legal interpretations a couple of weeks ago. And that's when I immediately initiated some reevaluation which I'm looking at and I can tell you I want to do this as quickly as suggested...

ROHRABACHER:

Well, let me just suggest having this come to our attention only weeks ago...

KERRY:

Well, it has to go through -- it requires, Congressman, it does require a lot of fact gathering, I mean you have to get the facts from the ground, more than just anecdotal...

ROHRABACHER:

Mr. Secretary, the whole world knows that Christians are being slaughtered in the Middle East, it's clear, it's time for America to act and the excuse that we've got to study it, we've got to ask the lawyers what the wording is, is this really preference or not, it's unacceptable. And I would hope that your word that it is going to be acted on very soon, we're going to hold you to that. So, second about the idea here, do you agree with some of the administration officials that claim that Russia is a greater threat to our national security than is radical Islamic terrorism?

KERRY:

I think, you know, I don't want to get into either/or here because I don't think it's necessary, I think that what the Defense Department and others have been saying is that they see activities that Russia has engaged in which present challenges. For instance what happened with Crimea, what happens in the Donbass, what's happened in support of the separatists, the long process of back and forth on Minsk implementation, is interpreted by the front line states as a threat. And there's engagement by Russia through its propaganda, through operatives in some of these other countries, so it is perceived of as engaging -- let me just finish, let me just finish. I believe if you wanted me to put on the table the top threat to the United States today in terms of day to day life, and the stability of the world, it is violent extremism, radical religious extremism and the violence of...

ROHRABACHER:

Are you unable to say radical Islamic Terrorism as our President is unable to say?

KERRY:

I think you just heard me say radical religious extremism.

ROHRABACHER:

No, you didn't say radical...

KERRY:

It is not all exclusively radical...

ROHRABACHER:

You don't want to say radical Islamic...

KERRY:

It is predominantly Islamic.

ROHRABACHER:

It is disheartening when a representative of our government can't say, radical Islamic terrorism. And at the same time can't make a decision whether Christians are being targeted for genocide, this is not acceptable. About your point on Russia and whether or not we consider them the greatest threat over radical Islamic terrorism, let me just note that increasing the spending, of our military spending, in Europe so that we will now have more tanks in Europe could be taken as a hostile act by Russia as well. It is time for us to get out of this cycle of well, we are going to find things that they are doing that we consider hostile and vice versa.

We have every reason do we not, Mr. Secretary, of trying to find a way we can work with Russia to combat what is the real threat which is radical Islamic terrorism.

KERRY:

Congressman, I think you heard me say that it is predominantly Islamic and I have no hesitation in saying that. And I've said that in many parts of the world, that's not the issue, and yes, we are trying to cooperate with Russia with respect to this issue in Syria right now. Russia is the co-chair with us of the International Syria Support Group, and of the Cessation of Hostilities Task Force. And we are working very closely on the countering violent extremism initiatives which President Obama has led in the UN and elsewhere and convening people to work people to work against violent extremism on a global basis.

To me this is the greatest challenge that we face because there are hundreds of millions of young people in many of these countries where you have 60 to 70 percent of the nation under the age of 35, and if they don't have jobs and they are not educated and there is not opportunity, or we don't keep radical religious extremists of any kind from reaching them and turning them into a suicide

bomber or an extreme operative of one kind. We have a problem, all of us, so this is to me the more prevalent challenge that we all face, and Russia shares an interest in working with us to deal with the challenge.

ROYCE:

We go now to Mr. Gerry Connolly of Virginia.

CONNOLLY:

Thank you, Mr. Chairman and Mr. Secretary, obviously my colleague wants to get you to say the number one threat is Islamic terrorism, but is that not also true not to dilute anything, that the biggest victims of that terrorism are in fact Islamists themselves. And in fact many of our allies fighting this terrorist war are Islamic countries, is that not true?

KERRY:

They are indeed, our very significant allies in this effort, I would say every single country of the world, they are joining in an effort to do with the terrible distortions of the world's principal religions.

CONNOLLY:

I think that's a very important point, Mr. Secretary, to put it in context because not that my friend would do that, I don't mean that, but we have heard some presidential candidates taint an entire faith with something I think grossly unfairly, when in fact victims are Muslims, and many other countries allied with us in the fight against terrorism artifact Muslim countries. So it's a very complex situation but not subject to some simplification or over simplification of who are the villains and who are the good guys.

So I just thought we'd get that on the record. I think this is your first visit back since JCPOA, the Iran nuclear agreement got implemented, and I just want to say for one, I think is going to be part of your legacy, I think it is one of the most successful things US foreign diplomacy has done in a long time. And despite the critics and all the predictions we had a hearing the other week and established definitively the fact that Iran has complied.

And if we are looking at removing an existential threat to Israel we did it. And I just want to congratulate you, and if you want to disagree about compliance please feel free, but it is my observation in every metric, we said so far, we have not seen cheating, we have not seen subterfuge, we have been able to observe and validate, and in fact Iran has complied. That doesn't make Iran a good guy in the international stage, but it does mean we in fact were able to deliver on an enforceable agreement that improves everybody's security.

I don't know if you want to comment on that, Mr. Secretary,

KERRY:

I thank you, I thank you, Congressman, very, very much, and that is in fact what we concur with, that they have complied.

CONNOLLY:

Real quickly I want to pivot to Crimea in the Ukraine. One of the concerns that I've got, I know it is shared by friends on both sides of the aisle, is with respect to Soviet expansionism, Soviet imperialism, hegemony, whatever word you want to use for it, it all starts with Crimea. If you let Crimea go, now you are quibbling over the price in eastern Ukraine or Abkhazia or wherever. And what is the United States position with respect to the illegal annexation of Crimea?

KERRY:

That it is illegal and we're not ceding Crimea with respect to anything but the primary focus for the moment is clearly on the Donbass and the Minsk agreements implementation.

CONNOLLY:

But we are not going to give up on Crimea?

KERRY:

No, we have no intention.

CONNOLLY:

And the President if I'm correct I know some friends have criticized him for the issuance of executive orders but presumably not these. He's issued executive orders 13660, 661, 662, and 685 blocking property, persons and transactions related to the illegal annexation of Crimea and subversion in the eastern Ukraine. How is compliance going with those executive orders? And is the administration seeking legislative, additional legislative relief with respect to the subject?

KERRY:

We believe that Russia continues to pay a real price for the annexation of Crimea, and Crimea is physically isolated from international transport links now, from the global financial system, its tourism sector has collapsed, it is unable to provide full significant electricity to its population. And inflation has completely erased any potential of the Russian promises of a better standard of living for the people. Now it is obviously tragic for the people of Crimea, we know that since he annexation the human rights situation for the people Crimea has deteriorated, and there has been a mounting repression of minorities particularly the Tartars. So we continue to press Russia on this issue, and I believe that the measures that are in place are having an impact.

ROYCE:

Mr. Steve Chabot of Ohio.

CHABOT:

Let me thank you, Mr. Secretary, and thank you for your long service to our country. Thank you Mr. Chairman and good morning Mr. Secretary, this is the 20th year that I've had the honor to serve on the Foreign Affairs Committee. I've toured the Middle East committee, I've chaired the Asia Pacific committee, and I've had the opportunity to listen to and to question number of our Secretaries of State from Warren Christopher to Madeleine Albright to Colin Powell to Condoleezza Rice to Hillary Clinton to yourself in the past and again here today. Now this administration has less than a year to go, so what I would like to do is ask you to address some of the things that many would argue haven't gone so well, and what we can learn from these things and hopefully avoid repeating in the future.

And as you know I've got limited time, and I have several questions so I'd ask that you keep your answers reasonably succinct because I would try to avoid interrupting you. First you've already been asked about the Iran deal, but I would like to go back before the deal and ask this, and I realize of course that Hillary Clinton was Secretary Of State and not yourself. So I am not blaming you.

But I would ask this question, was not aiding the students and the pro-democracy reformers in the Iranian Green movement a mistake?

KERRY:

Well, I think my memory is that President Obama spoke out in support and we suffered a lot of criticism from Iran, in fact this is one of the hurdles we had to get over in our negotiation, they believe that we were not only supportive but even responsible for it.

CHABOT:

That's not my recollection, these young pro-democracy folks pleaded for our help, pleaded for it and they got exactly nothing.

KERRY:

When you say help...

CHABOT:

President Obama essentially if you go back and look at what he said at the time, he took the side I would argue of the repressive mullahs of Iran over its freedom seeking people. I hate most people who are looking at this at the time would say it was shameful what happened. Let me move on, in retrospect was it a mistake to pull all US troops out of Iraq?

KERRY:

I think that this has been badly misinterpreted, because there was no contemplation, first of all the agreement itself was made by President Bush to draw the troops out, what President Obama tried to do was negotiate with Maliki, Prime Minister Maliki, the remainder that would stay. And they were non-combat troops, everybody needs to focus on that, there were no combat troops that were going to stay there. So even if they had stayed, that would not have made a difference with respect to what was happening because Prime Minister Maliki was turning the army into his own personal, private sectarian enterprise.

And that's the principal reason, let me just finish, that's the principal reason...

CHABOT:

I think next to the Iran deal, I would argue that is this administration's greatest mistake, and it led directly to the rise of ISIS. Let me ask this, how did this administration so misread Putin? Now to be fair President Bush did too, he famously looked into Putin's eyes, believing he got a sense of his soul, but let's face it Putin has been undermining US policy at every turn. Why did this administration not see that coming? Why did it let that happen?

KERRY:

Well, I don't think that anybody could predict what an unpredictable set of choices might produce. The bottom line is at the time a number of other things happened which had an impact on Putin's perception of what was going on.

CHABOT:

I'm almost out of time let me comment on your comment. It seems to me that from the start of this administration, from Hillary's famous pressing of the reset button, that we have been played like chumps by Putin. This administration scrapped the missile defense program with our allies, Poland and the Czech Republic to placate Putin. And what did we get, he invaded and annexed Crimea, started a war in Eastern Ukraine which is ongoing. Shoots down a civilian airliner, and of course denies it, his allies did that. Threatens the NATO alliance, props up Assad in Syria, harbors the treasonous Edward Snowden, and on and on.

I'd argue that this administration's policy with respect to Russia has been feckless, and unfortunately I'm out of time so I'm going to have to...

KERRY:

Can I just respond very quickly, Congressman, there was an agreement which Yanukovich was supposed to honor, and we don't believe that he honored it, but Putin from his perspective had an attitude that there was a deal, and the deal was broken. And he thought and perceived certain things, people respond in certain ways and perceptions, and also the European Association agreement and the way that had been maneuvered, had a lot to do with perceptions.

Now we are building a missile defense, the administration came to a conclusion they could do a more effective one, and that is currently being deployed. Russia still objects to what is happening but it is happening. So nobody pulled back from doing something as a consequence, nobody has been played for a chump. We went in and put sanctions in place that have profoundly, negatively impacted Russia's economy, profoundly impacted Russia's ability to move and maneuver in the region.

And ultimately resulted in the Minsk agreement which we hope can be implemented fully. If it is implemented fully, our policy will have in fact been successful, because Russia will not have taken over all of Ukraine not even the eastern part were the separatist will then still be part of Ukraine and in an arrangement with the government in Kiev. I just don't agree with your conclusion there and I also think that if you look, Russia has cooperated with the United States on the Iran agreement. Russia cooperated with the United States and getting the chemical weapons that were declared out of Syria.

Russia has cooperated with the United States and the Syria International Support Group and the Vienna process and now in an effort to try to fight against Daesh and...

ROYCE:

We need to go to Mr. Ted Deutch of Florida.

KERRY:

It's just not you know the point I am trying to make is it doesn't lend itself to just one judgment, this is more complicated for better or worse more nuanced than some of these conclusions allow for.

ROYCE:

Mr. Ted Deutch of Florida.

DEUTCH:

Thank you, Mr. Chairman, and Mr. Sec. thanks for being here and thanks for your service to our country. Mr. Secretary I had the pleasure this morning of spending some time with Amir Hekmati, and as you know Bob Levinson is my constituent, and it is wonderful to see Amir and I'm thrilled for the Resaian and Abedini families but I just want to urge you to continue to press with the other modes, the greatest sense of commitment and her deceit to bring Bob home to his family. I'm grateful for raising this issue, I just urge you in the strongest way to really continue to push.

I'd like to talk about the Iran agreement without making judgments about whether it is the greatest achievement ever or the worst thing that has ever been done, I think this is a 15 year term, where five months since it was signed, we just had the implementation day, a lot of us whatever side we were on before, want to see this succeed. So I want to focus just specifically on the snap back



provisions which I come up earlier, both the snapback of international sanctions and the snapback of domestic sanctions.

On the international the tests of the ballistic missiles by Iran clearly violates Security Council resolution, Ambassador Power to her credit took this to the Security Council, the Security Council kicked it to the sanctions committee as I understand it. And the question is if what is in this case a clear violation can't be sanctioned at the international level, I commend you and the administration for taking action as the United States against these three entities and individuals. But at the international level if the Security Council can't act when there is a clear violation like this over the term of this agreement why shouldn't we have concerns or how do we address the concern that they will never be able to act when there is a violation?

That is with respect to international, on the domestic front we talked about the Iran Sanctions Act and the reauthorization of the Iran Sanctions Act, I just wanted to go back to a story that was in Politico last summer, in August in the midst of the heated discussions about the JCPOA, a senior official told politico and I quote we absolutely support renewal of the Iran Sanctions Act, it's an important piece of legislation. We want to discuss renewal with Congress in a thoughtful way at the right time, now is not the right time as the ISA does not expire until next year, and because we are focused on implementation. We will have plenty of opportunity in the coming months to take part deliberate and focus to communications with Congress on this important topic.

The deal has not been signed, implementation day has now come and passed, it is 2016, the year in which this is going to expire, Mr. Secretary, if not now when? When will we have these discussions that the administration was committed to having last summer?

KERRY:

Well, Congressman, first of all on Bob Levinson, I understand completely, I just met with the family recently and I completely understand tension, the feelings and the disappointment that they feel. They see people come back and Bob is not among them. And they don't have answers yet, but we have put a process in place as part of the actual agreement that we reached, whereby he is very much front and center in terms of our following through to trace every lead there is and to be personally engaged. I don't want to go into greater detail, but I shared with the family some of the things that we planned to do, we will in fact, we are doing them.

With respect to the UNSCR, you asked about the missiles, does it have the meaning somehow that we are not going to do what we said we are going to do. And the answer to that is no. The missiles were left outside of JCPOA, JCPOA stands by itself. The missiles are a separate track, the arms are a separate track, and we purposely did not want to confuse the implementation and accountability for the implementation with these other things.

So that's why we put additional sanctions on because of the missile launch, on three entities and eight individuals. Now you raise the question about 2016 if not now when? Well, now is a good time sort of to have the discussion, this is part of the discussion, we are having it here today. And I am saying to you that we should be informed in whatever we choose to do on the ISA by how

well the implementation goes, by how necessary it is to be thinking about the concern about the application of the sanctions.

We don't need the ISA to be able to have snapback.

DEUTCH:

I'm sorry I'm out of time but I just wanted to ask, is one of the reasons that there is a hesitation to go forward now even after implementation day, Iran is going to view this as, interpret this as some sort of violation of the agreement which clearly it's not?

KERRY:

No, I think it's on its face exactly as I just described to you, there is no rush, we know we could pass whatever we would need to very quickly, number one. Number two, we want to be in whatever we decide to do, whatever message it might send, ought to be advised by the efficiency and effectiveness of the way that this has been implemented so that whatever we are putting in it is in fact rational and related to the process itself.

As you yourself just said we are only a few months into it. Let's get into it, there's plenty of time here and see where we are.

ROYCE:

We go now to Mr. Joe Wilson, South Carolina.

WILSON:

Thank you, Mr. Chairman and thank you Mr. Secretary for being here, I'm very grateful that speaker Paul Davis Ryan has provided shocking admissions of how Iran will use sanctions related to funding terrorism, which I believe the American people need to know, puts families at risk. On January 21, Mr. Secretary, you admitted, "I think that some of the funds from the sanctions relief will end up in the hands of the IRGC or other entities, some of which are labeled terrorists. "

This is sad, Mr. Secretary, Iran is widely recognized as the world's leading state sponsor of terrorism supporting groups like Hamas and Hezbollah. They are responsible for murdering hundreds of Americans, and therefore should come as no surprise that at least some of that \$100 billion in sanctions relief granted under the nuclear agreement will be used to finance terrorists. You are not alone in this assertion. In fact several key Obama administration officials including the President himself have made the exact same admission, "Do we think that some of the sanction coming down that Iran will have some additional resources for its military, for some of the activities in the region that are a threat to us and a threat to our allies, I think that is a likelihood that they've got some additional resources. " President Barak Obama.

Also, "We should expect that some of the portion of the money would go to Iranian military that could potentially be used for the kinds of bad behavior we've seen in the region up to now. " From National Security Advisor Susan Rice.

Also, "As Iran's behavior the United States is under no illusions, this agreement was never based on the expectations that it would transform the Iranian regime or cause Tehran to cease contributing to sectarian violence and terrorism in the Middle East. " Undersecretary of State for Political Affairs Wendy Sherman.

We agree on implementation day in January, Speaker Paul Davis Ryan noted, "The President himself has acknowledged Iran is likely to use this cash infusion more than \$100 billion in total to finance terrorists. "

This is exactly why a bipartisan majority of the House voted to reject the nuclear deal. Sanctions should only be lifted when Iran ceases its litany of illicit activities and answered support for terrorism. Until that day comes we should not be complicit in fueling a regime that has a long history of hostility toward the United States and its allies. I am particularly grateful for the bipartisan conduct of this committee, which Chairman Ed Royce of California and ranking member Elliott Engel of New York with very thoughtful opposition to the Iran deal. I believe Iran promotes a tax on American families with its pledge of death to America and death to Israel, as proven by the Intercontinental ballistic missile development as cited by Chairman Royce and Congressman Deutch.

Secretary Kerry, from your responses to Chairman Royce's questions, what I heard you say is that the administration wants to let the Iran Sanctions Act expire, the administration extending it through the International Emergency Economic Powers Act is simply a power grab. Allowing ISA to expire statutorily is unacceptable. With this background how have Iran's terrorist activities been affected by the deal and the subsequent lifting of sanctions? Has the Iranian support for terrorism increased or decreased?

KERRY:

Well, Congressman, you raise a lot of questions and all of that and you make some assumptions that I just don't share or agree with. We never suggested that the goal is to let it expire, I said let's take our time and be thoughtful about it. So you are drawing a conclusion that I never let any credence to. Secondly, this goes back to the sort of argument about the Iran deal itself, you say we shouldn't lift sanctions until they have given up their sponsorship for terrorism.

The problem is what they judge you know, they just have a different interpretation about some of those things that would have lasted a lifetime, and then they would've had a nuclear weapon. And Iran with a nuclear weapon would've been far more dangerous than an Iran without one. So if you are worried about terror, the first objective is to make sure they do not have a nuclear weapon.

Now we've been very honest, I'm not going to sit here and suggest that some portion of the money might not find its way to one of those groups but with a do is not dependent on money, Congressman, never has been. They are going to do it anyway. If we hadn't got rid of the nuclear

weapon, they were still supporting the Houthi, they'd still be supporting Hezbollah, they been supporting them for how many years? Countless years.

WILSON:

Now they can finance terrorists in this country, Mr. Secretary, this is not right. I yield.

ROYCE:

OK, going to go to Mr. David Cicillini of Rhode Island.

CICILLINI:

Thank you, Mr. Chairman and thank you Mr. Secretary, for your extraordinary service to our country, I have four questions that I'm going to run through quickly to give you as much time as possible to answer.

The first is I am very concerned about the deteriorating state of the rule of law and adherence to human rights in Egypt. The Egyptian judiciary has long been rife with corruption and political agendas but reports yesterday exemplify how bad the situation has become when a Cairo military court handed down a mass life sentence to 116 defendants that mistakenly included a three-year-old boy. This is incredibly outrageous and really does exemplify how little the Egyptian judiciary and security apparatus care for the rule of law. And I would really like to hear what we are doing about it, and additionally in the appendix to this year's budget request U. S. Congress to remove partial aid conditions accompanying national security waiver and the reporting requirement entirely.

What is the justification for proposing the removal of this language, and what kind of signal does this send to the Egyptian government and the Egyptian people?

KERRY:

Congressman, the removal of which language?

CICILLINI:

The language related to partial aid conditions, the national security waiver and the reporting requirement. Second question is there are tremendous challenges you've outlined them in your testimony of the international affairs budget which funds programs designed to prevent these challenges continues to shrink, since fiscal year 2010 the overall funding for the international affairs, that is the base budget plus (OGO) has been reduced 12 percent. In the fiscal year 2007 request is slightly down from last year, what are your most serious concerns about the resources that are necessary to confront the main challenges facing our country, and does this budget really provide the resources that you think we need.

And third and finally, the US Israeli memorandum of understanding I know is going to expire in 2018, I understand that we have already begun to discuss a new set of terms, what is the status of those negotiations and what kind of new training and equipment and assistance will Israel need in light of increased instability in the region threats to their security? I had to do those fast.

KERRY:

OK, no, I appreciate it. Congratulations on moving up to the upper dais there. Let me just begin with your question about Egypt itself, look these sentences obviously are of enormous concern to all of us. We've expressed that very straightforwardly, and we've seen a deterioration over the course of these last months I guess is a fair way to say it. With the arrests of journalists and the rest of civil society personalities, we understand Egypt is going through a very difficult challenge right now, there are terrorists in the Sinai, there are the challenges of extremism that has played out in bombings in Cairo, and elsewhere, so it's difficult, nobody is suggesting otherwise.

But we believe deeply that countries which protect freedom of speech and assembly and encourage civil society will ultimately do better and be stronger in their ability to defeat extremism. We work very closely, I have a good working relationship with my counterpart, we talk frequently, we are working on these issues on a regular basis. We have succeeded in getting some people released, we succeeded getting some progress on a number of human rights issues, but it is a concern.

Their judicial system which operates separately makes some moves that I think sometimes you know the leadership itself finds difficult to deal with. And our hope is over the course of these next weeks and months we can make some progress moving back on these. I think Egypt said something about the three-year-old if I recall but I don't want to dwell on it right now. On the resources we are cannibalizing a lot of programs within the budget, and the bottom line is everybody's dealing with difficulties in governance today as a result of our budget challenges.

And it is no secret to any of you because these are the fights said you all have been engaged in on the floor. I think we are making a mistake, I try not to get into the politics in this position at all, but I do think the United States is not responding in ways that we ought to be to our global responsibility is reflected in the budget overall. And I think that we can and should be doing more, I think we handicap ourselves, I think we are behaving to some degree for the richest nation on the face of the planet, we are choosing to behave more like a country that actually doesn't have resources available to it.

It is a question of which choices we make, where we want to make the overall trades in the budget. And we are where we are. So we have had to cannibalize considerable to make things work. It really in my judgment diminishes the ability of the most powerful nation on the planet to be able to actually affect things more, and so we see prostration on the part of our people that the world is in turmoil or we are not responding adequately here or there.

A fairly significant amount of that is reflection of resources, sometimes it is a reflection of policy judgments, I understand that. But a lot of it is driven by resource allocation. With respect to Israel and the MOU we are working on it now, we are in negotiations, we have never ever put any of Israel's security needs or challenges on the table with respect to other issues between us. Israel's

security comes first and foremost, President Obama I think has unprecedentedly addressed those concerns with iron Dome, with assistance, with our efforts in global institutions to not see Israel singled out, and we will continue to do what is necessary to provide user with all the assistance necessary, so it can provide for its own security.

I am confident we will get an MOU at some point in time, the sooner the better because it allows everybody to plan appropriately.

CICILLINI:

Thank you, Mr. Secretary. Yield back.

MCCAUL:

Thank you, Mr. Secretary for being here today, I am suffering from a major head cold, so I may go easy on you today.

KERRY:

That's good, I don't wish a cold you but I'll take the benefit.

MCCAUL:

Last December we passed a visa waiver program bill out of my committee, it passed overwhelmingly, it was designed to keep foreign fighters from exploiting the visa waiver program from certain countries like Iraq, Syria, Sudan and Iran. And in the negotiations and I was in the middle of those, national security chairman involved with the correspondence back and forth between Homeland, State Department and the White House, we carved out two exceptions.

One was national security and the other one was law enforcement. In the exchange between the Department of Homeland Security they mentioned would we consider humanitarian, business purposes, cultural, journalistic. I was in the room with the Majority Leader those exceptions were rejected. DHS came back again and the final email from the White House was that did administration supports this legislation, my thanks to all. And then finally the White House says, I spoke to State Department, they did not request any additional edits.

The administration does not request any changes at this time, we are good with the text as drafted, reopening the bill would require us to look at it again. Yet the day after it passed you read a letter to the Iranian foreign minister stating that parts of this law could be waived to accommodate Iranian business interests. In my judgment having played a part in that negotiation, it was in direct contradiction to the intent and the clear definition of the statute and the law.

Seems to me you're putting the business interest of Iran over the security interest of the United States, and quite frankly either misconstruing or rewriting the very law that we passed overwhelmingly by the Congress, I want to give you the opportunity to respond to that.

KERRY:

No, I really appreciate it, Congressman McCaul. . Thank you very much and I appreciate the work we've done to try to work through this. Look, we respect obviously the Congressional intent, we respect the purpose of this. We all share that goal. We have to protect the country, we have to have adequate control over who's coming into the country. And we've learned obviously in the course of the K visa situation that there is more to be done conceivably to be able to analyze and dig into background. But the bottom line is this the letter that I wrote to the Iranian foreign minister was not an excuse for anything, it simply said that they were arguing that we had violated JCPOA.

And I wrote a letter saying no, it does not violate JCPOA, it explained and defended the law and make clear to them that we are going to keep our JCPOA commitments. Now, what we are doing is actually following the letter of the law, but please I would like you to understand that our friends, our allies, French, Germans, British, others are deeply concerned about the impact of this law inadvertent on their citizens. They have dual nationals.

In one of those dual nationals just travels to Iran and they are in a visa waiver program, and they are a very legitimate business person, all of a sudden that person's ability...

MCCAUL:

Look, I wrote the law, I'm the author of the bill, I understand the intent of the law, we had conversations with the White House, he tried to get this business exemption written into law, that was rejected by the leadership and the Congress. In the time to have change that was prior to the President signing it into law, but once you sign it, the President signed into law, you can't just go back and change, either violate or rewriting it. I know the law, I marked it up out of my committee, and you are talking to the author of the bill. That was not the intent of Congress to carve out a business exemption and I understand the French and the Iranians and all the stuff.

But that was not the intent of the Congress.

KERRY:

Look, Mr. Chairman, we are not carving out a wholesale waiver intent, it is a case-by-case basis, very carefully and narrowly tailored, number one. Number two, the text of the law is clear, the Secretary Of Homeland Security waived travel, can waive the travel or dual nationality restrictions if he deems that it is in the law enforcement or national security interest of the country to do so. Now we believe the full and fair implementation of the law is in fact international security interest, we have a very thorough systematic...

MCCAUL:

I guess it depends on how you define national security interest, I will I will command that Jay Johnson called me to add Libya, Somalia and Yemen to this list. And I...

KERRY:

And I concurred in that.

MCCAUL:

And I commend that decision. I'm sure you're going to construe the law in your interpretation, I do think adding those three countries was a positive step. Just one last question, on the designation of Iran as a jurisdiction of primary money laundering concern, are we going to keep that designation or is there any attempt by you to lift that designation?

KERRY:

We've had no such determination, I haven't contemplated it.

MACCAUL:

Do you intend to consider additional measures to provide economic relief to Iran to lift any other designations?

KERRY:

None at this point in time that I know of.

MCCAUL:

I appreciate that, Chair now recognizes Brad Sherman of California.

SHERMAN:

As to your bill, I'd point out that most ISIS fighters go into Turkey where perhaps their passports are stamped and then they sneak into ISIS controlled areas, where Isis has a shoddy record of stamping passports, and we may have to look at every European passport stamped in Turkey, that would obviously be an issue.

KERRY:

Actually what is now an issue is Daesh's ability to actually produce phony passports.

SHERMAN:

That would be another issue, Mr. Secretary, I've got so many issues, most of them you'll choose to respond for the record. First on the budget, this committee has urged and voted that you spend \$1.5 million broadcasting in the Sindhi language to reach a huge part of Pakistan, southern Pakistan, in the Sindhi language we talked about last time you were here. Now your budget requests an additional \$35 million for our broadcasting's efforts, my hope is that you will be able to respond



for the record that if we get you a substantial increase, maybe not the full \$35 million, but the first additional dollars will be to broadcast in southern Pakistan.

KERRY:

I think it's worth \$35 million, Congressman.

SHERMAN:

It only takes a \$1.5 million the rest is for whatever else you choose to spend the money on, and I want to complement your general counsel in Karachi for looking into the assassination of Anwar (Legaria) who was a protector of Sindhi culture. As to our work against ISIS, during World War II we had bombing rules of engagement that led to the deaths of 70,000 French civilians because we were serious.

General de Gaulle never urged us not to bomb an electric facility because it would inconvenience French civilians, he never asked Dwight Eisenhower not to hit a tanker truck because the civilian might be driving it. Did I am told that in bombing ISIS we not hit a moving truck and we will not hit electric power lines because not only do we not want to kill any civilians, even those working for ISIS, but we don't want to inconvenience those living under ISIS. And it is a major inconvenience not to have electricity.

I hope you would comment for the record about our rules for engagement against ISIS, I now want to focus on Iran, North Korea provided the nuclear technology that was used at Alhabar which the Israelis destroyed in Syria a few years ago. Now North Korea has a dozen nuclear weapons, that's about what they need, perhaps the next one goes on eBay, not quite that flippantly but you get the point.

I spoke to the Chinese foreign minister yesterday and I will urge you to urge him as I did the China prevent any nonstop flight over its territory from North Korea to Tehran, such a nonstop flight could easily export one or several nuclear weapons. If on the other hand that flight stops for fuel as of course it should, if China requires they will, I am sure the Chinese will take a look at what's on the plane. It is natural that you are here defending the nuclear deal.

I didn't vote for it. But there are very good aspects of that deal. But I am concerned that the administration now is just in the role of defending Iran, as if any comment about Iran is an attack on the deal. During Rouhani's tenure we have seen a lot more executions in Iran and I hope that you would personally issue a statement condemning Iran's violation of human rights, particularly when they kill people for the so-called crime of waging war on God.

As to the missile sanctions, you indicate we sanctioned a few companies, we sanctioned a few individuals, those companies don't do business in the United States, those individuals do not want to visit Disneyland, and I hope that you would sanction the Iranian government for its violation with sanctions that actually affect the Iranian economy. Otherwise to say certain individuals who have no intention of coming to the United States will not be allowed in the United States, indicates an acceptance of Iranian violations.

And under the UN Security Council Resolution 2231 Russia cannot sell fighter planes to Iran unless the Security Council specifically approves that, I'll ask you will we use our veto to prevent fighter planes from being sold to Iran from Russia?

KERRY:

I don't think you have to use the veto, it's a matter of the committee, there is a committee it is an approval in the committee, but we would not approve it.

SHERMAN:

And would we use our veto if necessary to prevent the sale?

KERRY:

To the best of my knowledge, Congressman. I haven't looked at the specifics of the transaction et cetera. In principle we are very concerned about the transfer of weapons, and so you know we would approach it with great skepticism. But I haven't seen a specific transfer or what the request is.

We have a committee that will analyze this thoroughly before anything happens, and the committee signs off on it, I assure you. We will stay in touch with you.

SHERMAN:

Thank you.

ROYCE:

Chair recognizes Mr. Poe from Texas.

POE:

Thank you, gentlemen, thank you Mr. Secretary for being here I just want to say amen to what my friend from California regarding the folks in Iran that had been murdered by the regime, 2300 have been executed, in my opinion mostly for political reasons or religious reasons. I would hope United States government through the State Department would condemn this action by Rouhani and the Iranian government.

A couple questions and dealing with Georgia and Ukraine, the Russians occupy a third of Georgian territory, they occupy Crimea, and they occupy parts of Ukraine's Eastern territory. Is it the US position or not, tell me what the US position is, that the Georgia occupation is unlawful, Crimea occupation unlawful, in the eastern Ukraine position on lawful or not?

KERRY:

That's correct. They are.

POE:

So it is our position that the Russians are unlawfully holding territory belonging to somebody else and no specific instances.

KERRY:

In once case not holding but engaged in intrusions which are assisting in the holding.

POE:

And that would be in the Eastern Ukraine.

KERRY:

Correct.

POE:

Also your predecessor has visited Georgia, if you have time this year it be great for our relationship if you could go to Georgia.

KERRY:

I am hoping to.

POE:

Specifically I would like to talk about a piece of legislation that is passed the House unanimously, and that is the Foreign Aid Transparency And Accountability Act that I have authored along with Mr. Connolly from Virginia. It basically requires that there be accountability for foreign assistance, transparency and also evaluations of our aid to other countries. I think transparency and evaluations are good, the American public needs to know how their money is being spent.

If it is being spent well maybe keep it up, if it is not and maybe we should stop it. The State Department though has resisted this legislation even though it has passed the House, it has passed your former committee unanimously over in the Senate and Ross Shaw when he testified in this committee he supported it when he was USAID Director. Do you support this type of legislation or this specific legislation of transparency and accountability, evaluations of our foreign assistance?

KERRY:

Congressman, of course, we share the goal completely and yes, we support transparency and accountability, and we have huge transparency and accountability. It is one of our problems, I mean I think I don't -- I'm trying to get the numbers pin down, but the person hours and the number of people assigned just to provide the transparency and accountability to all of you and to others, is staggering.

We lose an enormous amount of implementing productivity to simply providing the transparency and accountability. We've got 51 investigations going on, with an unprecedented number of hundreds of thousands pages FOIA that we are responding to. I've had to cannibalize bureaus young, capable lawyers, professionals to come out and go sit and work on this so we are able to meet the demands. We are overburdened.

I've actually appointed a senior ambassador, Janice Jacobs to be our transparency/accountability sort of coordinator, to make sure that we are able to do this. So our concern is doing this in a way that is smart, efficient, efficient for you, efficient for us, we do not resist the goal in the least. The American people have a right to absolute accountability and transparency.

We think there are a lot of ways in which it is already provided, there are ways we may be able to streamline some of that so would like to work with you on this legislation so that it isn't you know another moment where we are having a transfer a lot of people away from doing what we are supposed to do. If you want to plus up the budget enough we can do it all.

POE:

Reclaiming my time, that is exactly what the bill does, you have different departments in the State Department doing transparency and evaluations, this makes it simpler for all of us.

KERRY:

Right, but we want to have a little more say in...

POE:

Reclaiming my time, it has passed the House unanimously, it has passed the Senate Foreign Relations Committee unanimously, but we are getting pushback from the State Department on the legislation and just decide...

KERRY:

We want to make sure it works, Congressman only because we want to make sure it works for us in terms of our process, I mean who can resist a piece of legislation, Foreign Aid Accountability Transparency Act.

POE:

We want it to work for the American people. As you know reclaiming my time, if I have one less comment. You and I and most of the members of Congress, you mentioned the concept of foreign aid out there in the country to citizens, you know they kind of get their backs bowed because people having cynical for years, even though it is a little bit of money, about foreign aid. In this legislation I think tells folks in the community, citizens, taxpayers who send this aid all over the world that it is working. And we can have transparency and evaluation for it, so they can feel better about something that aid. Thank you Mr. Chairman.

KERRY:

I support that 100 percent, President Obama does and he has instructed all of us to try to make sure we are streamlining and as transparent as we can be.

ROYCE:

I know the Secretary's time is limited, Mr. Grayson from Florida.

GRAYSON:

Secretary Kerry, I'm going to ask you question that is susceptible to a yes or no answer or if you prefer yes or no with an explanation. Has Iran adhered to the nuclear deal?

KERRY:

I'm sorry has what?

GRAYSON:

Has Iran adhered to the nuclear deal, yes or no?

KERRY:

Yes, to the best of our judgment.

GRAYSON:

Now, there was concern that Iran's money would be used to increase terrorism in the region after the deal was entered into. Has Iran's support for terrorism increased, decreased or remained the same since the deal was enacted?

KERRY:

I think to the best of our judgment it would be it has remained the same.

GRAYSON:

All right, is there any evidence that the money that Iran received as a result of the deal has been diverted to use to support terrorism?

KERRY:

We'd need to get into classified sessions to discuss that. It's a little more complicated.

GRAYSON:

We heard the phrase used at the time the deal was under negotiation and discussion, that Iran would become a nuclear threshold state, and that it would push the limits of the agreement and get as close as I could to developing nuclear weapons during the term of the agreement so that in 8 or 10 or 12 years it would actually have a nuclear weapon. Is there any evidence to support that at this point?

KERRY:

No.

GRAYSON:

What is your inference regarding that? What is your inference regarding their behavior?

KERRY:

The fact is Iran was a threshold nation when we began this discussion, Iran had 12,000 kg of 5 percent enriched, I forget how much 20 percent enriched uranium. It was one step away from being able to produce highly enriched uranium for bomb manufacturing, it had enough enriched uranium to be able to make 10 to 12 bombs. It has the technology and know-how, it has already mastered the fuel cycle, so in effect it already was at the threshold.

That is one of the reasons why we felt such urgency to try to close off these paths for actual movement to that, and Iran has accepted increased transparency and accountability beyond anything that anybody else has engaged in on the planet. I mean they have accepted the additional protocol, they have accepted higher standards for 25 years of tracking of all uranium manufacturing, they have accepted 20 years of television intrusion on their centrifuge production. In limited levels of enriched uranium in the stockpile, and limited levels of enrichment itself, 3.67 percent for 15 years.

So they don't have the ability to be able to make one today. Just don't have it physically in that regard. And we are confident of our ability to know what they are doing.

GRAYSON:

Has the administration ever tried to interdict Iranian shipments to help terrorism in the region?

KERRY:

Yes, we have in fact successfully interdicted.

GRAYSON:

Is it likely that effort will continue?

KERRY:

Not likely, it will for certain.

GRAYSON:

It will for certain, can you give us one particular example?

KERRY:

Recently, we turned around the convoy, we didn't know exactly what was on it but we thought it was headed to Yemen, and we make sure that it went back to Iran.

GRAYSON:

All right, I'd like to ask you a couple questions about ISIS, what is your own personal or agency assessment regarding the necessity of having ground troops involved in the fight against ISIS? Not American ground troops necessarily but any ground troops.

KERRY:

Well, American Special Forces are engaged as enablers on the ground in Syria today and in Iraq. And I am a 100 percent supporter of the, I strongly advocate that that is a powerful way to have an impact. I am for trying to get rid of Daesh as fast as is feasible without a major American invasion, but by enabling, by using our special forces, by augmenting the Syrian, Arab, and other presence on the ground, I believe it is imperative for us to try to terminate this threat as rapidly as we can.

GRAYSON:

Has America -- has the American government had discussions with Saudi Arabia, the UAE, Oman, or Jordan, concerning whether they would lend ground troops to the effort to fight ISIS?

KERRY:

We are engaged in discussions with them regarding their offers to do so at this time.

GRAYSON:

Can you tell us anything about that?

KERRY:

No, I think it's in a preliminary -- it's in discussion. They've indicated a willingness to be helpful. And this is in the fight against Daesh, let me emphasize. And as part of our effort, part of the president's effort, to explore every possibility that is reasonable of ways in which to have an impact on ending the scourge of Daesh, that is being evaluated.

GRAYSON:

What about other countries in the region -- Pakistan, Turkey, Algeria, Morocco -- have you had similar discussions regarding their potential to send ground troops against ISIS?

KERRY:

There have been broad discussions with various -- mil-to- mil discussions and intel discussions regarding possible provision of people in certain circumstances.

GRAYSON:

Thank you, Mr. Secretary.

ROYCE:

The chair recognizes...

ISSA:

Chairman, can I ask unanimous consent request?

ROYCE:

Yes, sir.

ISSA:

Thank you, Mr. Chairman. I ask unanimous consent that the letter dated December 13, 2012, addressed to then-Secretary Hillary Rodham Clinton, be placed in the record.

ROYCE:

Without objection.

ISSA:



And I would further ask that the response from the State Department, dated March 27, 2013, to then-Chairman Darrell Issa, be placed in the record.

ROYCE:

Without objection.

ISSA:

Lastly, I would ask that the news articles from The Daily Caller, dated January 30, 2016, and The Hill, dated 2-2-2016, be placed in the record.

ROYCE:

Without objection, so ordered. Mr. Issa is recognized.

ISSA:

Thank you, Mr. Chairman. Mr. Secretary, first of all, I want to congratulate you on naming Ambassador Jacobs as your tsar, if you will, for FOIA request. I share with you the sympathy that the American people's desire to know things has outpaced the automation and the process for FOIA from the State Department. As a former businessman, I might suggest, though, that as good as the ambassador is, perhaps you need to turn it over to somebody who is much better at getting data out, rather than evaluating the details of State Department communication.

Having said that, the information I put in the record is for a reason. In the last days of Secretary Clinton's administration, I sent her a letter specifically related to personal -- use of personal e-mails. And I did so not because of Benghazi, not because of any other investigations you might be familiar with, but because in the investigation of the Solyndra scandal of Department of Energy, we had discovered that a political appointee, Jonathan Silver, had been using personal e-mails to circumvent FOIA in the scrutiny. He went so far as to say -- and this is in the letter to Secretary Clinton -- "Don't ever send an e-mail to DOE e-mail with a personal e-mail address. That makes is subpoenaable."

The letter went on to go through a number of those things. And it specifically asked then-Secretary Clinton whether or not she had an e-mail, and whether or not any senior agency officials ever used personal e-mail account to conduct official business, have any senior agency officials ever used alias e-mails -- that was a different investigation -- and it went on. I know by now you must have been made familiar with this letter.

Approximately two months into your administration as the secretary, your agency responded to that letter by not responding. Your agency sent a response that basically said, "Here's the title and the rules."

Now, since it's been reported in those two articles that you personally communicated with Secretary Clinton, your personal e-mail to her personal e-mail, is it true that you were aware that she had a personal e-mail, and that she used it regularly?

KERRY:

I had no knowledge of what kind of e-mail she had. I was given an e-mail address, and I sent it to her.

ISSA:

Did you look at the e-mail address? I mean, was it a dot- gov? And would you have noticed if it wasn't a dot-gov?

KERRY:

I didn't think about it. I didn't know if she had an account, or what the department gave her at that point in time, or what she was operating with. I had no knowledge. But let me just say to you...

ISSA:

OK, no, I appreciate that's a responsive answer that you didn't know you were sending to her personal e-mail from your personal e-mail. Do you know -- at least one of those documents now has been classified secret. Do you know when that could be made available in- camera to this committee so we'd appreciate what it was about?

KERRY:

I don't know specifically.

ISSA:

OK. You are aware that it's been classified secret; is that correct?

KERRY:

I am aware.

ISSA:

OK. The letter, which did not respond to the specific questions, occurred on your watch. You've now had your watch for three years. Are you prepared to answer the questions in that letter, including who all is using e-mail, and what you're doing about it?

KERRY:

Well, Congressman, in principle, I'm prepared to have total accountability. And I think we do. Let me just say to you, my direction from day one to the entire department has been clear: Get the Clinton e-mails out of here into the...

ISSA:

And I appreciate that, although, it is amazing that we're still waiting for many of them. Let me ask just a couple more quick questions, and then you can have the remaining time.

In the case of the use of personal e-mail, we discovered that additionally, many individuals appear to be using text as a method of communication. Do you use text as a means of communication, or do you know of any of your senior staff who use text as a method of communication?

KERRY:

Congressman, let me answer your question by saying this to you: In March of last year, I wrote a letter to the inspector general that I hired for the department.

ISSA:

I appreciate that you hired one, that your predecessor never had one.

KERRY:

And I asked the inspector general to look at all of the e-mail practices, communications practices, of the department in order to deliver a review. And we are working with the I.G.'s observations, which have been helpful, to make sure that the department is living up to the highest...

ISSA:

I appreciate that, but there's a pending question, Mr. Secretary. Would you answer the text question, please?

KERRY:

Congressman, I'm not going to get into an e-mail discussion with you here on the budget of our department...

ISSA:

Mr. Secretary, this committee is entitled to know the communication.

KERRY:

And our communications process is thoroughly being analyzed by the inspector general, and we have had countless communications...

ISSA:

Mr. Secretary, I appreciate that. It's a simple pending question. Do you text, or do you know of other individuals in your senior staff who use text?

KERRY:

I have no idea whether they do or don't.

ISSA:

OK, and do you use text?

KERRY:

I occasionally text some of the people.

ISSA:

And the final question is, how are you seeing that that text, which by definition, is required to be saved under FOIA requirements, under the Federal Records Act? How are you seeing that those texts are preserved, since they are not otherwise preserved?

KERRY:

That is precisely what we are working on within our process today, to make sure that everything - - by the way, I don't text anything regarding policy. I only text my top -- I only text my logistical administered staff with respect to whether I'm arriving at somewhere, or going to something. There's nothing substantive ever texted.

ISSA:

Well, I would certainly assume that your private e-mail to Hillary's private e-mail also is intended to be...

KERRY:

Yes, but that's secured. All e-mails are on the server that is the State Department, and it's all preserved. It's all part of the national records, and that's...

ISSA:

I appreciate that, Mr. Secretary. But Hillary Clinton's were not, and your personal e-mail were not when a secret exchange occurred.

KERRY:

You're fixated on this, and I don't know how many investigations there are. I think people are really getting bored with it, Congressman. And there are an awful lot of important discussions, policies, and other things. And that's what I'm here to discuss.

ISSA:

Mr. Secretary, I appreciate that. But as I said earlier, this is not about any of the investigations. This is about the work that was being done related to the Federal Records Act, and compliance. It absolutely is more about whether the American people can get what they're entitled to under a law that you, quite frankly...

ENGEL:

Mr. Chairman, I would note that the gentleman's time has expired.

KERRY:

I have taken unprecedented steps, including with the inspector general, to make certain that that is fully adhered to. And I stand by the steps we've...

ISSA:

Thank you. Thank you, Mr. Secretary. Thank you, Mr. Speaker -- Chairman.

ROYCE:

Appreciate the promotion. Chair recognizes the ranking member.

ENGEL:

Thank you. I ask unanimous consent to enter into the record the memo of the Inspector General Linick of February 3, 2016, where he noted that Secretary Powell and Secretary Rice's staff used private e-mails as well. I really think we should be consistent, and not just have a political attack on Hillary Clinton.

ISSA:

As long as we can enter into the record, Mr. Chairman, the...

ROYCE:

Well, let me say without objection, so ordered.

ISSA:

I reserve a point. I reserve a point.

ROYCE:

I mean, the chair has recognized the...

ENGEL:

May I tell the gentleman this is not the Oversight Committee, this is the Foreign Affairs...

ISSA:

I appreciate that. The only thing that I ask is that...

ROYCE:

Gentleman's recognized...

ISSA:

... alongside that, that the information where each of the former secretaries made their accompanying statements, including Secretary Powell, saying that they were not classified. I'm happy to have the record complete.

KEATING:

Mr. Chairman, point of order. Mr. Chairman, point of order.

ROYCE:

Mr. Keating is recognized.

KEATING:

Thank you, Mr. Chairman. I just wanted to know, for those of us that are waiting to ask questions, how much time is the secretary allocated to this meeting?

ROYCE:

He is here until 12:30. And so with that, the chair recognizes Ms. Frankel from Florida.

FRANKEL:

Thank you. Thank you very much. Mr. Secretary, I want to just thank you for your service. I'm very proud to have you as our secretary of state. And I just want to, in a most respectful way, really

object to my colleagues litigating the 2016 presidential contest here in this Foreign Affairs meeting. And I think there's some more important things to discuss, other than Hillary Clinton's e-mails.

Specifically, I'd like to talk about what's happening in Syria. And I would first ask you if you could, in very specifically detail, the type of suffering that is going on, and how many people are involved?

KERRY:

Well, Congresswoman, thank you. Syria represents the most significant humanitarian catastrophe and movement of people, deprivation of rights, slaughter, since World War II. There are 12.5 million people, or so, who are displaced or refugees; about 4.5 million, more than 2 million in Jordan, a million-something in Lebanon, and 2 million or so in Turkey. Massive numbers of people, as we've seen almost a million already who've entered into Europe, sometimes 5,000, 10,000 a day trying to move across the border.

But what has happened in Syria itself, the slaughter by Assad of his own people, the barrel bombs that have been dropped on schools, on kids, on innocent civilians, the torture, which has been documented in vivid photographs, grotesque...

FRANKEL:

And is it still occurring as we speak?

KERRY:

Well, the slaughter is still occurring. The innocent people being killed, the bombs that have been dropped on hospitals, and on schools, that has obviously occurred, which is why we have pushed so hard to try to get a cessation of hostilities.

But the combination of torture, of not just the torture, but of starvation, communities that have been laid under siege, people who haven't seen food supplies, medical supplies, in years now...

FRANKEL:

And children out of school.

KERRY:

Children out of school, people walking around looking like skeletons, like people in the liberation of the concentration camps of World War II, this is horrendous beyond description. And the beheadings, the death by fire, and the elimination of certain people by virtue of who they are, this is really a sad, tragic moment for a world that hoped that we were moving to a new -- new order of rule of law, and possibilities for young people, and so forth. So it's really...

FRANKEL:

Let me just follow up on that. If you could give us a prognosis, how long do you think it will be until these millions of people can either get back to a normal life in any way?

KERRY:

It will be when Russia, Iran, the parties at the table of the international Syria support group, including the United States and our European allies, and our Gulf state friends, and Turkey, and Egypt, and others, come to the table ready to implement the Geneva Communique, which requires a transitional government, which is precisely what we are trying to do. That is the moment where things could begin to turn conceivably for the better, but it's going to be very difficult.

FRANKEL:

And once you get to that point, is that where you then envision a -- trying to go after ISIL, or Daesh, as you call them?

KERRY:

No. We're going after Daesh now as powerfully as possible, given the difficult circumstances of the country. It would be much better if we were able to get a transition government in place according to the Geneva structure, and then have the United States and Russia, and all of the parties, focus on Daesh and Nusra, and be able to join together.

The difficulty with that is with Assad there, and the suspicion about intent by some countries simply to shore up Assad, it's impossible to be able to do that sufficiently until you have resolved this process, or at least sufficiently engaged in that process, and are far enough down the road that you then can license the ability to have a kind of cooperative effort on Daesh. A cooperative effort could end Daesh very, very quickly.

FRANKEL:

But that would require ground forces, you believe?

KERRY:

Well, the ground forces are there, the Syrian army. If you have an ability to be able to bring people together around a transition government, you have plenty of people on the ground who can then join together. And together, the forces from the air and the ground can quickly deal with the problem of Daesh. That's why dealing with the question of Assad is so critical. People aren't sitting around caught up in this notion that just because people said, "Assad has to go, that's why we're sticking with the policy," it's because if Assad is there, you cannot end the war. As long as Assad is there, the people supporting the opposition, countries that are defending their right not to live under a dictator, are going to continue to support those people.



FRANKEL:

Thank you.

ROYCE:

Mr. Scott Perry of Pennsylvania?

PERRY:

Thank you, Mr. Chairman. Mr. Secretary, thank you for your time today. I'd like to try and take it back to something regarding the budget. My question, first question, deals with the United Nations Relief and Work Agency in regard to our support of the Palestinians.

To my knowledge, the American taxpayer spends about \$277 million per year between the fiscal years 2009 and 2015 to support these programs. Meanwhile, UNRWA staff unions, including the teachers union, are frequently controlled by members affiliated with Hamas. The curriculum of UNRWA schools, which use the textbooks of their respective host governments or authorities, has long contained materials that are anti-Israel, anti-Semitic, and supportive of violent extremism.

Now, despite UNRWA's contravention of the United States law and activities that compromise its strictly humanitarian mandate -- its strictly humanitarian mandate -- UNRWA continues to receive United States contributions, including \$408 million in 2014. Just wondering if you could quickly sum up for us how your department is using this funding in your budget to discourage these activities? Taxpayers are loath for paying for terrorism, terrorist activities, and support of terrorism. And I know you know this.

KERRY:

Absolutely. And not only loath it, it's just -- bottom line is it's disgraceful, it's unacceptable. And we've made that clear, and so have the leadership, by the way, of UNRWA. They have -- and the United Nations. There is now -- there has been very strict policy and procedure in place in order to prevent this kind of activity to ensure neutrality, to prevent the funds and programs from benefiting any terrorist activity, obviously. And we...

PERRY:

But with all due respect, how is that manifested? We have policies in place, but yet, they continue to do it, and the American taxpayer continues to fund this organization.

KERRY:

Yes. And the people who have done it need to be fired or, you know...

PERRY:

But are they, sir?

KERRY:

They should be.

PERRY:

How do we ensure accountability? How do you take that money and say to these folks, "You're not getting the money"? How do you use the leverage...

KERRY:

We have pushed UNRWA as a result of what happened to condemn racism and to assess every allegation that has been brought to the agency about this misbehavior and misconduct. And in those cases in which investigations have found that misconduct occurred, the staff are subject to remedial and disciplinary action, and that's what they have promised us is taking place.

PERRY:

Is it every considered to just withdraw the funding until -- until we see a good...

KERRY:

Well, the problem is -- yes, it's been considered. In a couple of cases, it's been mandated. And the problem is we don't get back. I mean, we've lost our vote at UNESCO, as I think you know, because of activities beyond our control, which the Palestinians engaged in by going to the U.N. and seeking membership.

As a result of that, we are hurt. We don't have a vote. We didn't control their action. It wasn't a deterrent. But we've now lost our ability to be able to protect Israel and stand up and fight within the mechanisms.

So I think being draconian about it is not the best way to do it. We're being successful right now in being able to hold people accountable. And I think that's the best way to proceed.

PERRY:

I appreciate the effort. I just -- I see it differently. I don't think anybody is being held accountable. And I would just beseech you that the federal government's \$19 trillion in debt, the taxpayers are under siege. And we don't have money to waste on organizations that support terrorism. And that's just how I see it. But I would just ask you to consider that more than maybe you have.

Moving on, looking at your budget, it looks like last year we spent about \$300 million on the United Nations high commissioner for refugees, and associated programs. And with what we see in Syria, it seems to me that the American taxpayer is rightly -- I mean, we want to do our part.

We don't want to see anything -- we don't want to see the horrific things happen to these people; the women and the children. And we want to do our part to be good neighbors and good stewards in the world.

That having been said, these folks are coming to our shores, and then school districts and hospitals, taxpayers pay doubly. I sent a letter to the administration asking why we haven't pursued a safe zone in the border region of Syria and Turkey as some kind of a program or a strategy to make sure that there are not refugees far from their country.

Can you enlighten us at all whether that's -- because I haven't got a response whatsoever. Is that even a consideration?

KERRY:

It's been very much a consideration, Congressman. And it's a lot more complicated than it obviously sounds. If you're going to have a safe zone within Syria itself, it has to be exactly that; it has to be safe.

How do you make it safe? How do you prevent a Syrian air force barrel bomber from flying over? Well, you've got to have aircraft in the air. You've got to take away their air defense as a result. How do you prevent Daesh from coming in and attacking, or the Syrian army from coming in and attacking? It has to be safe.

That means somewhere between 15,000 to 30,000 troops have to be on the ground in order to make it safe. That's the judgment of the Defense Department. Now, are we prepared to put that on the ground? I mean, I've heard these calls for a safe zone...

PERRY:

I'm not calling for American troops to be on the ground. We're already flying in the area.

KERRY:

Right. But who's going to make it safe? Right now, safety is found by going to Jordan, or getting to that berm, where there are about 15,000 trying to get into Jordan, and trying to make them safe there, or getting to Turkey, or getting to Lebanon --that's safety -- or trying to get to Europe.

What we're trying to do is make it safe by getting a cessation of hostilities in place, getting humanitarian assistance delivered, and getting a political process that could actually end the violence. That's the safest thing of all. And it doesn't require, we hope...

PERRY:

Thank you, Mr. Chairman. I yield.

KERRY:

... thousands of troops on the ground to be able to provide a safe zone.

ROYCE:

Ami Bera of California?

BERA:

Thank you, Mr. Chairman. Thank you, Mr. Secretary. Obviously, this is a difficult time in the world. Multiple complexities, multiple challenges in the world. I'm going to shift to South Asia where we certainly have some opportunities, but also some challenges. It is a time of unprecedented increasing relationships between the United States and India. So lots of positive movement there.

One area of complexity, though, is the pending sale of F-16 fighters to Pakistan. And given Pakistan's continued support of terrorism throughout the region, certainly we saw recent terrorist attacks in India in January at the Air Force base. At a time when we're seeing progress in U.S.-India relationships, understanding the complexity of the region, understanding, would you have vested interest in helping Pakistan fight terrorists, I'd be curious from your perspective if Pakistan is doing enough separating good terrorists versus bad terrorists, and enough domestically within Pakistan to fight these terrorist threats that not just threaten to destabilize India, but also our interest in Afghanistan as well?

KERRY:

Well, Congressman, thank you. First of all, thank you for your thoughts about India and the sensitivity there. And we acknowledge that. We have been really working hard building the relationship, and trying to advance even the raproshma between India and Pakistan. And we encourage that. I think it's required courage by both leaders to engage in the dialogue that they've engaged in.

And needless to say, we don't want to do things that upset the balance. But we do believe that Pakistan is engaged legitimately in a very tough fight against identifiable terrorists in their country that threaten Pakistan. And they've got about 150,000 to 180,000 troops out in the western part of their country. They've been engaged in North Waziristan in a long struggle to clear the area and move people out. And they've made some progress in that.

Is it enough in our judgment? No. We think that more could be done. We're particularly concerned about the sanctuary components of Pakistan, and we're particularly concerned about some individual entities in Pakistan that have been supportive of relationships with some of the people that we consider extremely dangerous to our interests in Afghanistan elsewhere; Haqqani Network, prime example of that.

So there's a balance. But the F-16s have been a critical part of the Pakistani fight against the terrorists in the western part of that country, and have been effective in that fight. And Pakistan

has lost some 50,000 people in the last years, including troops, to the terrorists that are threatening Pakistan itself.

So it's always complicated. We try to be sensitive to the balance, obviously, with respect to India. But we think the F-16s are an important part of Pakistan's ability to do that.

BERA:

Great. Let me shift now. As one of the few physicians in Congress, I do have a real interest in global health, and looking at the current threat of Zika virus. We are grateful to have Dr. Frieden and Dr. Fouche, and representatives of USAID in committee a few weeks ago.

As we're looking at Zika, and as we're gathering information -- I know the president's requested \$1.8 billion -- the one thing as a physician, we know and very much so are recommending, if you're pregnant, if you're of a reproductive age, to take all precautions. Obviously, the one thing that we do know is making access to full family planning services available in areas where we know there's endemic Zika. And within USAID's purview, within the \$1.8 billion request, I'd be curious -- again, the one thing is empowering women of childbearing age to have full family planning support services, whether that's birth control, whether that's -- we're seeing increasing cases of sexually-transmitted Zika virus as well.

So I'd be curious, and I would want to make sure that we are providing the full resources in these endemic countries.

KERRY:

We are doing an enormous amount, Congressman. And I really appreciate the expertise you bring as a physician, and your concern about this. The president is extremely focused on the Zika virus challenge. The White House National Security Council is actually coordinating the all-of-government response on this.

And together, with the World Health Organization, with whom we are working very closely, and its regional offices for the Americas, for the Pan-American Health Organization, we're working with relevant international organizations, and others. The president has emphasized the need to accelerate researcher efforts to make better diagnostic tests available; to develop vaccines, medicines, improve mosquito control measures, and ensure that all citizens have the information that they need in order to be able to deal with the virus.

So we are using multiple lines of effort, an all-out effort. We do not want this, obviously, to become as challenging as Ebola was. And as you know, we mounted a response to that. And the same kind of effort is being put into this.

ROYCE:

Mr. Ron DeSantis of Florida?

DESANTIS:

Morning, Mr. Secretary. Congress recently passed a trade authority bill, that among other provisions, instructed our trade negotiators to oppose any boycotts of Israel, including persons doing business in Israel, or in Israel-controlled territories. And yet, your spokesman recently said that the State Department rejects that provision, and does not believe that Congress can conflate Israel with disputed territories.

So my question is, why won't the administration honor Congress' enactment?

KERRY:

Well, I'm not sure exactly what statement you're referring to, or what happened with respect to that. I think we do honor legislation. But we...

DESANTIS:

So you would say your negotiators -- if a European country was saying that they wanted to boycott people or businesses that are doing business over the green line, you think you would not fight against that?

KERRY:

We do not support any boycott efforts. We've been openly opposed to them. We're opposed them at the U.N. We're opposed to them elsewhere. We opposed labeling.

DESANTIS:

So you don't -- well, good. Maybe he was not...

KERRY:

That's why I said I don't know what the response is that's being...

DESANTIS:

OK, good. Because I think that that's great. Well, the labeling, though, I'd like to follow up on that, because your spokesman, Mr. Kirby, said that the U.S. doesn't oppose labeling of Israeli products from the disputed territories, and says State Department does not view labeling as a boycott of Israel.

And the problem with that is, you know, once you go down the road of doing the labeling, that's really a precondition for countries to be able to boycott Israel. So he suggested that the State Department is not opposed to European efforts to require Israel to label goods that are outside of the green line. Are you saying that that's not its (ph) position?

KERRY:

No. That kind of labeling, actually, I mean, we require labeling of where people send goods from. We require labeling of goods...

DESANTIS:

But if someone sends it from a Jewish community outside of the green line, and they say, "Made in Israel," the State Department's position for him would be like it was fine, it would be fine to force them to say that that was produced in the West Bank?

KERRY:

Labeling it from the West Bank is not equivalent of a boycott.

DESANTIS:

But it sets the precondition for a boycott.

KERRY:

... equivalent of knowledge to people so that they can, you know, have information about where products come from, which we require also, by the way. You know, we have "Made in America" label...

DESANTIS:

But these are disputed territories, and you have Jewish communities there where they're producing goods, and they label it as being made in Israel.

KERRY:

I understand that, which is why we are opposed -- we are opposed to any boycotts or any efforts to isolate Israel based on where something -- we're opposed to that.

DESANTIS:

Good. Well, I think -- I mean, I appreciate you saying that forthrightly, because I think we've been getting mixed signals from the State Department. In terms of funding, there's, over the last several years, about \$1 million has gone to this New Israel Fund. And that's an organization that supports BDS. Do you think it's appropriate that money that the State Department is dispensing in grants be used for organizations that support BDS?

KERRY:

I'm not familiar with that. It's news to me. And I'll take it under advisement and review it.

DESANTIS:

We'll get that. There's a movement to boycott Israel on a lot of college campuses throughout the United States. Do you view that as helpful for Americans' diplomatic relations with Israel and other nations in the world? And do you think it's appropriate that U.S. taxpayers are funding universities that take an official position in favor of BDS?

KERRY:

I believe in academic freedom. I believe in student freedom to take positions. It's a time-honored tradition in the United States of America, that we don't punish positions people take at any...

DESANTIS:

What an institutional position?

KERRY:

We as a government make our position clear; that we do not believe it is helpful to be boycotting. But people have a right in America, thank God, to be able to make their own decisions. And we as a government do not punish students for the position...

DESANTIS:

I don't think it would be punishing students. I think it would be if a university adopted an official position that they were going to boycott Israel, well then we would want to subsidize that with taxpayer dollars?

KERRY:

I also -- that's obviously a debate for Congress. But I would not advocate or support any challenge to the freedom of the university to make its own decisions. And I think punishing them would be inappropriate.

DESANTIS:

Now, money that goes to the Palestinian Authority directly under federal law requires the State Department to certify that the Palestinian Authority is acting to counter incitement of violence against the Israelis. And I've noticed that the last several years, the State Department has not made that certification; is that correct?

KERRY:

I wasn't aware we hadn't certified the last couple of years. But we are following constantly the incitement issue. I just met with President Abbas and raised the issue with him a couple weeks



ago. And we are working through our relationships and constant engagement on the West Bank to make sure that the incitement is not taking place in any official ways.

DESANTIS:

I think the worry is that the certification has not been made. So that would prohibit funds directly. But the State Department has been directing funds to the Israelis to pay down the Palestinian debts. The question is, is that trying to get around the spirit of the law?

KERRY:

No, it's trying to sustain the one entity in the West Bank that is committed to peaceful resolution and to non-violence, and to two-state solution. The fact is that there are many, many difficulties financially in the P.A.'s ability to be able to meet its needs for education, for health, for the standard process of trying to govern the West Bank. And these have been particularly difficult, last year and a half or so, as you know, with violence that has risen. We condemn the violence completely.

I might add, I was extremely disturbed to read today that Iran has agreed to pay the families of people who've engaged in violence, and people who have been, quote, "the martyrs" of the violence that's taken place that is completely inappropriate, and seems to lend some sort of credibility to that violence, and to those choices. And I think it's the wrong choice by Iran. And we strongly urge any kind of incitement of any kind, and that even in its own way can be a form of incitement; that you're going to have eternal support, and the families will be fine, and this is OK behavior.

It's not OK behavior. But President Abbas is committed to non-violence. He's the one leader in the West Bank who has consistently, even in the middle of the violence, even the middle of the Gaza war, previously, condemned the violence as a means of trying to achieve the two states.

So we believe that trying to build the Palestinian Authority and give them greater capacity to be able to control their own security, be able to build their capacity, is the way to ultimately move towards solving the problem of the violence itself.

ROYCE:

I'll remind the members we need to stick to five minutes. And we'll go to Tulsi Gabbard of Hawaii.

GABBARD:

Thank you, Mr. Chairman. Thank you, Mr. Secretary, for being with us here today. I'd like to follow up on Dr. Bera's questions with regard to the F-16s in Pakistan.

Judge Poe and I recently sent you a letter expressing our grave concerns about this potential sale, and asking you to consider stopping it. In our view, rewarding Pakistan with such a sale, when in fact they have not changed their harboring in support of terrorists within Pakistan, whether you talk about the 2011 statements by Admiral Mullen then, talking about how the Haqqani Network is a veritable arm of the Pakistani ISI, or his statements that the ISI played a direct role in

supporting the deadly attack on our embassy in Kabul in 2011, or to the recent release of the mastermind of the 2008 Mumbai attack, both for security reasons and their actions in supporting these terrorists, as well as the relationship that you and others have focused on, and recognize as important with India, is this something that you would be willing to reconsider, given all of these factors?

KERRY:

Well, Congresswoman, I'd like to talk to you sort of in a classified setting, if we could, because I think there are some considerations that I can't go into here. I would say to you that I share the concern, as everybody does. I mean, the president, all of us, are deeply concerned about the ISI relationships, deeply concerned about the Haqqani Network's freedom to be able to have operated. And we've had very recent conversations with respect to that. And I think in fairness, because of the nature of those conversations, I'll follow up with you, and I will definitely follow up with you in a way that we can discuss this.

GABBARD:

That'd be great. I'd appreciate that. The last time that I met with you in my district in Hawaii, we met at the East-West Center. It's a place that you know has been instrumental in creating dialogues between leaders, amongst many of these Asia-Pacific nations, at a critical time when we're facing potential destabilization within the South China Sea, North Korea, island nations in the Pacific, and the challenges they're facing. The funding has been reduced this year for the East-West Center. I'm wondering if you can talk about why that is, as well as why the funding was moved from its own line item into education and cultural exchanges, and what impact that will have on this center's ability to continue to play this important role in the Asia-Pacific region?

KERRY:

The reason, Congresswoman, is there's no policy shift whatsoever in reducing the importance of, or the commitment to the East-West Center. But beginning in 2017, the funding was going to be requested under the ECA appropriation, rather than as a separate East-West, you know, Center appropriation, as in previous years.

And I think the president's 2017 request is \$10.8 million. You're right, it's below the actual level of 2015, and appropriated level, but I think, you know, it reflects just tough choices that we have with the budget that we have. Not everybody is getting as much as they did the year before. But it is not a reflection of some sort of downward trend. It reflects the difficulties of the current budget choice. And, you know, we will maintain our consistent support for the East-West Center going forward. I can guarantee you that.

GABBARD:

Thank you, Mr. Secretary. I've got a lot more questions. Unfortunately, we don't have much more time. One issue that I'd like to follow up with you and your staff on is the budget request within your budget that goes toward train-and-equip programs within both Syria and Iraq, and the concern

about how those funds are being used, who they're supporting and training, as well as what coordination is occurring between state and the DOD program, and other agencies that are using this funding, and toward what objective.

You know, the concern we've raised consistently over time about whether or not these funds are being used to overthrow the Syrian government of Assad versus fighting and defeating Daesh on the ground there, and other al Qaida, al-Nusra, and these other Islamic extremist groups. We don't have time for this now, but this is something I think is important that we want to examine as we look at the budget for the State Department.

KERRY:

Great, look forward to working with you on it. Thank you.

ROYCE:

Thank you. We'll go to David Trott of Michigan.

TROTT:

Thank you, Mr. Chairman. Mr. Secretary, the Coptic Christians have experienced some of the worst attacks in their modern history. And we sent a petition to the White House urging that they designate the Muslim Brotherhood as a terrorist organization.

And in response to that, the administration said, "We have not seen credible evidence that the Muslim Brotherhood has renounced its decades-long commitment to non-violence."

Does the administration still believe that the Muslim Brotherhood is a non-violent organization?

KERRY:

As a whole, it's very hard, obviously, to wrap up everybody into the same pot. There are clearly Muslim Brotherhood members who are engaging in violence. We know that, obviously.

TROTT:

So the administration has not recognized them as a terrorist organization. State Department welcomed them on an official visit last year. Days after...

KERRY:

No. There was a member or two who were part of a delegation that was -- that was -- that attended. And nobody knew, you know, what membership anybody had with respect to that.

TROTT:

Well, days after their visit, they released a statement calling for a lon, uncompromising Jihad in Egypt. And two days later, there was a major attack on the Sinai Peninsula. What should I tell, and how should I explain the administration's policies and actions with respect to the Muslim Brotherhood to the 750 Coptic Christian families in my district? How should I explain the actions that we're taking to address the atrocities?

KERRY:

Well, we're leading the fight. I think you can tell them that there's no country doing as much to fight against violent extremism, to counter violent extremism, as the United States. We are the ones who have put together the global initiative on countering violent extremism. It's a President Obama initiative. He's led it at the United Nations.

We've had major conferences and meetings on this issue. And all violent extremists are brought into the purview of these efforts as a result of that initiative. In addition, we're leading the coalition in the fight against Daesh, against al Qaida, against anybody appropriately designated as a violent, broadly-based organization.

We are -- we continue to carefully assess the status of the Muslim Brotherhood writ large as to whether or not it meets the specific legal criteria as set forth in the -- in the terrorist organization designation requirements. That's -- you know, while there are individual members that have engaged in violence, and individual branches, the organization writ large, under its overall heading, has not expressed a commitment to that kind of activity. So it's difficult. How do you -- you know, we're looking at it.

TROTT:

Thank you, sir. Let's switch to the president's plan to close the prison at Guantanamo. We haven't received many details about that. We've heard the cost estimate is \$300 million to \$500 million to do the construction necessary to move the detainees and hold them here. No explanation has been forthcoming in how you resolve the conflict between that plan and the ban to move the detainees under the National Defense Authorization Act.

Two days ago, one of the former detainees was arrested in Spain for apparently plotting to carry out an ISIS attack in Spain. So at a high level, do you believe that closing the prison in Guantanamo makes America and Americans safer?

KERRY:

Yes, I do. I'm convinced it makes us safer, because I think it's been an incredible recruiting tool. And I don't think it adheres to the values of our country to have people held in a military prison 14 years after they were, quote, "apprehended," without any charges or any evidence.

TROTT:

Do you believe the -- as far as the recruiting tool, someone gets radicalized, and joins ISIS because they are singularly motivated by this terrible situation in the prison in Guantanamo. Is that what drives someone to make that decision?

KERRY:

Let me ask you something. Did you remember seeing people in orange jumpsuits in the desert having their heads cut off? Where do you think the orange jumpsuits came from? They came from Guantanamo. That was the image across the Arab world. So yes, unequivocally, it is no accident.

TROTT:

And is Guantanamo, the Naval base in Guantanamo, is it going to end up like the Panama Canal, where we move the detainees out of there, they're going to call...

KERRY:

There's no discussion...

TROTT:

They plan to close that, to give it to Cuba...

KERRY:

No discussion. I would personally be opposed to that. There's no discussion that I'm aware of. No, that is not what is at stake here. What's at stake here is living up to our values. I mean, it seems to me...

TROTT:

We can live up to our values without closing the prison, though. We can just correct the mistakes that were made to make sure they don't happen again.

KERRY:

I think Guantanamo now has such an imprint in the world. And as I said, those jumpsuits didn't come out of the imagination of Daesh. They came out of the images of Guantanamo. I believe we need to...

ROYCE:

We're out of time. But the last questions could be in writing. We go to Brian Higgins of New York.

HIGGINS:

Thank you, Mr. Chairman. Secretary, the continent of Africa, you know, 55 countries, a population of a billion people. That population's expected to double by the year 2050. And a lot of failed states, particularly in Central Africa, we see the introduction of ISIS in Libya, we see the terrorism of Boko Haram in Nigeria, and we see the tearing apart of the newest country in the world, South Sudan, with a population of some 11 million people.

The U.N. reported that in South Sudan, soldiers with government uniforms were entering United Nation's mission in South Sudan, protection of civilian camps, firing on civilians and killing many of them, creating great, great instability.

HIGGINS:

So I think when you look at, you know, particularly the activity of non-state terrorist actors, ISIS and in Boko Haram, which seemingly are now moving toward -- away from some traditional ways of gaining revenue, and toward territorial control to tax, to charge protection of people. The continent of Africa, I think, poses great, great challenge to the United States. What in this budget and what is the vision for the Department of State with respect to containing and rebuilding that continent which I think has a lot of troubled spots right now.

KERRY:

Well, it's a great question, and I really appreciate it. I would say just about everything that we're doing with respect to our development policy, our countering violent extremism policy, our aid policy, our military-to-military assistance policy is all directed at this. We're deeply, deeply involved.

The president was in Africa, I was in Africa. We have many of our cabinet secretaries traveling there. We're working on Power Africa because we are trying to get electricity into communities that don't have electricity so they can begin to develop and provide health capacity, provide education and fill the void that exists for a lot of young people who otherwise get their heads filled in a very calculated strategy by extremists to reach them.

When I was -- to give you an example, when I was in Ethiopia, in Addis Ababa, I met with the foreign minister there, and I asked him, you know, how they manage their sort of 30 (percent), 35 percent population that is Muslim. And he said increasingly they were concerned about it because what happens is an extremist cell will go out and target young poor kids and pays them initially, and they would pay them and then bring them in, prosceletyze, fill their heads with this distortion, and then they don't need to pay them anymore because they're ready to operate based on what's been, you know, washed into them. What's been inculcated in them. And then they go out and start replicating this recruitment process.

And what he said to me is they don't have a five-year plan, they have a 35-year plan. They're ready to keep building this. And so you know, we have to think about this, I believe, and this is what the president is trying to embrace in his countering violent extremism strategy, that we've got to recognize that failed or failing states that have no revenue, that can't build a school, that can't

provide health, that can't organize the community, that can't even build their own security structure to fight back against these radicals are going to require some help.

Now after World War II we had a thing called the Marshall Plan where we rebuilt countries that had fallen into absolute economic despair as a consequence of the war and even rebuilt our former enemies, Japan and Germany. Look at the difference it has made today. That is the greatest success story statement about why investment and why this engagement is critical.

In Africa, we need to engage more. We need to be able to help them. We're fighting -- helping Nigeria now deal with Boko Haram. We're fighting to push back against al-Shabaab in Somalia. We have a U.N. Mission in Somalia. It needs more help, it need more people, more assistance.

We had al-Shabaab on the ropes last summer, but now, there's a sort of reductions, and so they push back. This is a long-term constant struggle, and I believe that the security of the United States of America is absolutely at stake in the choices that we make in order to help fill these voids. Not do it alone, but work through these global institutions in order to push back against this potential vacuum that invites failure and violence and extremism to fill the void. And I hope people will see this budget in that entire context.

There's so many different things. What we're doing on AIDS, what we did with Ebola, what we do in terms of our broad based entrepreneurial encouragement. What we do with the program the president started for young African leaders in order to bring them here and help them to train and learn. All of these things are good, solid investments for the long-term future and security of our country.

ROYCE:

We go to Mr. Lee Zeldin of New York.

ZELDIN:

Well, thank you, Mr. Chairman. Mr. Secretary, thank you for coming back in front of the committee. I wanted to discuss the Iran nuclear agreement.

The president has stated that the nuclear agreement is not based on trust but is based on verification. This past Monday, I received a letter from your talented assistant secretary for legislative affairs, I just wanted to discuss a couple of components of that. And thank you for the response.

In the letter it says that the Iran nuclear agreement, quote, "relies on the unprecedented monitoring and verification measures." The letter further refers to, quote, "an unprecedented IAEA monitoring and surveillance," and, quote, "legally binding obligations under the additional protocol to Iran's safeguard's agreement with the IAEA.

My first question, Mr. Secretary, is have you read the Iran's safeguards agreement with the IAEA?

KERRY:

Yes.

ZELDIN:

And how can -- how can I access that?

KERRY:

Well I've been briefed on it, put it that way. It was read by our staff when we were there. I didn't read the entire thing but I was briefed fully on the contents are.

ZELDIN:

Has the president read it?

KERRY:

I can't speak to that. I don't know. I don't think so because it's in Vienna.

ZELDIN:

There's actually -- if you visit the IAEA website they have a link to access the Iran safeguards agreement. When you click the link it goes to the next page and it says sorry, the information -- it's some type of a broken link. But I would be interested in reading that safeguards agreement. Would that be possible?

KERRY:

I don't know. I think that's a part of -- what? Yeah, that's the part -- the safeguards component we were briefed on and we worked on and we were satisfied with. But it is part of -- it's a confidential -- it is always traditionally between every country, including us, we have an agreement. But ours is confidential. Other countries can't go read our agreement with the IAEA and that's the way the IAEA works.

But we, as I say, were briefed on it so that we had a sense of what was included, what needed to be included, was satisfied because it was critical in the context of this. But we don't possess it.

ZELDIN:

Well, members of your staff have read it. You haven't asked to read it yourself?

KERRY:

No, I was fully briefed on it at the time. I was in Vienna, and I was there on the last -- obviously, on the last day. This was of high concern to us. I believe then-Undersecretary Wendy Sherman



and others went over and met with the IAEA, and then they came back and briefed me out on it. But I didn't feel it was imperative at that point.

ZELDIN:

And you feel comfortable stating that there's unprecedented IAEA monitoring and surveillance and verification measures even though you haven't read it yourself?

KERRY:

With one caveat, yes. With one caveat. The -- there is unprecedented allowance for that full measure of intrusive oversight and access. The key now will be to plus-up the IAEA budget. We have the license for 130 or so additional inspectors to be permanently in Iran. There's a permanent office in Iran. But the IAEA is going to need resourcing to meet this.

Now, we've always banked on the fact that's got to happen and it will happen. But I just want to signal that that is an imperative component of this.

ZELDIN:

Well, you know, I'm just -- I'm concerned when there are reports that start coming out that says that the Iranians collect their own soil samples, that the Iranians inspect some of their own nuclear sites and we have this opportunity to have the secretary here in front of the committee and these very concerning reports, I would love to be able to get confirmation as to whether or not you've read that in there.

KERRY:

We have the right, under the agreement, under the assumption of the additional protocol -- the additional protocol you can read, that is a public document. The additional protocol was negotiated by the IAEA, was put in place as a consequence of what failed in the framework agreement with respect to North Korea. And the lesson of that was there has to be the ability to follow up and have access in order to investigate any suspected or...

ZELDIN:

Mr. Secretary.

KERRY:

... suspicious sites.

ZELDIN:

I apologize.

KERRY:

So -- and I'll just finish quickly. So we have a right of access. The IAEA has a right of access for any suspicious site not to be collected by the others, not -- but they themselves are the right of access.

ZELDIN:

Mr. Secretary, why didn't you ask for a signature from Iran on the nuclear agreement? Why didn't you ask Iran to sign the nuclear agreement?

KERRY:

Well, I believe they did sign it.

ZELDIN:

Well the letter that you sent said it's not a signed agreement. I mean, it specifically states, as a matter of fact...

KERRY:

It was signed -- there was a signed -- excuse me. Iran did sign. The vice president of Iran, Ali Salehi, went over to the IAEA and signed the agreement at the IAEA headquarters.

ZELDIN:

OK. Just -- the reason...

KERRY:

He signed it the morning before the implementation -- before the agreement was announced.

ZELDIN:

The reason why I was asking is it says the JCPOA is not a treaty or an executive agreement...

KERRY:

That's accurate.

ZELDIN:

... it is not -- and it is not a signed document.

KERRY:

That is accurate. It's not a treaty. It is a political agreement. But the actual agreement between the IAEA and Iran is signed. And that is a legal obligation.

ZELDIN:

But the Iran nuclear agreement, the JCPOA, the P5-plus- one, whatever we call it, is not signed by them (ph)?

KERRY:

That is a political agreement, correct.

ZELDIN:

Well the question is...

KERRY:

But it is a political...

ZELDIN:

Whoa. Why didn't we ask Iran to sign it?

KERRY:

Because it is a political agreement with force of law behind it, international law, because it's been embraced in and fully adopted by the United Nations and the United Nations Security Council.

So that is why it has force of law and that is why the snap back (ph) is a particularly forceful provision in this context.

CHAIR:

We need to go to Mr. William Keating of Massachusetts.

KEATING:

Thank you, Mr. Chairman.

Thank you for your service, Mr. Secretary. As the ranking member on Terrorism, Trade and Non-proliferation on this committee, I want to focus on terrorism for the purpose of this questioning. And I want to really focus on the fact, this is a budget hearing.

And one thing I'm aware of and I think most experts agree with, taxpayers get the most -- it's most cost effective for taxpayers and most experts will say, most effective is the work that we do in those areas where terrorism is likely to incubate, maybe just starting to incubate or moving out and metastasizing.

And I just want you to comment on a couple of things. Number one, we had King Abdullah here talking to some of the members of the committee while going. He identified 17 fronts, which is generally agreed upon in a world where ISIL and other groups are a great threat.

But if you could, I just -- if you could comment on some of the areas where it's ripe for incubation or incubation in the world, what those geographic areas would be? Whether it's Indonesia, Somalia, Bangladesh (ph), you know, areas that we might not think of.

Number two, how we approach that is so important. And it's important for this hearing this morning. Because I think the most effective things we can do in those areas, before things incubate, before they metastasize is to look at what we can do as a country with our resources to intervene.

Now, I think clearly, you've touched upon some of the economic areas that we could do it. I also think, in terms of human rights, if you could comment on how we're utilizing an increased role for women and mothers in trying to deal with this issue in those type of situations.

And also, in terms of the narrative, the extremists, the counter extremists narrative that we really want to pursue, whether it's broadcast, social media; something I think we're getting beaten on a little bit now globally in some areas.

Those are the kind of things that we get the most bang for the buck. And those are the things that keep us the safest and where we're the most effective.

So if you could take a few minutes and comment on geographically where you think there's some areas of concentration we may not think of first off the top of our heads. And how we can deal it with economically, from a human rights perspective and from a counter extremist narrative?

KERRY:

You know, Congressman, I really appreciate the question and I want to try to answer it carefully because I don't want the -- I don't want the speculation or statement to become the father to the fact.

KEATING:

I understand.

KERRY:

So I don't want to run through a whole bunch of potential incubations -- incubator locations that some people may not have thought of yet.

But I think generically, I would simply say to you that where you have a poor population, where you have a bad governance, where you have corruption, where you have a lack of opportunity, a lack of education and you have a population that may be particularly susceptible to a religious extortion, distorted narrative, you have potential obviously.

And there are plenty of places where, unfortunately, what I just described is the fact today. Now, the key here is the latter part of your question, dealing with the narrative. Because the narrative, left unattended, can be very attractive. Where you have corruption and where you have lack of opportunity.

And if a void gets filled with that narrative without the truth, without, you know, facts to the contrary it could start to take hold and it has and it does. And we see that in various places. So we are now very, focused.

Part of our strategy to fight Daesh and Al Qaida and others, is to do a much better job with the counter narrative. Undersecretary Rick Stengel has been deeply involved in this, working with other countries, working with our best, young, talented communicators in America. Beginning to fight back on the social media, for instance.

There is a center that has opened in the Arab Emirates, in Abu Dhabi, a Sawab Center, that the Emirates is engaged in and supporting, which has a bunch of young folks in there and obviously mostly Arabic speaking and other language speaking who are able to communicate the counter narrative.

We've actually taken people who are disaffected from Daesh and put them on to social media who have told the story of how they were exploited, or raped or made slaves. And that somehow they -- by the way. Many of those have been executed when they are disaffected and try to leave. But those who have made it out are powerful testimony to the contrary.

So we're doing a lot of that. Saudi Arabia is about to open a similar communications center, Malaysia will. Others. So there are lots of places where the communications effort is as critical as anything in preventing future recruits from being created and we're working very hard at that.

KEATING:

Thank you.

ROYCE:

We need to go to Mr. Jeff Duncan of South Carolina.

DUNCAN:

Thank you, Mr. Chairman.

Secretary Kerry, you seem to have an affinity for Iran that I don't share. Going back to 1979, Iran has shown a strong animosity for America. They regularly chant, death to America and recently tried to humiliate the United States sailors.

They're the world's largest state sponsor of terrorism and we just gave them billions of dollars, upwards of \$150 billion, that which they could possibly use to continue to export terrorism around the globe. Will we ever learn?

I just hope that that lesson doesn't come at the cost of American lives through an act of terror backed by Iran. I'd love to go back to something Chairman McCaul was touching on earlier and that's HR 158, the Visa Waiver Program Improvement and Terrorist Travel Prevention Act.

There were three areas that were exceptions under the law: military service, government travel and national security and law enforcement were exceptions for the visa waiver issue. During the negotiations, as the chairman pointed out, the State Department asked for other exemptions and they were explicit denied in the law signed by the president.

So in that, Mr. Secretary, there are national security and law enforcement waivers. Could you please define for me your interpretation of national security and law enforcement?

KERRY:

Sure. Let me just, if I can, with your indulgence, I just want to make it clear. I don't have an affinity for any country that is engaged in activities that are counter to our values and that put our people at risk and that are supporting terror. There's no affinity whatsoever.

My job as the secretary of state and as a diplomat is to try to find solutions to problems that don't involve, if at possible, and we can achieve our goals sending young people into conflict, going to war. War is the failure of diplomacy to solve a problem.

So, we looked at Iran and we saw them about to be putting us in a situation where they may have a nuclear weapon, which would be bad for everybody in the world, particularly our friends closest to...

DUNCAN:

Mr. Secretary, I appreciate you making that clear.

KERRY:

So, I just want to make sure...

DUNCAN:

But I also understand you sent a letter after the visa waiver program law was passed...

KERRY:

Explaining that it didn't violate JCPOA.

DUNCAN:

All right. So explain to me -- define national security and law enforcement, if you don't mind.

KERRY:

Sure. We have an interest, obviously, in being able to guarantee that Iran, over a period of time or any other country, may be able to change, may be able to move to a different posture. And our belief is, from a national security point of view, that if people are able to do legitimate business, that over a period of time, that changes things.

We look at what's happening in Vietnam today for instance, or we look at what's happening in Burma, other countries. Transformation that place. And we believe that transformation is in the national security interest of our country and some of it comes from entrepreneurial activity being able to take place where people begin to feel better about life, see that they're not threatened, do better, travel, see the world and so forth.

DUNCAN:

Right.

KERRY:

So, referring to travel...

DUNCAN:

Reclaiming my time. That's a good answer, sir. But let me reference...

KERRY:

But we have people, we have friends...

DUNCAN:

Reclaiming my time. Let me reference a white paper that the State Department put out sir, that says, as discussed in the legal paper -- which we've asked for a copy of the legal paper referenced in this white paper and have not seen that yet.

But, it says as discussed in the legal paper this is a lesser standard. National security and law enforcement is a lesser standard, your words -- the department's words, not mine, then was imposed

by other statutes that require a finding that a waiver is vital to or essential to the national security interest of the United States.

Furthermore there are no findings of fact or other determinations required to be made before an exercise of the waiver authority. Additionally, as discussed in the legal paper, yet to be seen, the national security waiver can be exercised by category, not just individuals.

So you're going to broaden this to humanitarian and other categories that you all asked for during the negotiations which were explicitly denied by Congress.

KERRY:

Because.

DUNCAN:

In the law.

KERRY:

What we're doing, Congressman, we're not -- I think we've had adhered to the discussions that we had because we're not doing a blanket waiver. These are individual, case-by-case basis. So we're not doing some blanket waiver.

And I think that's frankly not only adhering to the standard but it's in our interest. I mean, we have people -- you know, the principle threat that we are concerned about of terror from Daesh, is not coming out of Iran.

It's coming out of other places. And if some European business person or a NGO that happens to be advocating human rights, travels to Iran and they have a visa waiver with us -- which by way has an extraordinarily rigorous standard before it's given. We don't lose any -- in fact we have greater insight with somebody with that than we do in other cases necessarily.

DUNCAN:

I'm on Homeland Security. I've followed this issue for a long time. What this white paper looks like and maybe I would have a better understanding if you would provide us to a copy of the legal paper.

Mr. Secretary, this looks like you all were trying to find wiggle room to work around the intent of Congress and the actual wording of the law. My time has expired. And you can keep talking if the chairman will let you, but I appreciate it.

KERRY:

Where did the white paper come from? I'm sorry, I missed that.



DUNCAN:

It's called the Visa Labor Waiver Recommendation paper. And it's a State Department document. And it references in there twice that I know, a legal paper which helped you determine your findings here. Please provide us a copy of the legal paper and maybe this will be a non issue. Thank you. I yield back.

KERRY:

Yes sir. Will do.

Mr. Chairman, thank you.

ROYCE:

Thank you, Mr. Secretary. And we will continue looking at your budget. Your department has many good programs that need to be supported. But as I said in my statement, even good programs may not be able to get the level of support we would all wish given our deficit.

We'll work at doing the best job we can with embassy security a priority. And I for one am particularly supportive of your initiatives promoting women's education and social status in the developing world. On the Iran deal, I'm afraid the dam has been broken with foreign investment rushing in and in the real world, it will not be reversible if and when Iran cheats. But that is a continuing discussion.

Mr. Rohrabacher had a question for the record which will be submitted without objection. It's on the subject of the release of the Doctor Faridi.

We all hope and want to see Dr. Faridi released immediately. The problems and threats, but also the opportunities we face are great. The committee looks forward to its continued work with you to strengthen our nation's security and to thank you again, Mr. Secretary, for being with us today.

KERRY:

Pleasure.

DUNCAN:

We stand adjourned.

KERRY:

Thank you Mr. Chairman.