

**Pre-Hearing Questions for the Record
Senator Richard G. Lugar
Nomination of Ellen M. Tauscher to be
Under Secretary of State for Arms Control and International Security**

US-India Nuclear Cooperation

Last September, the Nuclear Suppliers Group agreed to permit its members to engage in civilian nuclear cooperation with India. Following this decision, you made the following statement:

“This is a dark day for global efforts to halt the spread of weapons of mass destruction. The Nuclear Suppliers Group’s decision to allow India to benefit from nuclear trade marks the first time a country that is not a member of the Nonproliferation Treaty will have the benefits of nuclear trade without any of the responsibilities. And, this shortsighted step will ironically do very little for the American nuclear industry, as India will likely buy nuclear technology from Russia and other suppliers.

“We will not know the full extent of the damage done for some time. By rewarding a friendly country and pushing this deal through the NSG, the Bush Administration has made it far harder to curb the South Asian nuclear arms race, undermined efforts to address North Korea and Iran’s nuclear programs, and limited our ability to strengthen the Nuclear Nonproliferation Treaty at the 2010 Review Conference. It’s a dangerous precedent that would be impossible to erase, and I will work to block its passage through Congress.”

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#1)
Senate Foreign Relations Committee**

Question:

1. Does the Obama Administration support U.S. civilian nuclear cooperation with India?

Answer:

Yes, President Obama and Secretary Clinton remain committed to carrying out bilateral civilian nuclear cooperation with India. The Administration is committed to working directly with India as a robust partner on civilian nuclear energy and we look forward to fulfilling the promise of civil nuclear energy cooperation.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#2)
Senate Foreign Relations Committee**

Question:

Does the Obama Administration intend to implement the United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy approved last year by Congress?

Answer:

Yes, the Obama Administration intends to implement the U.S.-India Peaceful Nuclear Cooperation (“123”) Agreement and has been working diligently with Indian counterparts to enable civil nuclear cooperation to proceed.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#3)
Senate Foreign Relations Committee**

Question:

Have your views about civilian nuclear cooperation with India changed since you made this statement? What do you consider to be the most important issues to be addressed in a U.S.-India civilian nuclear cooperation relationship?

Answer:

If confirmed, I will be representing President Obama's administration in carrying out my duties and supporting its policies. The Obama Administration has affirmed that it will continue building our relationship with India, including in the areas newly opened by the U.S.-India Civil Nuclear Cooperation Initiative. During the course of the Initiative, there were supporters and skeptics in both countries. However, upon its successful conclusion, both our Administration and the Government of India have resolved to continue moving forward to strengthen our important strategic relationship. I look forward to doing my part to advance that cooperation.

One of the most important aspects of that strengthened relationship is the focus on nonproliferation. As a part of the Initiative, India made enhanced

nonproliferation commitments that have moved India into closer conformity with international nonproliferation standards and practices. I will work closely with our Indian counterparts to ensure that these commitments are upheld.

Beyond those commitments, the U.S.-India 123 Agreement has also opened new pathways for a strengthened bilateral nonproliferation relationship and for a greater Indian leadership role on nonproliferation issues. In a March 23 speech at the Brookings Institution, Indian Special Envoy for Nuclear Issue Shyam Saran said that the U.S.-India 123 Agreement and Nuclear Suppliers Group exception have changed India from an outlier to a partner in the global nuclear domain that enables India to look “proactively and not defensively” at nuclear nonproliferation and disarmament issues. In addition, India has indicated that it is eager to discuss President Obama’s nonproliferation agenda. These are welcome developments. I hope to build on this momentum and enlist India’s support to address new and emerging threats to global security.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#4)
Senate Foreign Relations Committee**

Question:

If confirmed, what steps do you intend to take to encourage India to purchase nuclear technology from American companies?

Answer:

The U.S. Government has worked closely with India on all aspects of the Civil Nuclear Cooperation Initiative, including U.S. participation in the Indian civil nuclear market. India has promised U.S. companies a share of its nuclear market, and, if confirmed, I will support USG efforts to ensure U.S. companies are able to participate in it.

On September 10, 2008 the Indian government provided the United States with a strong Letter of Intent, stating its intention to purchase reactors with at least 10,000 MWe worth of new power generation capacity from U.S. firms. India has committed to devote at least two nuclear reactor park sites to U.S. firms and also committed to adhere to the Convention on Supplementary Compensation for Nuclear Damage (CSC).

If confirmed, I will monitor progress on both of these issues, but also work with our counterparts elsewhere in the U.S. Government to ensure that

all possible efforts are being made to promote U.S. business opportunities in India's civil nuclear energy sector.

The United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy

The United States-India Agreement for Cooperation on Peaceful Uses of Nuclear Energy, approved last year by Congress in P.L. 110-369, states in Article 6 (iii.) that “To bring [rights of programmatic consent] into effect, India will establish a new national reprocessing facility dedicated to reprocessing safeguarded nuclear material under IAEA safeguards and the Parties will agree on arrangements and procedures under which such reprocessing or other alternation in form or content will take place at this new facility. Consultations on arrangements and procedures will begin within 6 months of a request by either Party and will be concluded within one year.”

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#5)
Senate Foreign Relations Committee**

Question:

Have consultations under article 6(iii.) on arrangements and procedures officially begun, and if so, when?

Answer:

On February 3, 2009, the Government of India, citing Article 6(iii), asked to begin consultations on arrangements and procedures under which reprocessing or other alteration in form or content could take place. We have acknowledged the Indian request and have affirmed our intention to begin consultations within the six-month period referenced in Article 6(iii), i.e. by August 2, 2009. We are now in the process of determining what provisions should be contained in such an agreement. Once we have an interagency agreement on a proposed text, and have consulted with the IAEA on its needs, we will forward a draft text to the Indian side for comment and will offer to open consultations on a specific date.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#6)
Senate Foreign Relations Committee**

Question:

Has India stated when and where it will begin to establish a new national reprocessing facility as stipulated above?

Answer:

No, the Indian side has not informed us of any specific plans nor a schedule for establishing a new national reprocessing facility. Given the fact that any nuclear material transferred under the Agreement and any nuclear material irradiated in a US-supplied reactor would not be ready for reprocessing for five years or more, we anticipate that it may be several years before India begins construction of a reprocessing facility.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#7)
Senate Foreign Relations Committee**

Question:

How long did consultations on similar arrangements and procedures take to conclude with Japan and EURATOM nations?

Answer:

The negotiations with Japan, which focused heavily on arrangements for reprocessing, lasted from 1982 until 1987. The Agreement was signed on November 4, 1987. The negotiations with EURATOM, which also focused heavily on arrangements for reprocessing lasted from 1982 until 1995. The Agreement was signed on November 7, 1995. We expect to complete negotiations with India and reach agreement on reprocessing-related arrangements and procedures within the twelve months time period allowed for negotiations as set forth in Article 6(iii).

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#8)
Senate Foreign Relations Committee**

Question:

Aside from the conditions laid out in the agreement's own terms, what is the Administration's general attitude toward reprocessing of US-origin materials in India and what are the conditions under which such activity would not be acceptable?

Answer:

The Administration supports peaceful civil nuclear cooperation between the United States and India and is committed to fulfilling the terms of the 123 Agreement. The Administration further acknowledges the provisions of Article 6(iii) of the US-India Agreement for Peaceful Nuclear Cooperation, namely that the two sides have granted each other consent to "reprocess or otherwise alter in form or content nuclear material transferred pursuant to the agreement and nuclear material and by-product material used in or produced through the use of nuclear material, non-nuclear material, or equipment so transferred." As noted above, the Department of State has informed the Indian Government that we are prepared to undertake consultations to reach agreement on arrangements and procedures necessary to implement Article 6(iii).

While it is difficult to predict at this time all the conditions under which reprocessing would be an unacceptable alternative to other forms of nuclear spent fuel and waste management, the most likely would be situations where the IAEA, for whatever reason, concluded that it was unable to apply effective safeguards to a new national reprocessing facility, or where effective physical protection of the facility and the nuclear material therein could not be assured.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#9)
Senate Foreign Relations Committee**

Section 601 Report

During the last Administration, the Committee ceased receiving the annual report mandated in section 601 of the Nuclear Nonproliferation Act of 1978—the annual “601 report” was not sent to the Committee as that law clearly requires.

Question:

Does the Obama Administration intend to submit this annual report? If not, why not?

Answer:

The previous Administration stopped sending 601 reports to the Congress when that legislative requirement expired under the Federal Reports Elimination and Sunset Act of 1995 (P.L. 104-66).

Nuclear Weapons Reductions

The report of the bi-partisan Commission on America's Strategic Posture (hereinafter, the Commission or the Strategic Posture Commission) was recently released. The report is a significant one in that it will set the policy background for the upcoming Nuclear Posture Review (NPR), the debate about the Comprehensive Test Ban Treaty (CTBT), missile defense, arms control and nonproliferation.

The report concludes that that "The conditions that might make possible the global elimination of nuclear weapons are not present today and their creation would require a fundamental transformation of the world political order." The report also notes that "So long as it continues to rely on nuclear deterrence, the United States requires a stockpile of nuclear weapons."

In a recent speech at the Munich Security Conference, you noted your significant role on creating this Commission in the National Defense Authorization Act for Fiscal Year 2008, stating "**I created a Strategic Posture Commission headed by former Secretaries Bill Perry and Jim Schlesinger.**" You also stated that

A world without nuclear weapons is no longer a dream held by only a few but is now the ambition of the world. It is an ambition rooted in the reality that people and the governments that represent them are asking new questions about nuclear weapons.

You have also stated that that United States and Russia must "**work together...whether it be extending the START treaty or drastically reducing our nuclear arsenals.**"

The Commission also noted that "So long as it continues to rely on nuclear deterrence, the United States requires a stockpile of nuclear weapons." You have the Lawrence Livermore National Laboratory in your District and you are familiar with the nuclear deterrent and the need to keep it safe, secure and reliable. You have also visited the Nevada Test Site and are familiar with the need to preserve the capability to conduct a nuclear test if it becomes necessary.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#10)
Senate Foreign Relations Committee**

Question:

Do you agree with the Commission's finding that achieving dramatic nuclear weapons reductions in the near term is unlikely?

Answer:

The Obama Administration is currently undertaking the Nuclear Posture Review to determine the appropriate nuclear force size and structure.

As the Commission states, that, "The United States should continue to pursue an approach to reducing nuclear dangers that balances deterrence, arms control and nonproliferation."

President Obama's made clear in his speech in Prague earlier this month that he intends to take, "concrete steps toward a world without nuclear weapons," and he also made clear that this goal will not be reached quickly. As a first step, he said the United States will reduce the role of nuclear weapons in U.S. national security strategy. President Obama committed that as long as nuclear weapons exist, the United States will maintain a safe, secure, and effective arsenal to deter any adversary, and guarantee that defense to our allies.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#11)
Senate Foreign Relations Committee**

Question:

In your view, what is the right size for US strategic forces given the threats the United States faces today and what role does deterrence play in US foreign and defense policy?

Answer:

The purpose of the posture review now underway is to determine the answer to this question. I am committed to ensuring that any decisions about the U.S. nuclear force structure and posture are based on strong analysis and a keen awareness of our deterrence and assurance strategy. Extending that deterrence to allies and friends will remain a central element of U.S. nuclear policy. We believe this can be accomplished in a manner consistent with pursuing the long-term goal of eliminating nuclear weapons and reducing the role of nuclear weapons in national security.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#12)
Senate Foreign Relations Committee**

Question:

How do you believe the United States should go about “drastically reducing” US nuclear forces, i.e., which systems do you believe the United States should eliminate and what future weapons work do you believe the United States should forgo?

Answer:

The President’s Prague speech sets the stage for the Nuclear Posture Review (NPR) led by the Department of Defense, which is currently under way. The NPR will address issues you have raised, and the State Department is involved in that review. I understand the Department of Defense will keep the Congress informed.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#13)
Senate Foreign Relations Committee**

Question:

As Under Secretary for Arms Control and International Security, how would you work to assure that this Nation's nuclear deterrent is safe, secure and reliable, and that the necessary programs are in place to ensure that a nuclear test can be done if it is necessary to provide that assurance?

Answer:

President Obama has stated clearly that as long as nuclear weapons exist, the United States will maintain a safe, secure, and effective arsenal to deter any adversary and guarantee the defense of our allies. The primary responsibility for ensuring this outcome rests with the Departments of Energy and Defense. However, if confirmed as Under Secretary, I will work with them to assure that our nuclear deterrent remains viable for as long as nuclear weapons are required to exist.

When the Clinton Administration submitted the Comprehensive Nuclear Test-Ban Treaty to the Senate for its advice and consent, the Administration included a number of safeguards, including capabilities for the resumption of nuclear testing, that defined the conditions under which the United States would enter into a CTBT. If confirmed as Under Secretary, I will work with the Administration in its review of the 1997 Safeguards, and review our policies to ensure they conform to existing law.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#14)
Senate Foreign Relations Committee**

Question:

Do you agree with the Strategic Posture Commission that the US Nuclear Triad remains critical to deterrence? What in your view are the benefits of maintaining the US Nuclear Triad?

Answer:

The Administration's Nuclear Posture Review (NPR) carefully will consider the appropriate shape of our nuclear structure.

The Nuclear Posture Review is currently carefully reviewing the role and viability of the nuclear triad as it evaluates U.S. nuclear policy and strategy. If confirmed, I will rely upon this evaluation as well as the Strategic Posture Commission Report and other studies, to inform my policy recommendations regarding U.S. forces and the nuclear triad.

In his Prague speech, President Obama made clear his intent to reduce the role of nuclear weapons in the U.S. national security strategy and to take concrete steps toward a world without nuclear weapons. However, the President also said that as long as nuclear weapons exist, the United States will maintain a safe, secure, and effective arsenal to deter any adversary and guarantee that defense to our allies.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#15)
Senate Foreign Relations Committee**

Question:

Do you agree with the [Strategic Posture] Commission that US nuclear force sizing is in many ways more important to our allies and friends, who rely on the US extended deterrent, than it is for US deterrence? If so, what are the consequences of this reliance for the size of our forces?

Answer:

The Nuclear Posture Review (NPR) is currently analyzing the role of nuclear weapons in our national strategy, the size and composition of the nuclear forces necessary to support that strategy. There is no pre-determined level of reductions for the U.S. arsenal as suggested by the Commission on America's Strategic Posture, and we are committed to ensuring that any decisions regarding the nuclear force structure are based on strong analysis and keen awareness of our deterrence and assurance strategy. Extended deterrence to allies and friends remains a central element of our national security strategy and the United States is committed to engaging with key allies and friends throughout this review to seek their views.

President Obama made clear his intent to reduce the role of nuclear weapons in the U.S. national security strategy and to take concrete steps toward a world without nuclear weapons. The President also made clear that as long as nuclear weapons exist, the United States will maintain a safe,

secure and effective arsenal to deter any adversary and guarantee that defense to our allies.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#16)
Senate Foreign Relations Committee**

Question:

According to experts, China could be able to deploy 500 nuclear warheads by the middle of the next decade solely on their submarine launched ballistic missiles. Do you believe it would be prudent for the United States to reduce its nuclear weapons to the same level as the PRC?

Answer:

The Nuclear Posture Review (NPR) is currently analyzing the role of nuclear weapons in our national strategy. There is no pre-determined level of reductions for the U.S. arsenal and we are committed to ensuring that any decisions regarding the nuclear force structure are based on strong analysis and keen awareness of our deterrence and assurance strategy. If confirmed, I will rely upon the results of the NPR to inform my policy recommendations regarding the appropriate size and composition of our deterrent forces.

It is not clear where China's strategic nuclear force modernization program is leading, what its nuclear force posture will be, or how many nuclear warheads it will deploy by the middle of the next decade. China has not been transparent about its nuclear force modernization program, as other P-5 members have been. With that in mind, so long as nuclear weapons

exist in the world, the Administration will at all times maintain a strong deterrent.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#17)
Senate Foreign Relations Committee**

Question:

At what level might reductions in U.S. deployed nuclear weapons have the effect of encouraging the emergence of peer competitors and encouraging proliferation?

Answer:

As Secretary Clinton has stated to this Committee, the Obama Administration places great importance on strengthening the Nuclear Non-Proliferation Treaty (NPT) as well as domestic and international efforts at nonproliferation. All nuclear weapon states under the NPT must show that they take seriously their obligations to pursue nuclear disarmament.

So long as nuclear weapons exist, the Administration policy is to times maintain a safe, secure, and effective arsenal to deter any adversary, and guarantee that defense to our allies. President Obama made clear in Prague that the United States “will reduce the role of nuclear weapons in our national security strategy, and urge others to do the same.” As part of that goal, the Administration has set a goal of a world without nuclear weapons,

but reaching this goal requires actions and commitments by more nations than just the United States.

Missile Defense

The bi-partisan Commission on America's Strategic Posture concluded that "Defenses that are effective against regional aggressors are a valuable component of the U.S. strategic posture. The United States should develop and, where appropriate, deploy missile defenses against regional nuclear aggressors, including against limited long-range threats."

You have referred to the missile defense agreement signed by the United States with Poland "**a lousy start**,"¹ and you have called the Iranian missile threat "**exaggerated**." You have also stated that those who favor deployment of missile defenses in Eastern Europe "**have been running around with their hair on fire**," and that there is no reason to deploy missile defenses in Europe against a long-range missile from Iran because existing US defenses in Alaska are sufficient, stating

Iran has not developed a long-range missile capable of reaching the United States. Yet. If Iran were to do so in the future, the GMD interceptors currently deployed at Ft. Greely in Alaska should have the capability to protect the continental United States.

You also advocated against such plans during your tenure on the House Armed Services Committee.

¹ http://www.tauscher.house.gov/index.php?option=com_content&task=view&id=1083&Itemid=67.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#18)
Senate Foreign Relations Committee**

Question:

What are the flaws in the missile defense agreements signed by the previous Administration and would you revise or renegotiate them?

Answer:

My concern is not with the specifics of the agreements with Poland and the Czech Republic, but with the fact that the previous administration proposed to deploy U.S. long-range missile defenses in Europe against an emerging threat before addressing the existing threat from Iran's current force of short- and medium-range ballistic missiles. We must ensure that any future missile defense system deployed in Europe is part of an overall system that addresses current missile threats.

In my view, the previous Administration should have begun its European missile defense initiative by working with our NATO allies to counter existing threat short- and medium-range ballistic missiles. I am committed to working with our NATO allies and other regional actors to counter the threat from Iranian ballistic missiles.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#19)
Senate Foreign Relations Committee**

Question:

Why did you call the missile defense agreement with Poland a “lousy start”?

Answer:

As I noted in my speech to the Progressive Policy Institute, my concern with the previous administration’s proposed deployment of long-range missile defense interceptors in Poland was that it did not address the current threat from Iran’s force of short- and medium-range ballistic missiles. In my view, the previous Administration should have begun its European missile defense initiative by working with our NATO allies to counter existing threat short- and medium-range ballistic missiles. I am committed to working with our NATO allies and other regional actors to counter the threat from Iranian ballistic missiles.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#20)
Senate Foreign Relations Committee**

Question:

Do you believe that Iran's missile forces pose no threat to US deployed forces and our allies and friends in Europe?

Answer:

During the past several years, I have spoken extensively with our NATO allies and, on numerous occasions, in public speeches, committee hearings, and conferences, about the threat posed by Iran's short- and medium-range ballistic missiles. Let me be clear, Iran's current force of short- and medium-range ballistic missiles pose a threat to U.S. deployed forces and its friends and allies in parts of Europe and in the Middle East. I am committed to working with our friends and allies to counter the threat from Iranian ballistic missiles.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#21)
Senate Foreign Relations Committee**

T Reorganization

Secretary Clinton stated in her confirmation hearing before the Committee on January 13 that “We’re going to reorganize the department to be better prepared to deal with non-proliferation and arms control and these new threats.” In 2005, a series of organizational changes were made to the various bureaus that would work under you, if confirmed.

Question:

Do you plan to undertake, if confirmed, steps to change fundamentally the structure of the bureaus that comprise the T family, namely the International Security and Nonproliferation Bureau (ISN); the Verification, Compliance and Implementation Bureau (VCI); and the Political-Military Affairs Bureau (PM)? If so, when do you expect to share those plans with this Committee?

Answer:

I do not have plans for a fundamental reorganization of the bureaus that comprise the T family. In keeping with the Obama administration’s policy objectives, I plan to devote greater resources and attention to intensifying our efforts on arms control issues, but expect to do so largely within the framework of the existing structure.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#22)
Senate Foreign Relations Committee**

Question:

Has any action been undertaken to reorganize these bureaus before this Committee has had its chance to review relevant nominations for assistant secretaries that would lead the PM and ISN Bureaus, or indeed, your own nomination?

Answer:

No. Should I be confirmed, I would consult closely with Congress and the appropriate committees to keep them abreast of this and other matters within my purview.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#23)
Senate Foreign Relations Committee**

Question:

A notable problem in previous Administrations, both Republican and Democratic, has been that the Verification, Compliance and Implementation Bureau has not received adequate support from other Bureaus within the T family and the Department, particularly on intelligence-related matters. How would you work to ensure that VCI gets adequate attention within the T family, and do you believe that the Key Assets Verification Fund is worthy of additional budgetary support?

Answer:

If confirmed, I will ensure that all elements within the T family work harmoniously to address our arms control and nonproliferation challenges and I will make sure that the VCI Bureau receives the full support of the T family for its missions. I also will coordinate with other elements within the Department to address any difficulties with intelligence-related support to the VCI or other T Bureaus.

With regard to the Key Assets Verification Fund (V-Fund), I believe efforts of this type can play an important role in fostering the development (particularly in the infancy stage) of new technologies for arms control verification. Such funding can help fill any gaps in our verification

technology programs and support promising new technological developments. If confirmed, I intend to consider the question of whether additional funding would be useful and cost-effective.

IAEA Safeguards

In 2007, with Senator Bayh I introduced the Nuclear Safeguards and Supply Act of 2007 (S. 1138, 110th Congress), portions of which were contained in National Defense Authorization Act for Fiscal Year 2008, on which you were a conferee and for which you voted. The Joint Explanatory Statement of the Managers to accompany that conference report states

The conferees note that the House has already passed H.R. 885, the International Nuclear Fuel for Peace and Nonproliferation Act, and note that the Senate Committee on Foreign Relations has reported S. 1138, the Nuclear Safeguards and Supply Act of 2007. Conferees note that additional work will be required in order to provide appropriate guidance to the executive branch regarding criteria for access by foreign countries to any fuel bank established at the IAEA with materials or funds provided by the United States.

In a recent speech at the Progressive Policy Institute, you stated that **“The United States must also lead a multilateral push to strengthen the International Atomic Energy Agency.”**

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#24)
Senate Foreign Relations Committee**

Question:

In your view, would the Nuclear Safeguards and Supply Act I introduced provide appropriate guidance to the current Executive, and will you work with this Committee to ensure its passage in the coming years?

Answer:

Once the Administration has reviewed the specific provisions contained in S. 1138 from the last Congress, we will be pleased to provide you with a detailed briefing on our position. Nonetheless, I can state that the current administration generally supports the overall policy objectives of: (1) creation of mechanisms to provide adequate supplies of nuclear fuel consistent with U.S. law; (2) strengthening of the IAEA safeguards system; and (3) cooperation with other nations, international institutions, and private organizations to assist in the development of non-nuclear energy resources. Furthermore, the administration will encourage the creation of bilateral and multilateral assurances of nuclear fuel supply, and will work to ensure that all supply mechanisms operate in strict accordance with the IAEA safeguards system and do not result in any additional unmet verification burdens for the system. Finally, the Administration will discourage the

development of enrichment and reprocessing capabilities in additional countries.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#25)
Senate Foreign Relations Committee**

Question:

What improvements to the IAEA safeguards system will the *Administration spend funds to achieve?*

Answer:

The U.S. Support Program (USSP) provides support to the IAEA Department of Safeguards in a wide variety of areas. Since its inception in 1977, the U.S. Program of Technical Assistance to IAEA Safeguards (POTAS) has completed more than 900 tasks. Currently, there are over 100 tasks active in the program. During 2008, the USSP completed 33 ongoing tasks and 41 subtasks and the Subgroup on Safeguards Technical Support (SSTS) approved 22 new requests in addition to 50 task extensions.

U.S. priorities for strengthening IAEA safeguards activities are reviewed and updated annually. Currently, these priorities include supporting projects in the following areas: promoting conclusion and implementation of IAEA safeguards agreements and additional protocols; quality management; human resources and training; containment and

surveillance; non- destructive assay; analysis and evaluation of inspection samples; information technology, collection and analysis; and safeguards concepts and implementation. The tasks currently sponsored by the USSP reflect these priorities.

We also are strengthening our ability to support the Agency through targeted investments at our National Laboratories and universities under the Next Generation Safeguards Initiative (NGSI). The National Nuclear Security Administration launched NGSI in 2008 to develop the technology, concepts, and expertise the IAEA will need to confront the challenges posed by nuclear proliferation and global nuclear energy expansion in the future. This Initiative addresses a major priority outlined by President Obama in his April speech in Prague; the need to “ensure that the Agency gets the authority, information, people, and technology it needs to do its job ...” and the requirement for “more resources and authority to strengthen international inspections.” Specifically, NGSI aims to revitalize the U.S. safeguards technical base; invest in human resources; strengthen and mobilize DOE’s primary asset – the U.S. National Laboratories; and engage industry and academia, to restore our necessary capabilities. While NGSI has a U.S. domestic focus, its underlying purpose is international. In this regard, DOE

hopes that NGSi will serve as a catalyst for a much broader commitment to international safeguards in partnership with the IAEA and other countries.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#26)
Senate Foreign Relations Committee**

Question:

Does the Administration support improvements to the IAEA Safeguards Analytical Laboratory (SAL), and if so, how will it go about ensuring support within the IAEA to finally fund an effort to upgrade its capabilities in safeguards personnel, technology and authorities?

Answer:

The United States believes that improvements to the Agency's capabilities at its Safeguards Analytical Laboratory (SAL) are a priority; consequently, the Administration is considering ways and means to address issues associated with the lab's ageing infrastructure and equipment.

For its part, the IAEA developed a plan to address the sustainability and enhancement of the Agency's particle analysis capabilities for environmental samples, as well as to provide for future needs of the laboratory. Phase 1 of this plan consists of the acquisition of a new ultra-high-sensitivity secondary ion mass spectrometer (UHS-SIMS) for the Clean Laboratory at SAL and the construction of a Clean Laboratory Extension to accommodate the UHS-SIMS. Phase 2 consists of the design, construction and commissioning of a new nuclear laboratory.

The IAEA's estimate for the overall cost of strengthening the Agency's safeguards analytical capabilities at SAL is about €35 million. Of this sum, €4.5M is for acquisition and installation of the UHS-SIMS, €3.5M for construction and commissioning of the clean laboratory extension, and €25M for design, construction and commissioning of nuclear laboratory. Approximately €0.5 to €1.0M per annum is required to cover possible maintenance problems of the current nuclear laboratory until the new solution is implemented.

Currently, the IAEA is implementing a new €1M project, *Enhancing the Capabilities of Safeguards Analytical Services*, as well as requesting €3.5M for construction of an extension to the existing Clean Laboratory to house a new UHS-SIMS. (The IAEA has identified in-house savings to finance this effort.) Japan has provided €5.9M to the IAEA, of which €4.7M is to be used to purchase and install a new UHS-SIMS device at SAL but not to support extension of the Clean Laboratory. Funding for the remainder of the IAEA proposed plan has not yet been identified.

In support of the IAEA's efforts to upgrade its Laboratory Information Management System (LIMS), the United States, through the U.S. Support Program (USSP), is funding a cost free expert to serve as the LIMS upgrade project manager. The USSP also funded Phase III of the LIMS Project,

which involves project documentation, producing a feasibility study document, development of an interim prototype solution, and production of a Business Continuity Plan for keeping essential SAL systems in operation during the development of the replacement system.

The United States believes that the biggest threat to SAL's analytical capabilities is not the age of the equipment, which, if properly maintained, can have a long service life. Instead, the United States believes that SAL's analytical capabilities are threatened more by the unavailability of qualified staff to run the machines and interpret the results. We believe that the IAEA's personnel policies are not conducive to retaining such qualified staff. The staff required to operate much of the SAL equipment requires extensive training and experience due to the complexity of the equipment. We are raising this issue with the IAEA Secretariat and other IAEA Member States in order to build support for changes to these policies.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#27)
Senate Foreign Relations Committee**

Glenn Amendment Waiver

Congress passed, after considerable effort on my part, a specific waiver to the Glenn Amendment sanctions on North Korea, which were triggered by that nation's nuclear weapons tests in 2006. On April 9, the Administration released details of a supplemental request that included "\$97 million for the Nonproliferation and Disarmament Fund (NDF), of which \$47 million is to support dismantlement of nuclear facilities in North Korea." The waiver gives the President the ability to use the full spectrum of Nunn-Lugar programs available to the Departments of Energy and Defense to meet all aspects of the North Korean threat with the experience, management and funds of those agencies, and to build, but not rely, on the NDF. The supplemental appears to suggest continued use of the NDF and its authorities, but not the Glenn Amendment waiver, for DPRK activities.

Question:

If confirmed, will you recommend to the Secretary and the President that the waiver I sought in 2008 be used? Does the supplemental request signal an unwillingness to use the specific waiver for which both you and President Obama voted last year?

Answer:

My understanding is that the President's senior advisers would be prepared to recommend that at the appropriate time he exercise the authority provided by Congress last year to waive Glenn Amendment provisions prohibiting certain nonproliferation and dismantlement assistance to North

Korea, in order to complete disablement and dismantlement of the DPRK's nuclear facilities. I would also be prepared to support the exercise of this authority at the appropriate time.

Nonetheless, the Administration wants to be prepared to move forward with North Korean denuclearization activities if the opportunity should arise. The Administration's FY 2009 Supplemental request for funding for North Korean denuclearization activities is necessary to advance our denuclearization goals. Despite recent North Korean steps in the wrong direction, it is necessary to request these funds now so we can be prepared to act immediately if North Korea returns to the table and takes the necessary steps to resume denuclearization work. This request for funding is a prudent measure to ensure that the United States is prepared to take timely and effective action to implement the dismantlement of North Korea's nuclear facilities. It is not intended to signal an unwillingness to use the waiver authority at the appropriate time.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#28)
Senate Foreign Relations Committee**

Question:

Do you know of any reason why the waiver has not yet been used?

Answer:

The Administration believes that the time is not yet right to exercise this authority, given recent steps by North Korea in the wrong direction.

Nuclear Cooperation Agreements

Questions for the Record Submitted to Under Secretary-Designate Ellen Tauscher by Senator Richard Lugar (#29) Senate Foreign Relations Committee

Question:

Will you consult with the Committee on Foreign Relations in advance of negotiating new nuclear cooperation agreements with new countries?

Answer:

If confirmed, my intention would be to consult with the Committee on Foreign Relations in advance of formal negotiations. I would also note that Section 123 of the Atomic Energy Act of 1954 was amended last year to include a requirement that, “The President shall keep the Committee on Foreign Affairs of the House of Representatives and the Committee on Foreign Relations of the Senate fully and currently informed of any initiative or negotiations relating to a new or amended agreement for peaceful nuclear cooperation pursuant to this section (except an agreement arranged pursuant to section 91 c., 144 b., 144 c., or 144 d., or an amendment thereto).”

I understand this law to require consultation in advance of negotiations and I intend to fully comply with this provision of law.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#30)
Senate Foreign Relations Committee**

Question:

Does the Administration contemplate any changes in existing nuclear cooperation agreements, in particular those with Taiwan and the Republic of South Korea, to allow reprocessing of US-origin materials in those nations?

Answer:

Pursuant to the requirements of the Atomic Energy Act of 1954, as amended, all U.S. nuclear cooperation agreements with partner countries require that the United States give its consent to reprocessing of spent fuel containing U.S.-origin nuclear material by those countries. The agreements with Euratom, India and Japan provide programmatic consent for reprocessing within the European Union, India and Japan. The Administration does not believe that such programmatic consent to reprocessing is necessarily appropriate in other cases, including Taiwan and the Republic of Korea.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#31)
Senate Foreign Relations Committee**

Question:

Do you believe that an agreement that allowed any form of reprocessing to take place in South Korea would violate the 1992 Joint Declaration, in particular its clear statement that “The South and the North shall not possess nuclear reprocessing and uranium enrichment facilities”?

Answer:

I believe that the existence of a reprocessing plant in the Republic of Korea would be inconsistent with the commitments made in the 1992 Joint Declaration.

Fissile Material Cutoff Treaty (FMCT)

Questions for the Record Submitted to Under Secretary-Designate Ellen Tauscher by Senator Richard Lugar (#32) Senate Foreign Relations Committee

Question:

What role do you envision playing in negotiation of a new Fissile Material Cutoff Treaty (FMCT)?

Answer:

The Administration plans to negotiate the FMCT in the Conference on Disarmament (CD) in Geneva, which would fall in my portfolio. I envision my role as ensuring that our negotiators in the CD get the guidance and support they need from Washington to bring the negotiations to a conclusion that reflects U.S. goals.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#33)
Senate Foreign Relations Committee**

Question:

How and when do you plan to approach the Committee regarding the key verification issues posed by any new mandate regarding an FMCT?

Answer:

At the moment, our challenge now is to get negotiations on an FMCT started. If confirmed, I would, of course, keep Congress and this Committee appropriately informed about any key issues that may arise.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#34)
Senate Foreign Relations Committee**

Question:

In a recent speech to the Munich Security Conference, you stated that a future FMCT is a “**have-to-have item**” and that

Under the treaty, production of fissile material would end and all enrichment and reprocessing facilities in nuclear weapons states would be subject to international verification.

In your view, how would vital national security information, and Restricted Data controlled under the Atomic Energy Act, be protected under any such treaty?

Answer:

In his Prague speech, President Obama said: “to cut off the building blocks needed for a bomb, the United states will seek a new treaty that verifiably ends the production of fissile materials intended for use in state nuclear weapons. If we are serious about stopping the spread of these weapons, then we should put an end to the dedicated production of weapons grade materials that create them.”

A well-crafted, robust verification regime should not have to put sensitive information at risk and the United States will not support an FMCT

that compromises national security information. It is worth noting, however, that the United States has entered into arms control treaties, such as the Chemical Weapons Convention, containing robust verification provisions, without placing sensitive national security information at risk. If confirmed, I will review the U.S. position with a view to determining how verification can be incorporated in an FMCT without compromising sensitive information.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#35)
Senate Foreign Relations Committee**

Question:

Would the verification involved in a potential treaty apply to fissile materials designated or stockpiled as military materials, including both uranium and plutonium, and associated production sites, facilities and locations in the United States?

Answer:

We are reviewing the verification issues related to a potential treaty. Verification activities that may involve our national security sites will be considered carefully as we move forward into negotiations.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#36)
Senate Foreign Relations Committee**

Question:

Would verification include any sites, facilities and locations formerly used in connection with any military programs in the United States?

Answer:

At this point, the Administration is just beginning its considerations regarding FMCT, so it is not possible to give a definitive answer. I would note that under the U.S. Safeguards Agreement with the IAEA, the IAEA has conducted inspections at sites in the U.S. formerly connected with military programs, such as areas within the Savannah River Plant in South Carolina, and the Oak Ridge Y-12 site in Tennessee.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#37)
Senate Foreign Relations Committee**

Question:

How would FMCT verification work in the United States—would it unfold in the same way that IAEA safeguards verification work already proceeds here, i.e., under a National Security Exclusion or NSE that excludes from the scope of such verification our national security locations, activities and materials?

Answer:

Again, this is an issue that is under review, so it is not yet possible to say exactly how we will structure verification activities in the U.S. under an FMCT. The U.S. has entered into a number of arms-control-related agreements that involve inspections at sensitive locations in the U.S., including the START treaty and the Chemical Weapons Convention. In each of these cases a primary concern is protection of U.S. national security interests and sensitive information. In each case the U.S. has required protections so it can manage any inspection so as to protect national security information from disclosure. We will insist on such protections in an FMCT.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#38)
Senate Foreign Relations Committee**

Question:

Many proposals for FMCT verification would make the IAEA the international verification agency for the FMCT. How can the IAEA meet both the verification demands of existing safeguards work around the world while at the same time adequately succeed in a new verification mandate under an FMCT?

Answer:

As negotiations have yet to begin, we cannot say at this time that the IAEA will be the international verification agency for FMCT, although many have proposed this. Should it perform that role, the types of activities that the IAEA would be expected to undertake would likely be similar to what they do now. Since the IAEA's beginning in 1957, the history of IAEA verification has been one of continual expansion to meet the requirements placed upon it by the international community. The negotiation of the Nuclear Non-Proliferation Treaty in the late 1960's resulted in a substantial increase in the IAEA's responsibilities, as did the negotiation of the Additional Protocol in the 1990's. The IAEA currently safeguards over 1,100 nuclear facilities and locations around the world.

This figure is more than double that of 20 years ago, and the size of those facilities has increased as well. The IAEA has expanded its staff and greatly increased the sophistication of its operations to meet these challenges.

Moreover, The Department of Energy/National Nuclear Security Administration has launched the Next Generation Safeguards Initiative (NGSI) in 2008 to develop the technology, concepts, and expertise necessary to strengthen the IAEA and the international safeguards system to confront the challenges posed by nuclear proliferation and global nuclear energy expansion. This Initiative addresses a major priority outlined by President Obama in his April speech in Prague; the need to “ensure that the Agency gets the authority, information, people, and technology it needs to do its job ...” and the requirement for “more resources and authority to strengthen international inspections.”

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#39)
Senate Foreign Relations Committee**

Question:

What would be the resource challenges of such an arrangement for the IAEA?

Answer:

The resources needed to verify an FMCT will depend very strongly upon the scope and intrusiveness of the treaty, among other factors. With those issues yet to be determined, I am not in a position to provide an accurate assessment at this time. It is likely that if the IAEA took on a major role of verifying an FMCT, it would require a very significant increase in the inspection resources available to it. It should be noted that the FMCT itself could address the issue of how its inspections would be paid for.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#40)
Senate Foreign Relations Committee**

Comprehensive Test Ban Treaty (CTBT)

At the recent Munich Security Conference, you stated “the U.S. should immediately ratify the Comprehensive Test Ban Treaty.” In a speech before the Progressive Policy Institute, you stated that “The Senate must take up and ratify this treaty.”

Question:

What is your position regarding Senate ratification of the CTBT—when should it be taken up by the Senate?

Answer:

I have always said that it is imperative that the United States ratify the CTBT. President Obama in his speech in Prague expresses his unequivocal support for CTBT saying, “to achieve a global ban on nuclear testing my administration will immediately and aggressively pursue US ratification of the CTBT. After more than five decades of talks it is time for the testing of nuclear weapons to finally be banned.”

I support the swift ratification of the CTBT. In the decade since the Senate considered CTBT (in 1999), substantial progress has been made in our ability to verify the CTBT and ensure stockpile reliability.

If confirmed as Under Secretary of State for Arms Control and International Security, I would work to make sure that Senators receive the best information available in order to evaluate the Treaty's merits.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#41)
Senate Foreign Relations Committee**

Question:

In your view, is the Comprehensive Test Ban Treaty submitted to the Senate by the Clinton Administration effectively verifiable, and, if so, how?

Answer:

When it submitted the Comprehensive Nuclear Test-Ban Treaty to the Senate in 1997, the Clinton Administration indicated that the Treaty was “effectively verifiable.” During the Senate’s 1999 review of the Treaty, questions were raised about both U.S. verification capabilities and the verification regime called for by the Treaty, especially the International Monitoring System. Since then, I understand there have been significant technological improvements in our ability to detect and identify nuclear tests. We now also have considerable experience installing and operating much of the networks comprising the International Monitoring System. We will need to assess the full range of improvements since the Senate last considered the Treaty and provide that assessment for the Senate’s consideration. If confirmed as the Under Secretary for Arms Control and International Security, I intend to approach the verification question in a comprehensive manner.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#42)
Senate Foreign Relations Committee**

Question:

The Strategic Posture Commission stated in its Final Report that “There is...less than complete understanding of the activities underway at nuclear test sites in Russia, China and elsewhere.” Would you make available to this Committee the briefings, including any written materials, provided to Commissioners on this matter as soon as you are confirmed?

Answer:

If confirmed as Under Secretary of State for Arms Control and International Security, I will work to make available to this Committee as much of the briefings and materials provided to the Commissioners by the Department of State as possible.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#43)
Senate Foreign Relations Committee**

Question:

The Commission recommended that before the CTBT is reconsidered by the Senate, agreement on a clear and precise definition of banned and permitted test activity be secured among the five permanent members of the United Nations Security Council (the P-5). What is your view regarding such a proposal?

Answer:

The U.S. decided at the outset of negotiations not to define a "nuclear weapons test explosion or any other nuclear explosion" in the Treaty text, believing at the time that it would have been extremely difficult, and possibly counterproductive, to specify in technical terms what is prohibited by the Treaty. If confirmed and as part of our efforts to work with the Senate on CTBT, I would certainly seek the views of the Senate on this issue to help ensure that no concerns go unaddressed.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#44)
Senate Foreign Relations Committee**

Question:

Should you urge Senate passage during your tenure as T, would you agree to provide the full negotiating record of the CTBT, including, specifically, the interpretation of each of the P-5 nations in 1997 regarding testing activities prohibited and permitted under the CTBT, to this Committee?

Answer:

I would expect the Department to provide to the Committee, including any Senator of the Committee, any information that is pertinent to the Committee's consideration of a treaty for which the Executive is seeking advice and consent.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#45)
Senate Foreign Relations Committee**

Stockpile Stewardship and the CTBT

The Strategic Posture Commission stated that stockpile stewardship investments made in safeguards to ensure our nuclear deterrent remains safe, secure, credible and reliable under a CTBT are lacking, noting that “the Stockpile Stewardship Program has had some remarkable achievements. But in recent years, the level of funding provided to support these safeguards has been inadequate.”

Question:

Given that you have been the Chairman of the House Armed Services Subcommittee on Strategic Forces for the past three years, do you agree with the Commission’s assessment that the level of funding for the Stockpile Stewardship Program has been inadequate? If not, please explain.

Answer:

I agree. President Obama has expressed a commitment to immediately and aggressively pursue CTBT ratification. As part of that process, the Administration is committed to working with the Congress to demonstrate that we will follow through with adequate funding for the stockpile stewardship program. We will work with Congress to ensure the continued safety, security, and reliability of the U.S. nuclear arsenal in the absence of nuclear testing by seeking funding to support these vital safeguards.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#46)
Senate Foreign Relations Committee**

Communications Satellites

Since 1998, commercial communications satellites and their launch have been controlled under the United States Munitions List (USML) as a Category XV item. This was mandated in section 1513 of Public Law 105-261, the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999, for which you voted, after revelations about illegal technical assistance to China related to a communications satellite launch showed that export license approvals from the US Government complicated investigatory and prosecutive efforts and resulted in significant assistance to China's ballistic missile and space programs. During his campaign, President Obama stated that such controls "unduly hampered the competitiveness of the domestic aerospace industry."

You have been quoted extensively on these matters, stating that reform is needed, particularly in area of space export controls. As Under Secretary, you would have a direct role in shaping policy in these matters.

Question:

Do you believe that control of commercial communications satellites and their launch should continue to be under the USML?

Answer:

I support export control reform in general and would consider supporting the transfer of commercial communications satellites to the

Department of Commerce provided that the transfer is consistent with our foreign policy and national security objectives. I would note that unless Congress determines otherwise, defense services related to integration and launch that might be required for exports of U.S. commercial communications satellites would continue to be licensed by the Department of State, as launch vehicles are controlled by the International Traffic in Arms Regulations.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#47)
Senate Foreign Relations Committee**

Question:

How do you assess these controls' overall effectiveness in preventing proliferation of sensitive technology to US adversaries?

Answer:

The Arms Export Control Act (AECA) is a viable vehicle for preventing proliferation of sensitive technology to U.S. adversaries. Under the AECA and its implementing regulations, the International Traffic in Arms Regulations, authorization from the State Department is required for transfers and retransfers of defense articles and services listed in the USML.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#48)
Senate Foreign Relations Committee**

Question:

Do you believe such controls have “unduly hampered” US industry, and if so, how?

Answer:

In the past, U.S. industry had some valid concerns regarding their competitiveness in a global market. In 2006, the average space-related export authorization took 76 days from submission to the Department of State to issuance of the authorization approval. In 2008, such approvals were averaging 23 days.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#49)
Senate Foreign Relations Committee**

Question:

If such controls are to be changed, would legislation be necessary?

Answer:

Any change to the current export control of commercial communications satellites would require a change in legislation. This is because jurisdiction of these satellites was transferred to the Department of State under Section 1513 of Public Law 105-261.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#50)
Senate Foreign Relations Committee**

Question:

Does China's space program pose a threat to US national security?

Answer:

Our relationship with China is a complex one. We share many common interests and have demonstrated that we can work together productively on common problems. In view of China's economic development, technological capabilities, and its place in the international community, it is natural that China would seek to develop its space program, and it continues to make significant progress in developing space capabilities.

A number of these capabilities may translate into enhanced military capability. China's January 2007 successful test of a direct ascent anti-satellite missile demonstrated its ability to attack satellites in low-earth orbit. This system is one component of a multidimensional program to limit and prevent the use of space-based assets by political adversaries during time of crisis or conflict.

We believe that China should respond to international calls for a full explanation of China's intentions, including how China's development of anti-satellite weapons squares with its claims to be opposed to the militarization of space.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#51)
Senate Foreign Relations Committee**

S. 873

On April 23, I introduced S. 873, The Nunn-Lugar Cooperative Threat Reduction Improvement Act of 2009. I did so because a recent National Academy of Sciences (NAS) report noted need for increased flexibility in these programs, including provision of a “notwithstanding” authority, increased flexibility to use foreign funds in carrying out Nunn-Lugar programs, and better coordination within the US Government on such efforts. The National Defense Authorization Act for Fiscal Year 2008 requested the NAS report. Most of its recommendations do not require legislation but rather simple management improvements. My bill, S. 873, focuses on two recommendations that require Congressional authorization: First, the provision of limited “notwithstanding authority” to give flexibility for future engagements in unexpected locations; and second, creation of a Cooperative Threat Reduction Partnership Account to permit the Secretary of Defense to accept funds from any person, foreign government, or international organization to accomplish nonproliferation and disarmament goals.

Question:

On April 23, I introduced S. 873, The Nunn-Lugar Cooperative Threat Reduction Improvement Act of 2009. Do you support this legislation?

Answer:

I support the Nunn-Lugar Cooperative Threat Reduction Improvement Act of 2009. As the Secretary of State said on May 20th, “We support S. 873. We agree with you that our job now should be to do as much as we possibly can to reduce the threat” of WMD proliferation. If confirmed, one

of my top priorities will be to address this grave threat, and I am grateful for Senator Lugar's tireless leadership on this critical issue. In particular, this important legislation will ensure that all USG threat reduction efforts are global and able to address the most urgent proliferation threats when they arise.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#52)
Senate Foreign Relations Committee**

Question:

What are your views regarding the specific elements in the bill, in particular, the two items referenced above?

Answer:

I believe that the Nunn-Lugar Cooperative Threat Reduction Improvement Act of 2009's provisions regarding limited "notwithstanding authority" and the creation of a Cooperative Threat Reduction Partnership Account will improve our government's capacity to prevent the proliferation of Weapons of Mass Destruction (WMD.) By providing the Department of Defense's Cooperative Threat Reduction program with limited "notwithstanding authority," the Act will increase our government's capacity to respond quickly and effectively to high priority and unanticipated opportunities to counter proliferation worldwide. Similarly, the Cooperative Threat Reduction Partnership Account will enable our government to form coalitions with foreign governments, international organizations, and individuals to bring the necessary resources to bear against difficult proliferation challenges.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#53)
Senate Foreign Relations Committee**

Pakistan

You are an original cosponsor of H.R. 1463, which would prohibit US military assistance to Pakistan unless the Pakistani government makes Dr. A.Q. Khan available to the United States government for questioning. The legislation would permit the President to waive this restriction if he determined that it was in the US national interest to do so.

Question:

Does the Obama Administration support passage of H.R. 1463?

Answer:

The Obama Administration does not support passage of H.R. 1463. As a member of congress, I co-sponsored this legislation with my friend, Representative Jane Harman, as a way to draw attention to the continuing threat of proliferation posed by the AQ Khan proliferation network.

**Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#54)
Senate Foreign Relations Committee**

Question:

Do you believe U.S. military assistance to Pakistan should be conditioned on Pakistan's government making A.Q. Khan available to the United States for questioning?

Answer:

Pakistan is a central front on the fight against al-Qaeda and crucial to our success in Afghanistan and it would be counterproductive to condition U.S. aid to Pakistan on this issue. Moreover, such an action is unnecessary. The United States obtained a great deal of information about the Khan network without having direct access to A.Q. Khan, and, with the assistance of Pakistan and other countries, we successfully dismantled that network.

It is in our national interest to help Pakistan deal with the growing instability within its borders. As the Secretary and others have said, that instability is a threat to Pakistan and potentially a threat to its neighbors and the United States. We, as a nation, must make and demonstrate a long term commitment to sustaining our partnership with Pakistan.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#55)
Senate Foreign Relations Committee**

Question:

In the event that H.R. 1463 is enacted, what factors would you recommend that the President consider in deciding whether to use the waiver in the legislation to permit continued military assistance to Pakistan in the event the Pakistani government fails to make A.Q. Khan available for questioning?

Answer:

If H.R. 1463 is enacted, we would recommend that the President consider a variety of factors in deciding whether to use waiver authority, including broad U.S. national security interests such as fighting terrorism, helping Pakistan deal with growing instability within its borders, and continuing to develop a positive, long-term partnership with Pakistan.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#56)
Senate Foreign Relations Committee**

Peace Department

You are an original cosponsor of H.R. 808, which provides for the establishment of a U.S. Department of Peace as a cabinet level department within the Executive Branch.

Question:

Does the Obama Administration support passage of H.R. 808?

Answer:

The Obama administration has not taken a position on the bill.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#57)
Senate Foreign Relations Committee**

Question:

Section 202 of H.R. 808 provides for the functions, assets, and personnel of the Office of the Under Secretary for Arms Control and International Security Affairs of the Department of State to be transferred to the Department of Peace. Do you believe the functions of the position to which you have been nominated would be more effectively carried out if they were transferred to a Department of Peace?

Answer:

I am a co-sponsor of H.R. 808, which draws attention to the importance of addressing international conflict.

Under Secretary of State Clinton's leadership, the parallel organization to the State Department contemplated in H.R. 808 is no longer necessary.

In the past, the Department of State has played a significant role in upholding these principles; however, under the previous Administration, the State Department played a diminished role in the resolution of international conflicts.

Under the new Administration, the State Department is carrying out its mission to peacefully resolve the international conflicts dominating the world stage today.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#58)
Senate Foreign Relations Committee**

Question:

Section 113 of H.R. 808 authorizes \$10,000,000,000 in each fiscal year to carry out its provisions. Would you support a reduction in the funds appropriated for State Department programs in order to provide the authorized level of funding provided for in H.R. 808?

Answer:

No. Please see previous answer.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#59)
Senate Foreign Relations Committee**

Saudi Arabia

You are an original cosponsor of H.R. 1288, which would prohibit the export of defense articles and services to Saudi Arabia, and restrict the travel of Saudi diplomatic personnel in the United States, unless the President certifies that Saudi Arabia has taken certain actions with respect to fighting terrorism. The legislation would permit the President to waive these restrictions if he determined that it was in the U.S. national security interest to do so.

Question:

Does the Obama Administration support passage of H.R. 1288 ?

Answer:

The Administration has not taken a position on the bill at this time.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#60)
Senate Foreign Relations Committee**

Question:

In the event that H.R. 1288 is enacted, what factors would you recommend that the President consider in deciding whether to waive the restrictions in the legislation in the event that Saudi Arabia fails to take the anti-terrorism steps specified in the legislation?

Answer:

We are committed to providing the Saudis with appropriate military equipment necessary to safeguard the Kingdom's legitimate security interests, including critical law enforcement and military components for counterterrorism. We must also work together to expose the distorted ideology used by extremists to recruit for terrorist acts. As such, the Administration is studying the legislation and considering the best path forward. Since 2003, we have built a close partnership with the Saudis focused on a shared interest in combating terrorism and violent extremism. We have an active dialogue with the Kingdom on efforts to tackle regional security challenges ranging from Middle East peace and Iran to Afghanistan and Pakistan. Saudi Arabia has been a full partner in U.S.-led counterterrorism efforts. We look forward to continuing the close

cooperation on counterterrorism that has developed in recent years, and to continue consultation with Congress and this committee on this matter.

**Questions for the Record Submitted to
Under Secretary-Designate Ellen Tauscher
by Senator Richard Lugar (#61)
Senate Foreign Relations Committee**

International Criminal Court

Question:

During the prior Administration, the Undersecretary for Arms Control and International Security at times assumed direct responsibility for policy with respect to the International Criminal Court. If confirmed, do you expect to have direct responsibility for policy with respect to the International Criminal Court?

Answer:

I would not expect, if confirmed as Under Secretary, to have any overall responsibility for International Criminal Court (ICC) policy, although of course there may be particular issues related to the ICC that may touch on my responsibilities.

