

the Antitrust Division. Just as important, she has the character and integrity to help the Attorney General restore the public faith in the Department of Justice.

Over the course of her impressive 23-year legal career, Ms. Varney has held a wide range of significant positions that make her uniquely qualified for this critical position. After starting her career in private practice, she served in the Clinton administration as an Assistant to the President and Secretary to the Cabinet. In October 1994, President Clinton nominated Ms. Varney to the Federal Trade Commission. After Senate confirmation, she held that position until 1997. As a Commissioner, she distinguished herself in several important ways. Most important to me, she demonstrated her commitment to the idea that antitrust enforcement must be both vigorous and fair.

At this decisive time for our Nation's economy, we need an approach to antitrust enforcement that promotes competition, drives innovation, and protects the consumer. Based on her time at the FTC, and in private practice, I have no doubt that Ms. Varney is the right person to lead the Antitrust Division. Ms. Varney should be confirmed without delay.

Mr. LEAHY. Madam President, I ask for the yeas and nays on the nomination, as the Republicans had requested.

Mr. SPECTER. Is my time reserved, Madam President?

Mr. LEAHY. Yes, it is. I am just asking for the yeas and nays.

The PRESIDING OFFICER. The Senator from Pennsylvania.

Mr. SPECTER. Let's confirm her.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be. Does the Senator from Pennsylvania wish to use his time?

Mr. SPECTER. Madam President, I used all the time I wanted. Let's confirm her.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of Christine Anne Varney, of the District of Columbia, to be an Assistant Attorney General?

The yeas and nays have been ordered.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Mississippi (Mr. COCHRAN), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 87, nays 1, as follows:

[Rollcall Vote No. 157 Ex.]

YEAS—87

Akaka	Enzi	Menendez
Alexander	Feingold	Merkley
Barrasso	Feinstein	Mikulski
Baucus	Gillibrand	Murkowski
Bayh	Graham	Murray
Bennet	Grassley	Nelson (NE)
Bingaman	Gregg	Nelson (FL)
Bond	Hagan	Pryor
Boxer	Harkin	Reed
Brown	Hatch	Reid
Brownback	Hutchison	Risch
Burr	Inhofe	Sanders
Burriss	Inouye	Schumer
Byrd	Isakson	Sessions
Cantwell	Johanns	Shaheen
Cardin	Johnson	Shelby
Carper	Kaufman	Snowe
Casey	Kerry	Specter
Chambliss	Klobuchar	Stabenow
Coburn	Kohl	Tester
Collins	Landrieu	Thune
Conrad	Lautenberg	Udall (CO)
Corker	Leahy	Udall (NM)
Cornyn	Levin	Vitter
Crapo	Lincoln	Voinovich
DeMint	Lugar	Warner
Dorgan	Martinez	Webb
Durbin	McCaskill	Whitehouse
Ensign	McConnell	Wicker

NAYS—1

Bunning

NOT VOTING—11

Begich	Kennedy	Roberts
Bennett	Kyl	Rockefeller
Cochran	Lieberman	Wyden
Dodd	McCain	

The nomination was confirmed.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DODD. Mr. President, I rise today to state my support for the three nominees that the Senate confirmed earlier today. Due to weather delays, I was unavoidably absent from the Senate during the votes on the three nominees to be Assistant Attorneys General in the Department of Justice. Had I been present I would have voted yea for all three nominees.

All three individuals are eminently qualified and I believe will be superb additions to President Obama's administration.

Let me briefly talk about these well-qualified individuals. Tony West will be the next Assistant Attorney General for the Civil Division. He served previously in the Department of Justice as a Special Assistant to two Deputy Attorneys General during the Clinton administration. He also served in the U.S. Attorney's Office for the Northern District of California as a prosecutor. Mr. West is a graduate of Harvard University and Stanford University Law School, where he served as president of the Stanford Law Review.

Lanny Breuer received both his undergraduate and law degree from Columbia University. After law school, he worked as an Assistant District Attorney in Manhattan. During the Clinton administration, he served as Special Counsel in the White House. He has also worked at the law firm Covington

& Burling. Mr. Breuer will serve as the next Assistant Attorney General for the Criminal Division.

Finally, Christine Varney will serve as the next Assistant Attorney General of the Antitrust Division. I believe she is uniquely qualified for this position. A graduate of the Georgetown University Law Center, Ms. Varney served as a U.S. Federal Trade Commissioner and, later, as an assistant to President Clinton and Secretary to the Cabinet.

Again, had I been present I would have voted yea on these nominations and I am pleased that all three nominees were approved overwhelmingly in the Senate today.●

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. DURBIN. Mr. President, on vote No. 155, I was unavoidably detained. Had I been present for the vote, I would have voted to confirm the nomination of Tony West to be an Assistant Attorney General for the Department of Justice, Civil Division.●

NOMINATION OF CHRISTOPHER R. HILL TO BE AMBASSADOR TO IRAQ

The PRESIDING OFFICER. The clerk will report the next nomination.

The legislative clerk read as follows:

Nomination of Christopher R. Hill, of Rhode Island, a Career Member of the Senior Foreign Service, Class of Career Minister, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Iraq.

The PRESIDING OFFICER. Under the previous order, there is now 20 minutes equally divided for debate on the motion to invoke cloture on the nomination of Christopher Hill.

Who yields time?

Mr. KERRY. I yield 5 minutes to the Senator from Indiana, the distinguished ranking member of the Foreign Relations Committee.

Mr. LUGAR. Madam President, I rise in support of the nomination of Christopher Hill to be Ambassador to Iraq. During his 32-year career, he has led three embassies and served as Assistant Secretary of State for East Asian and Pacific Affairs. In that position, he was the Bush administration's point man at the six party talks on North Korea. As Assistant Secretary, Chris Hill demonstrated outstanding diplomatic and managerial skills in dealing with one of our most difficult foreign policy challenges. His innovative approach contributed to successes, including the ongoing disablement of the Yongbyon nuclear complex in the presence of American monitors, the reentry into North Korea of IAEA officials, and the potential transition of the six party process into a forum for broader multilateral engagement in Northeast Asia.

North Korea remains an inscrutable regime with unpredictable motivations. Any suggestion that the North Korea nuclear issue lends itself to obvious solutions or the application of a

standard diplomatic playbook is off the mark. Ambassador Hill had to apply both imagination and persistence in moving this complex process forward in five foreign capitals.

Now President Obama has tapped him to address another of the most important foreign policy challenges confronting the United States. In my judgment, it would take extraordinary circumstances for the Senate to deny the President his choice of an Ambassador to carry out his directives in Iraq, especially given that the President will be judged meticulously on what happens there.

Ambassador Hill has unique experience in managing the type of regional diplomatic effort that is likely to be required at this stage of Iraq's development. Iraq's success will increasingly depend on regional factors involving the activities of both friends and adversaries. We must seek to reassure allies and send adversaries the clear message that the United States remains committed to regional stability and has no intention of leaving a vacuum in Iraq that could be exploited.

Prime Minister Maliki's outreach to Sunnis has already reduced tensions among Iraq's Sunni neighbors. Leaders from Turkey, Jordan, Syria, and virtually all of the Gulf States, including Kuwait, have paid high-level visits and appointed ambassadors, indicating acceptance of the Shia-run government.

Across the region, and internationally, the incentive structure for involvement in Iraq is fundamentally different than it was 2 years ago. Coupled with the drawdown, the time is right to expand our engagements, solidify regional security gains, and cultivate more robust regional and international cooperation in Iraq. Ideally, this cooperation would include regular and wide-ranging talks with neighboring states on broader issues of regional security. One of the purposes of these talks must be to avoid surprise and miscalculation in the region that could ignite further conflict.

Through the confluence of many factors, Iraq is showing positive trend lines. American casualties are at their lowest mark since the conflict began 6 years ago. The Iraqi government held successful elections last month, and those provincial councils are convening, electing chairmen, and beginning to set their agendas.

But progress in Iraq remains vulnerable to political rivalry, outside interference, and the slow pace of economic reconstruction. Government institutions at all levels remain underdeveloped, inefficient, and subject to corruption. The economy, which grew at a rate of 3.5 percent in the first two quarters of 2008, has slipped as oil prices have dropped. Oil production rates are flat, and reduced revenues may slow the efforts of Iraq's government to make necessary infrastructure investments. Unemployment and underemployment remain high. Because of these and other conditions,

Ambassador Crocker and General Odierno have described Iraq's progress as fragile and reversible. It is important to get our next Ambassador in place as quickly as possible.

I have appreciated Ambassador Hill's accessibility to the Senate Foreign Relations Committee. In addition to nine appearances before the committee in the last 5 years, he has always been willing to meet with us privately about developments on the Korean Peninsula or elsewhere in East Asia.

I also appreciate his willingness to accept this difficult post, especially after several years of an unrelenting diplomatic activity. I am hopeful that the Senate will move forward on his nomination. I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

Mr. KERRY. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I yield myself 8 minutes.

Colleagues, tomorrow is a terrible day. It is Holocaust Remembrance Day. I want to put up a picture of something that is all too familiar to the world. It is Auschwitz, the main camp. You can see the different buildings that were there. What took place there was a horrible thing that happened. The world will remember that.

There was a new movie out on it last night that was put forward by a group of students from Kansas. They found a lady who had moved through the Polish concentration camp, actually the internment that they did in the city, the slum. She saved a bunch of orphans. It was a beautiful story about a terrible situation.

Tomorrow, Holocaust Remembrance Day, we remember this type of a picture. Let me show you a modern picture that looks eerily similar. It is not the same situation but just look at the barracks. Look at the design. Just look at the setting. This is North Korea. It is a gulag. We have tens of thousands who have been killed. We have 10 percent of the population that have died over the last decade and a half in North Korea.

You want to see an eerie resemblance to something that we always say never again, never again, and yet in our time we see this. Here is the most infamous of the camps. Here is Camp 22. You can get this on Google Earth if you do not trust my images. We did not have that of Auschwitz at the time. We have it now. We know what is going on at Camp 22 from people who have been in North Korea who have made it out. Here is a list of the places where the gulags are throughout the country. We know where these are. We did not know at the time what was taking place in Auschwitz, what was taking place there. We had thoughts about it. We thought it might be taking place. We were not exactly sure. In some cases I am afraid we acted like we didn't want to know.

I am afraid that is what we are acting like on this issue; we do not want to know this is taking place. Yet it is. We have witnesses and we have Google Earth. You can show pictures of it. Tomorrow we have Holocaust Remembrance Day. Today we consider what is taking place here, and we are considering a nominee to be our most key ambassadorial post—this is in Iraq—who was the key strategist on North Korea strategy, on the six-party talks, who ignored this situation, who lied to me about it that he would involve our human rights ambassador to North Korea in the six-party talks.

That never happened. I have a letter from Jay Lefkowitz, who stated this to me March 25, 2009:

At no point during my tenure as special envoy for human rights in North Korea, either before or after July 31, 2008, did Chris Hill or anyone acting on his behalf invite me to participate in any six-party talks.

We know it is going on. We have the pictures. We do not even involve our guy to talk about it, and this is the person now we want to promote to the biggest diplomatic post that we have in the world, a diplomat who ignores the human rights abuses in North Korea. The Washington Post even said this about Chris Hill:

... a stunning lack of urgency on human rights in North Korea.

That is my biggest beef, but let's also look at the diplomatic scorecard on what we have negotiated. Oh, OK, so we ignored human rights in North Korea. Chris Hill, he is the lead of our negotiators. He is also over that region. We are going to ignore human rights. But we must have gotten a great deal out of North Korea then because we are going to ignore this piece of it.

Here is the diplomatic scorecard of what Kim Jung-Il got and what we got out of the six-party talks. I might remind you what happened during the break that we were on, 2 weeks since our adjournment: The North Korean regime launched a multistage ballistic missile over the mainland of Japan toward Western United States; kidnapped and imprisoned two of our citizens, American citizens; pulled out of the six-party talks; kicked out international nuclear inspectors and American monitors; restarted its nuclear facilities; and, according to at least one news source, is now under investigation for shipping enriched uranium to Iran.

Now, that just happened in the last 2 weeks. That is a pretty good 2 weeks for Kim Jung-Il, I guess. And the guy who negotiated this great deal, now we want to put him in charge of Iraq. Well, here is the scorecard: Kim Jung-Il gets delisted as a state sponsor of terrorism; he obtains key waivers of U.S. sanctions imposed after the regime's illegal nuclear detonation in 2006; he received tens of millions of dollars' worth of fuel oil assistance from us—that is, what the Soviets used to give him; now that we are sponsoring we are giving him this sort of stuff so

he can operate these gulags—allowed to continue totalitarian oppression and starvation of the North Korean people.

We ignore human rights. He likes that. He is never required to release or account for all of the abductees or POWs or to acknowledge a clandestine uranium enrichment program and its role in the Syrian nuclear facility that the Israelis bombed. Remember that one. That was a North Korean facility. It was North Korean designed, able to test ballistic missile technology in violation of U.N. Security Council sanctions without any meaningful consequences.

And what did we do? What did we do? Obtained incomplete declarations from North Korea. I might note to my colleagues, some of you may remember this, the actual papers we got, they radiated. They had radiation coming from the papers themselves. That was probably a gift from Kim Jung-Il.

Implosion of the Yongbyon cooling tower, through the reversal they are already starting to produce plutonium or they are setting back up to produce plutonium at this plant after they blew up the tower. So they did probably the least safest thing, blowing up the tower, but they can still produce plutonium.

That is what we got out of this deal, and now we are going to put Chris Hill in charge of Iraq, a situation and a case where we need the most diplomatic skill, the most accomplished diplomat, and somebody this body trusts because increasingly this moves from a military engagement to a diplomatic engagement. We have to trust the diplomat who is coming forward, who we are putting forward in this situation, and this is what he did on our last account for the United States of America. This is what he did the last time. The camps and human rights is what he ignored the last time around.

Now, I think Chris Hill as an individual is a fine individual. I have met with him, as my colleague from Indiana has. I have great regard for my colleague from Indiana and the chairman from Massachusetts—wonderful individuals. But I am saying, sort out and move away from Republican and Democrat. I opposed Chris Hill and what he was doing during the Bush administration. This is not me saying I am opposed to him because this is about President Obama. It is not. It is about ignoring human rights, it is about the terrible diplomatic scorecard. We are getting skunked. If this were baseball, they would call the game for the mercy rule. We are just getting skunked on this situation.

Now we are going to put him in Iraq, and we are going to ask him to move this ball forward for us. I, for one, cannot seem to be able to support him to do that. That is why I want to have a fulsome debate about this. I want to have a debate about why we take these sanctions off on North Korea. We should put them back on.

The PRESIDING OFFICER. The Senator has used 8 minutes.

Mr. BROWNBACK. I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. I am going to speak to the issue raised by Senator BROWNBACK in a moment. But let me say, Ambassador Christopher Hill has made a career, which is now entering his fourth decade, of taking on some of the toughest assignments in our Government.

Today, the President, our country, and our troops, need him to take on this task in Iraq. I hope my colleagues will join the overwhelming majority of the Foreign Relations Committee and Senator LUGAR who has spoken on this in moving to this nomination which is long overdue. This should not be a controversial nomination. There are very few American diplomats with more experience than Chris Hill where it matters most: in negotiating complex, high-stakes, multilateral deals in conflict zones.

In addition to serving as Ambassador to Macedonia, Poland, and South Korea, Chris Hill was one of the top negotiators at the 1995 Dayton Accords that ended the war in Bosnia.

He served as Special Envoy to Kosovo during the 1999 NATO bombing campaign. As Ambassador to South Korea from 2004 to 2005, he managed the bilateral relationship that includes the presence of nearly 30,000 American troops, and, of course, he was the point person in the talks Senator BROWNBACK has referenced. Make no mistake, our troops are beginning to draw down in Iraq, and the entire resolution of Iraq as a success will revolve around the diplomacy we apply and our ability to seek political reconciliation which will be implemented by that diplomacy. We will have more time tomorrow to talk about this, I hope, if we can move to the nomination.

Let me speak quickly to what Senator BROWNBACK has said. Chris Hill was working under daily communications and instructions from the State Department, from Secretary of State Condi Rice, and from the President. What he did was in response to those instructions. He was never admonished publicly or otherwise for going outside those instructions. The argument is made about humanitarian and human rights issues. I ask unanimous consent that the portion of Ambassador Hill's Senate Foreign Relations Committee testimony be printed in the RECORD so Senators can judge for themselves.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

HILL ON THE ALLEGATION THAT HE REACHED AN AGREEMENT WITH THE NORTH KOREANS WHILE THEY WERE PROLIFERATING TO SYRIA
SENATE FOREIGN RELATIONS COMMITTEE
NOMINATION HEARING, MARCH 25, 2009

Senator WICKER: Okay. Let me ask you one other thing. There's a letter by—signed by some five Senators—Ensign, Inhofe, Bond, Kyle, Brownback—in which they are urging the President not to choose to appoint you. And they say this, in testimony before the Foreign Affairs Subcommittee, Secretary

Hill said, "Clearly we cannot be reaching a nuclear agreement with North Korea if at the same time they're proliferating, it is unacceptable," your quote. And yet they say that—that at a time when Congress was trying to answer key questions about Korea's proliferation to Syria, you were involved in those negotiations, contrary to what they believe was your clear statement to the subcommittee.

Mr. HILL: That we cannot reach an agreement if they're proliferating, yes.

Senator WICKER: Yes, well do you see a contradiction there? Congress was still wrestling with the fact that—that North Korea was proliferating to Syria. And yet you went ahead. I'd just ask you to respond to that.

Mr. HILL: Well, yeah. To the best of our estimate—that is other agencies in the U.S. Government, to the best of their estimate—the North Koreans ceased proliferating after this facility was destroyed.

Now, the—it is very clear, at least it's very clear to me and I think very clear to most people—that unbeknownst to us, the North Koreans had carried on a program to assist Syria in the construction of a nuclear reactor. We are not aware, to this day, of any transfer of actual nuclear material. But we are aware, of course, of the transfer of nuclear technology, or we became aware of this. The North Koreans subsequently stated, and it's part of our agreement, that they have no—no ongoing proliferation activity. We wanted that statement to be expanded to acknowledge the fact that they were proliferating. And so, what they did was they acknowledged our concerns about it, they did not acknowledge their past activities.

Do I think that is an honest reaction from the North Koreans, is that in the spirit of what we're trying to do? No, it isn't. The North Koreans are—are a people who try to play by their own set of rules and it is difficult to get things done with them. We felt it was—given that we had assurances that they had stopped, but more importantly we had indications that it stopped.

Because frankly, getting assurances or getting any statements from the North Koreans are not what we're after, we're after facts not statements.

But when we saw that the activities had stopped, we felt it was worthwhile to continue the effort to disable their nuclear facilities in Yongbyon because at the end of the day, if we can prevent the North Korean nuclear problem from becoming a bigger problem than it is—right now it is a 30 kilo problem. Had we not succeeded in shutting down their facilities and in disabling their facilities, that 30 kilo problem could have been a 60 kilo problem, a 100 kilo problem. But I—I am the first to say, Senator, that the job is not done. They have some 30 kilos and we can not rest until we get the 30 kilos from them.

The issue that I've had to deal with as an implementer of a policy, and I want to stress there was a chain of command here and I was not off on my own. I was receiving instructions pretty much on a daily basis, and during the actual negotiations I received instructions even from Secretary Rice—that our effort was to try to shut down and disable the production of nuclear materials and then to—to continue and get them to put on the table the nuclear materials they had already produced, that is the 30 kilos.

And it was at that phase, which did not come, but that was the phase where we anticipated—and where I explained to Senator Brownback—that is that next phase that we would be prepared, and in return for that nuclear material on the table, we would be prepared to launch a normalization effort with the North Koreans.

Senator BROWNBACK, quite rightly, and I fully respect this position, said, "We can't be

normalizing with a country with one of the world's worst human rights records." And so, I quite—by the way, I really respect that position as someone who's dealt with human rights in my 30-some, 32-year career, I know about that, I know very well about that—so I agreed to recommend, and Secretary Rice completely agreed with this, to create a human rights track. So as we're going forward in normalization—this was not just going to be a normalization, you give up the nukes and we treat you like you're some ally—this is a normalization that would include dealing with some of the issues that, serious issues that stand between us.

And so, that is what I—what I supported doing and I regret that we were not able to get the verification agreement that would have allowed us to get onto this next phase.

Senator WICKER: Thank you.

Senator WICKER: [Quoting an article by Stephen Hayes in the Weekly Standard] "Secretary of State, Condoleezza Rice, had given Hill permission to meet face to face with the North Koreans, but only on the condition that diplomats from China were also in the room. Although the Chinese participated in the early moments of the discussions, they soon left, Hill did not leave them.

Now, the article goes on to say that Secretary Rice was angry with you, and that CNN reporter Mike Chenoi wrote, "Although Rice remained supportive of reviving the diplomatic process, Hill had held the bilateral discussion with North Korean negotiator Kim Chyguan in defiance of her instructions." And the author, Hayes, of this article concludes that the Secretary of State expressly forbade you from participating in the bilateral talks, but that you thought otherwise. So, this is an opportunity for you to give us your version of that.

Mr. Hill: Well, thank you, thank you very much. Actually, what this was—was the start of the—this was in the summer of 2005, and this was an effort to get the Six Party process going, because the North Koreans had boycotted.

And so, what Secretary Rice agreed to—to do, was to have bilateral talk—a bilateral meeting—with the understanding that the North Koreans would then announce, at the end of the bilateral meeting, their participation in the Six Party process, but she wanted the Chinese to be there.

The Chinese came, but the North Koreans were not willing to carry on the meeting with the Chinese, so I was there in the meeting room, the North Koreans were arriving, and the Chinese were disappearing.

So, the question I had—and Secretary Rice was in the air between Anchorage, where she had a refueling stop—and coming into Beijing. So, the audible I had to call at that point was, do I continue the meeting or do I walk out? And I made a judgment to continue the meeting.

We had the meeting, and at the end of the meeting, the North Koreans announced that they were returning to the Six Party process. Secretary Rice arrived that night in Beijing and in the morning—and I remember this very clearly—she was—she was quite angry, but quite angry with the Chinese for not having remained through the process. And she expressed that directly to the Chinese Foreign Minister in a meeting that I—that I attended, that is the next morning.

So that was the incident, with respect to the—to the meeting with the North Koreans.

I know there's some journalists who've tried to make this a rather dramatic moment, quite frankly, it was a little less dramatic than some of the journalistic retellings of it.

Senator WICKER: Was she angry with you?

Mr. HILL: Not to my knowledge. She was angry with the Chinese for not persevering.

Senator WICKER: You and she did not have a verbal confrontation about your audible that you called?

Mr. HILL: Never.

Senator LUGAR: . . . Now, let me just say, Ambassador Hill, you have tried in your opening responses to the chairman's questions to talk about the experience with regard to diplomacy and Iraq, and I have attempted in my opening comments to indicate what I saw to be regional implications, not only the shoring up and strengthening of the Iraqi government.

But for this record, would you respond to Senator Brownback and to others that I have cited personally and from this quote who have raised serious questions about testimony about the South Korean nominee before and the holdup in the Armed Services Committee and other issues that need to be addressed as a part of our moving this nomination forward?

Ambassador HILL: Senator, I would be happy to do so.

First of all, I want to make very clear that I very much respect Senator Brownback's concern about human rights. These are concerns that are deeply felt, and they are well placed. I have said on a number of occasions—and I will say it again here—that the North Korean human rights record is one of the worst in the world. There is no question it is one of the worst in the world, and I have had those conversations with Senator Brownback.

Now, with respect to the specific issues that he raised or were raised in the Armed Services Committee, I would like to make a couple of points.

What I agreed to do was that as we were going through the phase two of the disablement process and verification of the North Korean nuclear declaration, we anticipated moving on to phase three, or a next phase, if you look in the transcript. And what I told Senator Brownback we would do in that next phase was to—the next phase was to include bilateral normalization talks with the North Koreans.

Now, of course, we were not ever going to normalize with North Korea until it had done away with all of its nuclear materials and nuclear ambitions. But the plan was in phase three to sit down with the North Koreans for talks aimed at normalization.

I told Senator Brownback that when we got to that stage, I would be prepared to support—and I emphasized I would be prepared to support because I did not make the decisions. The decisions were made by Secretary Rice and an interagency group, but I would be prepared to support the creation of a human rights track within the normalization talks.

And what did I have in mind for a human rights track? I thought we could, in this track, acquaint the North Koreans with the fact that if their aspiration is to join the international community, which was the whole concept of the Six Party Talks, they would have to do something about their human rights record. Specifically, we would look at whether we could, for example, give them lists of prisoners of conscience, of whom there are many in North Korea. We would also look to see whether we could stand up some activities, for example, help them with their criminal procedures code or things like that, work with other countries on this. So I told Senator Brownback that we would create, in the context of this bilateral normalization working group, a human rights track.

The second point concerned his concern that the human rights envoy who was envoy from 2005 and 2009, and Senator Brownback was concerned that this envoy should be made a part of the six parties. I told Senator

Brownback that I would support—indeed, that I would invite the envoy to any negotiations with the North Koreans that did not deal with nuclear matters, that is, anything beyond nuclear, he would be a participant in. In fact, this statement on my part is addressed in a press release that Senator Brownback issued on July 31st, 2008.

The problem, Senator, was that we were not able to get beyond phase two. We were not able to get beyond phase two because, although the North Koreans did issue a nuclear declaration, we did not get adequate verification measures to verify the entire declaration. We got some verification measures. We got their agreement to allow people to visit sites. We got their agreement to allow people to visit sites that are not already listed on their declaration. We got them to agree to give us documentation on how the reactor operated. That is, we got daily production records from them from 1986 so that we could track the production of the reactor, and that would help verify whether, indeed, they had produced 30 kilos versus 35.

So we got some verification, but what we were seeking was a fuller international standard verification of the type that one would have in the context of a country that has completely denuclearized and a verification that would be familiar to anyone who has dealt with the IAEA.

So we were not able to get that, and therefore, we were not able to complete phase two, and therefore, we never got on to having these bilateral talks. And so that is why we were not able to do that.

Senator LUGAR: Thank you.

Mr. KERRY: Senator LUGAR asked him about this. He said specifically that, yes, he would have been willing to have the additional participation of the human rights appointee at the talks, but that referred to the talks when they moved beyond the nuclear component. The fact is that he said to Senator LUGAR in committee that they never got to that phase. I will quote him:

We were not able to get beyond phase two because although the North Koreans did issue a nuclear declaration, we did not get adequate verification measures to verify the entire declaration. We got some verification measures.

Then he goes on about that. He says:

But what we were seeking was a fuller international standard verification, and we were not able to complete phase two. Therefore, we never got on to having the bilateral talks.

They never got to the period where he would have been perfectly happy, as he always was, to deal with the human rights issues.

The fact is, Ambassador Hill has explained this. I respect Senator BROWNBACK's long track record of outspokenness on human rights. What he has shown there in those photographs is unacceptable. It is unacceptable to all of us. But the fact is, Chris Hill, following the President's instructions, kept his primary focus on the denuclearization, while also trying to address a host of other concerns, including human rights, missile proliferation, counterfeiting, drug smuggling, and other illicit activities. That focus was entirely appropriate given the direct threat to our security. Moreover, those who criticize him for not

accomplishing more in the area of human rights ought to appreciate that he was, in fact, implementing the specific daily instructions he was receiving. If they don't like that policy, then their real complaint is against President Bush and the Secretary of State.

I will have more to say about this tomorrow.

The PRESIDING OFFICER. The Senator from Kansas.

Mr. BROWNBACK. Madam President, I appreciate my colleague from Massachusetts and his statement, as well as the ranking member.

This was Chris Hill's strategy in North Korea. He was Assistant Secretary of East Asia and Pacific Affairs during the same period of time. It was a failed strategy. We should have him in the middle of designing our diplomatic strategy toward Iraq on such a failure, where he will be coming back before this body asking us for support?

I will have more to say on this tomorrow.

I will file a bill tonight for myself and several other cosponsors asking that we consider, at the same time as we consider the Chris Hill nomination, reimposing sanctions on North Korea that were lifted during the Bush negotiations. The North Koreans, over this recess, launched a missile and are being investigated for selling uranium to the Iranians. Clearly, we have it within our power to put U.S. sanctions back on North Korea, and that should take place. I hope that during the process of discussing Chris Hill's worthiness for the Iraqi post, which I do not support, we will also vote to put sanctions back on North Korea that were lifted. Clearly, that should take place. I will be filing this bill tonight and asking for its consideration tomorrow.

I yield back my time and urge a "no" vote on cloture against Ambassador Hill.

CLOTURE MOTION

The PRESIDING OFFICER (Mr. MERKLEY). Under the previous order, pursuant to rule XXII, the clerk will report the motion to invoke cloture.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the nomination of Christopher R. Hill, of Rhode Island, to be Ambassador to the Republic of Iraq.

Harry Reid, John F. Kerry, Richard Durbin, Charles E. Schumer, Jon Tester, Tom Udall, Dianne Feinstein, Edward E. Kaufman, Mark Begich, Frank R. Lautenberg, Bill Nelson, Sheldon Whitehouse, Jack Reed, Bernard Sanders, Christopher J. Dodd, Patty Murray, Benjamin L. Cardin.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the nomination of Christopher R. Hill, of Rhode Island, to be Ambassador to Iraq shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. DURBIN. I announce that the Senator from Alaska (Mr. BEGICH), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from West Virginia (Mr. ROCKEFELLER), and the Senator from Oregon (Mr. WYDEN) are necessarily absent.

Mr. MCCONNELL. The following Senators are necessarily absent: the Senator from Utah (Mr. BENNETT), the Senator from Arizona (Mr. KYL), the Senator from Arizona (Mr. MCCAIN), and the Senator from Kansas (Mr. ROBERTS).

The yeas and nays resulted—yeas 73, nays 17, as follows:

[Rollcall Vote No. 158 Ex.]

YEAS—73

Akaka	Feinstein	Merkley
Alexander	Gillibrand	Mikulski
Barrasso	Graham	Murkowski
Baucus	Gregg	Murray
Bayh	Hagan	Nelson (NE)
Bennet	Harkin	Nelson (FL)
Bingaman	Hatch	Pryor
Boxer	Hutchison	Reed
Brown	Inouye	Reid
Burr	Isakson	Sanders
Byrd	Johanns	Schumer
Cantwell	Johnson	Shaheen
Cardin	Kaufman	Snowe
Carper	Kerry	Specter
Casey	Klobuchar	Stabenow
Chambliss	Kohl	Tester
Cochran	Landrieu	Thune
Collins	Lautenberg	Udall (CO)
Conrad	Leahy	Udall (NM)
Corker	Levin	Voinovich
Dodd	Lincoln	Warner
Dorgan	Lugar	Webb
Durbin	Martinez	Whitehouse
Enzi	McCaskill	
Feingold	Menendez	

NAYS—17

Bond	Crapo	Risch
Brownback	DeMint	Sessions
Bunning	Ensign	Shelby
Burr	Grassley	Vitter
Coburn	Inhofe	Wicker
Cornyn	McConnell	

NOT VOTING—9

Begich	Kyl	Roberts
Bennett	Lieberman	Rockefeller
Kennedy	McCain	Wyden

The PRESIDING OFFICER. On this vote, the yeas are 73, the nays are 17. Three-fifths of the Senators duly chosen and sworn having voted in the affirmative, the motion is agreed to.

Ms. STABENOW. Mr. President, I move to reconsider the vote, and I move to lay that motion on the table.

The motion to lay on the table was agreed to.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

● Mr. BEGICH. Mr. President, I was not able to be present in the Senate at the time of the confirmation votes on the nominations of Tony West, Lanny Breuer, and Christine Varney, to be Assistant Attorneys General of the United States, and the cloture vote on the nomination of Christopher Hill, to be our Ambassador to Iraq.

Had I been present, I would have voted "yea" on the confirmation of each of the Assistant Attorneys General nominees, as well as "yea" on the

motion to invoke cloture on the nomination of Christopher Hill.

I ask that the RECORD reflect how I would have voted had I been present at the time of the votes.●

LEGISLATIVE SESSION

MORNING BUSINESS

Ms. STABENOW. Mr. President, I ask unanimous consent that the Senate proceed to a period of morning business, with Senators permitted to speak for up to 10 minutes each.

The PRESIDING OFFICER. Without objection, it is so ordered.

FREE ROXANA SABERI

Mr. DORGAN. Mr. President, 2 days ago, Roxana Saberi from Fargo, ND, was convicted of espionage by an Iranian revolutionary court and sentenced to 8 years in prison after a very brief trial that was held behind closed doors.

I have said very little publicly about this case. But when the sentence was announced, I said I thought it was a terrible miscarriage of justice. I don't come to the floor today to inflame the passions about this issue, but I wish to, for a few moments, say some words about Roxana Saberi and to urge the Iranian Government to do the right thing and release this young woman from prison and allow her to come home to the United States.

Roxana Saberi is not a spy. She is an Iranian American. She was born and raised and educated in Fargo, ND. Her father is Iranian, which means she has dual citizenship. She went to Iran as a journalist because she is interested in the culture of the country which her father came from.

I know Roxana and her family, and let me tell you a bit about the young woman who sits today in a prison in Iran. Roxana was born in Fargo, ND, 31 years ago. Her father Reza is an Iranian, her mother Akiko is Japanese. She is a 1994 honors graduate of Fargo North High School. She was active in music and soccer and key club and dance. She is a member of that high school's hall of fame. She earned a double major in French and communications in 1997 from Concordia College in Moorhead, MN. She was active in music and a sports star in soccer. She reported for the campus television and newspaper. In 1997, she was selected as Miss North Dakota. In 1997, she was one of the 10 finalists in the Miss America Pageant. When she received her Miss North Dakota title, Roxana said her aim was to encourage other young people to appreciate cultural differences. That ambition led her to a career in journalism.

In 1999, she completed a master's degree in broadcast journalism from Northwestern University in Chicago, IL. In 2000, she received a master's degree in international relations from Cambridge University in England. She