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## Senate

The Senate met at 12 noon and was called to order by the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania.

### PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Almighty God, the giver of true freedom, awaken in us a new appreciation for our Nation that we may apply ourselves to keeping alive a real sense of liberty.

Thank You for our Nation's Founders, their ideals, their principles, and their sacrifices. Thank You, Lord, for the long progression of statesmen and patriots who have guarded our rights and healed our land. Thank You for the peaceful transition of power that took place in our Capitol yesterday. Lord, we also thank You for the members of the Senate staff who serve behind the scenes and work into the evening sustaining our well-being. In an hour where great issues are at stake, may those who serve on Capitol Hill rise to meet the challenges and strive to be faithful.

We pray in Your holy Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable ROBERT P. CASEY, Jr. led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

### APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. BYRD).

The assistant legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, January 21, 2009.

#### To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable ROBERT P. CASEY, Jr., a Senator from the Commonwealth of Pennsylvania, to perform the duties of the Chair.

ROBERT C. BYRD,  
President pro tempore.

Mr. CASEY thereupon assumed the chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

### SCHEDULE

Mr. REID. Mr. President, following leader remarks, the Senate will proceed to executive session to consider the nomination of HILLARY CLINTON to be Secretary of State. There will be up to 3 hours of debate equally divided and controlled between the two leaders or their designees. The designee I have on this side is the chairman of the Foreign Relations Committee, Senator JOHN KERRY.

The Senate will recess from 12:45 until 2:15 p.m. today to allow for the weekly caucus luncheons. We tried to make it clear last night, but if we did not, for further clarification I ask unanimous consent that the time during the recess not count against the time reserved for debate on the nomination.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. REID. Mr. President, upon disposition of the Clinton nomination, the Senate will resume consideration of the Lilly Ledbetter Fair Pay Act and debate the pending Hutchison amendment. We hope to complete the vote on that today. I understand there are

other Senators who have amendments to offer. I ask they be ready to offer them sometime this afternoon or this evening. In addition, the managers are working on an arrangement to consider additional amendments in order to complete any action on this bill. This bill is open for amendment when we finish the Clinton nomination, so I hope people are ready to work on that.

### RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

### EXECUTIVE SESSION

### NOMINATION OF HILLARY RODHAM CLINTON TO BE SECRETARY OF STATE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate shall proceed to executive session to consider the following nomination which the clerk will report.

The assistant legislative clerk read the nomination of HILLARY RODHAM CLINTON, of New York, to be Secretary of State.

The ACTING PRESIDENT pro tempore. Under the previous order, there will be 3 hours of debate equally divided and controlled between the leaders or their designees.

The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I ask unanimous consent that the Foreign Relations Committee be discharged from further consideration of the following nomination: HILLARY RODHAM CLINTON of New York to be Secretary of State.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. Mr. President, I further ask unanimous consent that if there

• This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.



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are quorum calls to be placed during the course of this equally divided time, those quorum calls will be charged equally to both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. Mr. President, yesterday—a historic day—we swore in a new President who has the vigor and the vision to restore America's place in the world. I think we would all agree that yesterday he made very inspiring and bold statements about America and how we will invite the world to join us in the efforts to restore our values, in a sense, to the center stage of that debate, but also to join in a renewed effort to find peace and end conflict. I thought his words, particularly to the Muslim world, were very important. We hope, obviously, to be able to move on those initiatives as rapidly as possible. Already, the new administration is taking crucial, long-awaited steps to embark on a new era of moral leadership and global outreach.

It is an understatement to say these are challenging times. We are fighting two wars and the threat of terrorism, as we all know, is as strong as ever. As the President said, we labor under gathering clouds and raging storms of the severest economic crisis of our lifetime. At such a moment, it is essential that we provide the President with the tools and the resources he needs to effect change. That starts by making sure he has the national security team he has chosen in place as soon as possible. Even this afternoon, the President will follow through on promises he has made to sit down on day one with his national security team, particularly with the military leadership, in order to talk about Iraq, Afghanistan, Pakistan, and the wars we are involved in. That team includes HILLARY CLINTON as Secretary of State.

I think everyone can agree that at her confirmation hearing, Secretary-designate HILLARY CLINTON demonstrated an impressive grasp of the numerous complex foreign policy issues we face and she demonstrated why she is going to make such an effective Secretary of State. She has the stature to project America's leadership globally and to help build alliances at home and abroad. That is going to be vital to our success in the years ahead.

Now, I understand the concerns that were raised about fundraising activities of the Clinton Foundation. Let me start by saying that Secretary-designate CLINTON and former President Clinton have voluntarily entered into an ethics review and disclosure process with respect to donations to former President Clinton's foundation that goes well beyond any requirements under the law or any applicable ethics regulations. This is an unprecedented situation none of us can contest, nor would we. There is no existing blueprint on which to draw here. Secretary-designate CLINTON and former President Clinton have gone to considerable

lengths to create a new review process tailored to these particular circumstances.

Senator LUGAR, myself, and others on the Foreign Relations Committee expressed our own concerns about aspects of this new arrangement. We went through a thorough review of the relevant agreements that Senator CLINTON and former President Clinton have entered into. We submitted numerous questions for the record, and they were very direct and blunt questions. We examined this issue extensively in the lead-up to Senator CLINTON's nomination hearing, and then again at the hearing itself. Senator LUGAR at quite some length expressed why he saw some issues here and expressed some concerns, but at the same time could not have been more clear about his support—enthusiastic support—for Senator CLINTON assuming these responsibilities. The conclusion we reached was whatever the concerns some in this body may have—and we don't contest the legitimacy of believing that, as Senator LUGAR said, perhaps going further would have cleared some of the questions that still exist—but that doesn't mean that on the other side there is an automatic—that there is a problem. So in essence, none of these questions call into question at all Senator CLINTON's fitness, readiness, and appropriateness in serving as Secretary of State. Senator LUGAR, in his very clearly stated view with respect to this issue, offered a series of well-thought-out additional proposals, and he made clear that notwithstanding those proposals—which in his heart and in his mind he felt would have simply made this much clearer—he nevertheless was clear about his intention, without those being put in place, that he felt it was important that Senator CLINTON be confirmed. It is noteworthy that after a very lengthy discussion about review and disclosure and after the full consideration by the committee itself, the Foreign Relations Committee passed her nomination out and brought it here to the floor by a vote of 16 to 1.

Now, as we think about this issue, for anybody who is not yet decided about what they may or may not do, context is very important. The Clinton Foundation does extraordinary, worthwhile, lifesaving work in areas such as HIV/AIDS, global climate change, and economic development in some of the most impoverished corners of this planet. It is important to remember that the Clintons do not in any way personally benefit financially from the actions of the foundation. So there is none of the sort of traditional notion of financial conflict of interest. It doesn't exist because there is no personal financial interest by either of them. Moreover, according to Secretary-designate CLINTON, all donations to the Clinton Foundation, including donations to the Clinton Global Initiative, will be disclosed publicly. So nothing relevant to the measurement of a po-

tential conflict is being withheld from the public. Transparency is critically important here, obviously, because it allows the American people, the media, and those of us here in Congress with an oversight responsibility to be able to judge for ourselves that no conflicts, real or apparent, exist.

Senator CLINTON was also very clear personally at the hearing and in her answers to the questions for the record in saying that she fully understands her obligation and her interest in avoiding any kind of unwelcome distraction. I take her at her word. I hope the rest of our colleagues will do so also.

I understand that Senator LUGAR and some others have requested that large donations from foreign entities ought to be disclosed more frequently than the once-a-year requirement outlined in the agreement. I happen to agree that that would have been preferable, but the bottom line is that the desired deterrent effect still exists, and the bottom line is the public will still know, albeit in a different time frame, but it will know what the situation is. Furthermore, all contributions by foreign governments will be subject to a review process by the State Department's ethics officials. This review will occur prior to the receipt of any such contribution, and Senator CLINTON has made it clear that the process has been designed to avoid even the appearance of a conflict of interest. As all of us know, the appearance of a conflict under the law is always as critical as the reality of a conflict. It stands at the same level of scrutiny and, therefore, I think her statement is a very important one.

It is important to note that the pledges for future contributions by foreign governments will also be subject to this same review process. That was an issue of particular interest to me and some other members of the committee, and I appreciate the willingness of Secretary-designate CLINTON and the foundation to address the issues during the discussions we had over the memorandum of understanding leading up to the hearing. Again, I and others preferred that those pledges might have also been subject to disclosure requirements. Still, we take comfort in the fact that they are going to be subject to the ethics review process and subject also, frankly, to the stated interest Senator CLINTON expressed before the committee of avoiding any kind of conflict or perception issue, and I am confident she is going to bend over backward to try to make sure that happens.

So, in the end, I fully respect the questions that have been raised. I acknowledge that some members of the committee felt that perhaps the final product could have expressed more, but the final product is not contained entirely within the framework of the four corners of the agreement. It is contained in the framework of the hearings and it is contained also in the expressions made publicly by Senator

CLINTON about what she intends to do as a matter of personal oversight in this effort to live up to the standards that have been expressed.

So I am confident that significant and sufficient checks and balances exist and that we should proceed forward and overwhelmingly—I hope unanimously but certainly overwhelmingly—confirm Senator CLINTON. She needs to assume these responsibilities and begin serving the country as our Secretary of State. And while the Senate ponders the ethical implications of Senator CLINTON's charitable work and President Clinton's charitable work, we need to remember that the world is moving at a fast pace. There isn't time to delay American engagement in ongoing crises. Gaza is waiting, the Middle East is waiting, Pakistan, Afghanistan, and a host of other issues, and our Secretary of State needs to be in place and empowered to engage in discussions that have been waiting all these months and weeks now, where President Obama has made so clear that we only have one President at a time. Well, now we have that President and that President needs and deserves his security team.

So I hope my colleagues will join me in appreciating the larger importance of this moment, put aside those concerns with an appropriate, obvious sort of further expression of them but move forward to allow President Obama and his Secretary of State to confront the multiple crises and challenges that are going to be the measure of our achievement as a country and as a Senate and Congress over the course of the next few years.

The ACTING PRESIDENT pro tempore. The Senator from Texas.

Mr. CORNYN. Mr. President, I appreciate the comments of the distinguished chairman of the Foreign Relations Committee, and I find I agree with virtually all of them, so I wish to make clear at the outset that this is an opportunity for us, over the next few hours, to talk about what ought to be our goal and that is to confirm a new Secretary of State who will be able to do the Nation's work and be able to avoid any perceived conflict of interest as a result of the fundraising by her husband's foundation.

I appreciate particularly the good-faith acknowledgement of the concerns of the Senator from Massachusetts. They were also expressed by Senator LUGAR. I think the concerns were acknowledged by both the Clinton Foundation and by Senator CLINTON herself in entering into a memorandum of understanding with the transition team of the now President Obama administration.

I know we all realize this, but it is important to say again that yesterday was a historic day, with the inauguration of the 44th President of the United States. Among the many things President Obama said, and that I agree with, I was particularly glad to hear him say we should do our business in the light

of day because only then can we restore the vital trust between the people and their Government. I am someone who has long believed that our Government is too opaque to most of the people we work for, and as an advocate of open government, I agree with him 1,000 percent. I pledge to him and to my colleagues across the aisle that if there are things we can do, such as working together, as Senator LEAHY and I have on Freedom of Information Act reform, to improve the openness and transparency of our Government, we ought to be all about that. As we know, the foundation of our legitimacy comes from the consent of the governed—the people of this country. If they do not know what their Government is doing or if certain things are hidden from their view, they cannot consent, and they operate in a less-than-legitimate way.

I wish President Obama and his administration well. His success will mean America's success. But if we are going to restore trust between the American people and their Government, we need to be careful that the reality matches the rhetoric. My concern is not whether our colleague, Senator CLINTON, is qualified to be Secretary of State—she is, and I intend to vote for her confirmation—but I believe it is very important to flesh out some of the concerns that have been raised, legitimately, by Senator KERRY, Senator LUGAR, and others that I think bear some public discussion and some debate in the Senate.

I argued to Senator CLINTON yesterday—or I didn't argue to her, but I explained my position to her; that I thought greater transparency would make it better for her as she enters this new job as Secretary of State because any cloud or question that remains because of the lack of transparency or lack of disclosure I think hurts her and hurts the Obama administration at a time when we want to see it succeed. Of course, the concern is that, as she explained to me, any rule we have should not just apply to her and the former President, and I told her that is fine with me; that we would be glad to work together to try to come up with something that would make this kind of disclosure across the board.

I agree with the Senator from Massachusetts, having a former President of the United States running a foundation such as this and to have his spouse as Secretary of State is an unusual and perhaps unprecedented event, giving rise to these unusual and unprecedented concerns. But many taxpayers make frequent disclosures to the Government on a monthly or quarterly basis. I don't see why the Clinton Foundation could not do so on a more frequent basis, as suggested by Senator LUGAR, the ranking member on the Foreign Relations Committee. I don't see any particular hardship for her—or, excuse me, for the foundation—to do something that taxpayers are required

to do regularly—file monthly or quarterly reports. And, of course, all of us who run for office are familiar with the fact we have to file campaign finance reports so the public can know who is contributing to our campaigns and be attuned to any concerns that may arise.

I wish to be clear that my concerns are not with the charitable activities of the Clinton Foundation, which I and others admire. But we should not let our respect for Senator CLINTON or our admiration for the many good works of the Clinton Foundation blind us to the danger of perceived conflicts of interest caused by the solicitation of hundreds of millions of dollars from foreign and some domestic sources. The perception and reality must be that the office of the Secretary of State, as viewed around the world, is beyond reproach.

Mr. President, I ask unanimous consent to have printed in the RECORD an article from the New York Times, dated December 19, 2008, immediately following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. CORNYN. The title of that article is: "In Clinton List, a Veil Is Lifted on Foundation."

As many of our colleagues know, when this memorandum of understanding was entered into, for the first time the Clinton Foundation revealed the source of its some \$500 million worth of contributions over the last 10 years. Many of them were unremarkable, but some of them were troubling, raising the very issue we are discussing today—contributions from foreign nations, for example, from the Kingdom of Saudi Arabia directly to the foundation. Clearly, Senator CLINTON, as Secretary of State, as our chief diplomat, is going to be dealing with the country and the Kingdom of Saudi Arabia.

Mr. President, I ask unanimous consent to have printed in the RECORD a list of the Clinton Foundation's select foreign sources of contributions following my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 2.)

Mr. CORNYN. Mr. President, that list includes the State of Kuwait, the State of Qatar, and various foreign individuals.

In the article I mentioned a moment ago from the New York Times, there is just one example of the perception of conflict of interest that I think ought to give all of us concern. Last year, in the last Congress, we voted to support a civilian nuclear technology arrangement with the country of India, and I voted for it. But one of the problems, for example, is that one of the individuals who was lobbying for that was a politician in India who gave between \$1

million and \$5 million to the foundation. That individual was actually lobbying Congress to pass that very same bill at the same time he is making a significant contribution to the foundation.

Now, I am not suggesting anything untoward or improper about that, but I am pointing out the very real example of a perception of conflict of interest, which is something that I think we all would hope to avoid.

There is also a list of other contributors, domestic contributors, including some of the financial services industry on Wall Street, which has been the beneficiary of various Government bailouts during the course of the last few months during the economic crisis.

Mr. President, I ask unanimous consent to have printed in the RECORD that list at the end of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 3.)

Mr. CORNYN. Mr. President, Senator LUGAR, who is admired by all of us for his knowledge and experience on the Foreign Relations Committee, explained the likelihood of a conflict of interest. He said that the Clinton Foundation exists as a temptation to any foreign entity or government that believes it can curry favor through a donation, and obviously that creates a potential perception problem with any action taken by the Secretary of State in relation to foreign givers of their country. I share Senator LUGAR's concerns, as I have explained here. I concur with his commonsense solution that during Senator CLINTON's tenure as Secretary of State, the foundation should actually refuse all contributions from foreign sources. That would take care of that particular problem outright.

Senator KERRY, as he said in those hearings and reiterated today, pointed out that Senator LUGAR wasn't speaking from a partisan perspective, he was speaking for the committee. In other words, this is not a partisan matter. This is a matter of serious concern regarding public policy. It is a matter of record that, as I said, the transition team, Senator CLINTON, and the foundation agreed to a memorandum of understanding. Of course, this does not require disclosure of past contributions with any sort of real detail, which would be helpful to the observer. It does require annual disclosure, and I think that was a very positive step in the right direction. But simply stated, the fundraising restrictions of disclosure statements I don't think go far enough. It is in the Nation's interest for the Clinton Foundation to refuse foreign-sourced donations while Senator CLINTON serves as Secretary of State.

If the foundation refuses to do so—and I realize Senator CLINTON has limited control, if any, over what the foundation does—I think there should be other options available that would

reduce the likelihood of real or perceived conflicts of interest. Senator LUGAR himself has recommended several disclosure requirements. For example, he suggested that gifts of \$50,000 or more to the Clinton Foundation from any foreign source, including individuals, should be submitted to the agreed-upon State Department ethics review process.

I would alert my colleagues to the fact that the agreement between the Obama team and the foundation only commits the foundation to submit for State Department review those gifts from foreign governments and government-controlled entities. As Senator LUGAR aptly pointed out, in many foreign countries the tie between the government and private citizens is blurred. Individuals with close connections to the government or governing families often act as surrogates for those governments. Consequently, contributions from foreign governments or foreign-controlled companies are not the only foreign contributions that could raise serious conflicts of interest.

I would go further and require that every pledge or donation be made publicly available online within a short time—perhaps a week. If we did it on a monthly basis, that would be far better than what the MOU currently provides.

The foundation's agreement to make disclosures once a year is simply not enough in order to achieve that kind of transparency President Obama talked about yesterday that will help give the American people more confidence in their Government. That is not doing business in the light of day in a way that restores that vital trust, to do it only annually, after the fact. This is only one example of some of the improvements that could be made.

In short, I remain concerned that Senator—soon to be Secretary of State—CLINTON's diplomatic work will be encumbered by the global activities of the Clinton Foundation under these circumstances—not their good and charitable work, which I certainly support, but the contributions they raise from these various sources that are not transparent, not subject to prompt disclosure. Obviously, I think it is important that the Senate discuss and debate this in the context of her nomination, not wait until the inevitable conflict or crisis arises.

Mr. President, I also ask unanimous consent to have printed in the RECORD a New York Times editorial, a Washington Post editorial, and a Los Angeles Times editorial, which identify some of these same concerns, at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 4.)

Mr. CORNYN. In short, I was encouraged by my conversation with Senator CLINTON yesterday in the Rotunda following the inaugural ceremonies where she said she would be open to a requirement that really was an across-the-

board disclosure requirement that was not just targeted at her and the Clinton Foundation. I think there is a meaningful basis upon which to further discuss this, negotiate it, and it would be my intention, working with other colleagues here, to produce legislation, as we flesh that out, which might accomplish that in the days ahead.

EXHIBIT 1

[From the New York Times, Dec. 19, 2008]

IN CLINTON LIST, A VEIL IS LIFTED ON FOUNDATION

By Peter Baker and Charlie Savage

WASHINGTON.—Former President Bill Clinton has collected tens of millions of dollars for his foundation over the last 10 years from governments in the Middle East, tycoons from Canada, India, Nigeria and Ukraine, and other international figures with interests in American foreign policy.

Lifting a longstanding cloak of secrecy, Mr. Clinton on Thursday released a complete list of more than 200,000 donors to his foundation as part of an agreement to dispel concerns about potential conflicts if Senator Hillary Rodham Clinton is confirmed as secretary of state in the Obama administration.

The donor list offers a glimpse into the high-powered, big-dollar world in which Mr. Clinton has traveled since leaving the White House as he jetted around the globe making money for himself and raising vast sums for his ambitious philanthropic programs fighting disease, poverty and climate change. Some of the world's richest people and most famous celebrities handed over large checks to finance his presidential library and charitable activities.

With his wife now poised to take over as America's top diplomat, Mr. Clinton's fundraising is coming under new scrutiny for relationships that could pose potential conflict-of-interest issues for Mrs. Clinton in her job. Some of her husband's biggest backers have much at stake in the policies that President-elect Barack Obama's incoming administration adopts toward their regions or business ventures.

Saudi Arabia alone gave to the foundation \$10 million to \$25 million, as did government aid agencies in Australia and the Dominican Republic. Brunei, Kuwait, Norway, Oman, Qatar and Taiwan each gave more than \$1 million. So did the ruling family of Abu Dhabi and the Dubai Foundation, both based in the United Arab Emirates, and the Friends of Saudi Arabia, founded by a Saudi prince.

Also among the largest donors were a businesswoman who was close to the onetime military ruler of Nigeria, a Ukrainian tycoon who was son-in-law of that former Soviet republic's authoritarian president and a Canadian mining executive who took Mr. Clinton to Kazakhstan while trying to win lucrative uranium contracts.

In addition, the foundation accepted sizable contributions from several prominent figures from India, like a billionaire steel magnate and a politician who lobbied Mrs. Clinton this year on behalf of a civilian nuclear cooperation agreement between India and the United States, a deal that has rankled Pakistan, a key foreign policy focus of the incoming administration.

Such contributions could provoke suspicion at home and abroad among those wondering about any effect on administration policy.

Matthew Levitt, a senior fellow at the Washington Institute for Near East Policy, said donations from "countries where we have particularly sensitive issues and relations" would invariably raise concerns about

whether Mrs. Clinton had conflicts of interest.

“The real question,” Mr. Levitt said, “is to what extent you can really separate the activities and influence of any husband and wife, and certainly a husband and wife team that is such a powerhouse.”

Mr. Clinton’s office said in a statement that the disclosure itself should ensure that there would be “not even the appearance of a conflict of interest.”

Stephanie Cutter, a spokeswoman for Mr. Obama, said the president-elect had chosen Mrs. Clinton for his cabinet because “no one could better represent the United States.”

“Past donations to the Clinton foundation,” Ms. Cutter said, “have no connection to Senator Clinton’s prospective tenure as secretary of state.”

Replicians have addressed the issue cautiously, suggesting that they would examine it but not necessarily hold up Mrs. Clinton’s confirmation as a result. Senator Richard G. Lugar of Indiana, the top Republican on the Foreign Relations Committee, which will consider her nomination, was in Russia on Thursday and unavailable for comment, according to Mr. Lugar’s office.

But in an interview on Nov. 30 on “This Week” on ABC, Mr. Lugar said Mr. Clinton’s activities would raise legitimate questions, adding, “I don’t know how, given all of our ethics standards now, anyone quite measures up to this who has such cosmic ties.”

Still, he indicated that he would vote for Mrs. Clinton and praised Mr. Obama’s team for doing “a good job in trying to pin down the most important elements” in its agreement with Mr. Clinton.

To avoid potential conflicts, the Obama team, represented by its transition co-chairwoman, Valerie Jarrett, signed a memorandum of understanding on Dec. 12 with the William J. Clinton Foundation, represented by its chief executive, Bruce R. Lindsey. The five-page memorandum, provided to reporters on Thursday, required Mr. Clinton to disclose his past donors by the end of the year and any future contributors once a year.

The memorandum also requires that if Mrs. Clinton is confirmed, the Clinton Global Initiative, an offshoot of the foundation, will be incorporated separately, will no longer hold events outside the United States and will refuse any further contributions from foreign governments. Other initiatives operating under the auspices of the foundation would follow new rules and consult with State Department ethics officials in certain circumstances.

Federal law does not require former presidents to reveal foundation donors, and Mr. Clinton had until now declined to do so, arguing that many who gave expected confidentiality. Other former presidents have taken money from overseas sources, including President George Bush, whose son has sat in the Oval Office for the last years. The elder Mr. Bush has accepted millions of dollars from Saudi, Kuwaiti and other foreign sources for his own library.

Mr. Clinton’s foundation has raised \$500 million since 1997, growing into a global operation with 1,100 paid staff members and volunteers in 40 countries. It said it had provided medicine to 1.4 million people living with H.I.V./AIDS, helped dozens of cities reduce heat-trapping gases and worked to spread economic opportunity.

Mr. Clinton’s advocates said that the disclosure on Thursday showed he had nothing to hide and that most of his largest contributors were already known.

Yet while unprecedented, the disclosure was also limited.

The list posted on the foundation’s Web site—[www.clintonfoundation.org](http://www.clintonfoundation.org)—did not provide the nationality or occupation of the

donors, the dates they contributed or the precise amounts of their gifts, instead breaking down contributors by dollar ranges. Nor did the list include pledges for future donations. As a result, it is impossible to know from the list which donations were made while Mr. Clinton was still president or while Mrs. Clinton was running for president.

Many benefactors are well-known Americans, like Stephen L. Bing; Alfonso Fanjul; Bill Gates; Tom Golisano, a billionaire who ran for New York governor; Rupert Murdoch; and Barbra Streisand. Bloomberg L.P., the financial media empire founded by Mayor Michael R. Bloomberg of New York, contributed, as did Freddie Mac, the mortgage company now partly blamed for the housing market collapse.

Another potentially sensitive donation came from Blackwater Training Center, part of the private security firm hired to protect American diplomats in Iraq. Five of its guards have been indicted for their roles in a 2007 shooting that left 17 Iraqi civilians dead.

The potential for appearances of conflict was illustrated by Amar Singh, a politician in India who gave \$1 million to \$5 million. Mr. Singh visited the United States in September to lobby for a deal allowing India to obtain civilian nuclear technology even though it never signed the Non-Proliferation Treaty. He met with Mrs. Clinton, who he said assured him that Democrats would not block the deal. Congress approved it weeks later.

Other donors have connections with India, a potential flashpoint because of tensions with Pakistan. Among them was Lakshmi Mittal, a steel magnate and, according to Forbes magazine, the fourth-richest person in the world. Mr. Mittal, who donated \$1 million to \$5 million, was involved in a scandal in 2002 in London, where he lives. After Mr. Mittal made a large donation to the Labor Party, Prime Minister Tony Blair helped him persuade Romania to sell him its state steel company.

Another donor was Gilbert Chagoury, a businessman close to Gen. Sani Abacha of Nigeria, widely criticized for a brutal and corrupt rule.

Mr. Chagoury tried during the 1990s to win favor for Mr. Abacha from the Clinton administration, contributing \$460,000 to a voter registration group to which Democratic officials steered him, according to news accounts. He won meetings with National Security Council officials, including Susan E. Rice, who is now Mr. Obama’s choice to be ambassador to the United Nations.

#### EXHIBIT 2

##### CLINTON FOUNDATION—SELECT FOREIGN SOURCES

\$10M-25M: Kingdom of Saudi Arabia.

\$5M-10M: Government of Norway.

\$1M-5M: Sheikh Mohammed H. Al-Amoudi—Saudi/Ethiopian businessman; Nasser Al-Rashid—Saudi businessman; Dubai Foundation—partnership between Harvard Med and Dubai; Friends of Saudi Arabia; Lakshmi N. Mittal—Indian businessman; State of Kuwait; State of Qatar; Taiwan Economic and Cultural Office; The Government of Brunei Darussalam; The Sultanate of Oman; Zayed Family—Zayed bin Sultan Al Nahyan was former president of UAE.

\$500K-1M: Walid A. Juffali—Saudi billionaire; Kjell I. Rokke—Norwegian businessman; Soros Foundation; The Swedish Postcode Lottery.

\$250K-500K: Abbas Al-Yousef; Carlos Bremer Gutierrez—CEO of Mexican corporation; China Overseas Real Estate Development; Gustavo Cisneros & Venevision—Venezuelan businessman and his company; Rolando Gonzalez-Bunster—CEO of Int’l

power company; Ajit Gulabchand—Indian business executive; Vinod Gupta—Indian business executive; Hanwah Engineering and Construction Corporation—Chinese corporation; Hanwah L&C Corporation—Chinese corporation; Lalit Suri (deceased)—Indian hotel entrepreneur; US Islamic World Conference; Niklas Zennstrom—Swedish entrepreneur.

\$100K to 250K: Aker Kvaerner ASA—Norwegian corporation; Hamza B. Al Khali—Saudi businessman; Alibaba.com Corporation—Chinese corporation; Credit Suisse—Swiss financial services corporation; India Today Group; Karlheinz Koegel—German businessman; Lata Krishnan—Indian entrepreneur; National Opera of Paris; The Monte dei Paschi di Siena—Italian bank; Poju Zabludowicz—Finnish businessman.

#### EXHIBIT 3

\$1M to \$5M: Citi Foundation; Entergy; Sterling Stamos Capital Management, LP; The Wal-Mart Foundation.

\$500K to \$1M: Bank of America Foundation; Hewlett Packard Company; ICAP Services North America; Pfizer Inc; Procter & Gamble; Sanyo North America Corporation; The Anheuser-Busch Foundation.

\$250K to \$500K: American International Group, Inc. (AIG); Energy Developments and Investments Corporation; Google; Microsoft Corporation; Orbitex Management Inc.; The Coca-Cola Company.

\$100K to \$250K: Charles Schwab & Co.; Citigroup Inc.; FedEx Services; Hyundai Motor America; Lehman Brothers Holdings Inc.; Merrill Lynch & Company Foundation, Inc.; Bay Harbour Management; Visa Inc.

\$50K to \$100K: General Motors Corporation.

#### EXHIBIT 4

[From The New York Times, Jan. 11, 2009]

##### BILL CLINTON’S DONORS

In the likely event that Senator Hillary Rodham Clinton is confirmed as secretary of state, the last thing she will need is a distracting ethics controversy.

That is why Mrs. Clinton’s confirmation hearing, now scheduled to begin on Tuesday before the Senate Foreign Relations Committee, must cover wider terrain than pressing world issues. It should address the awkward intersection between Mrs. Clinton’s new post and the charitable and business activities of her husband, former President Bill Clinton.

Last month, Mr. Clinton disclosed the names of more than 200,000 donors to his foundation. It was a positive step toward the transparency that Mr. Obama insisted on before selecting Mrs. Clinton. But it also reinforced concerns about potential conflicts of interest ahead.

The roster of donors to Mr. Clinton’s presidential library and global foundation enterprises include million-dollar-plus contributions from governments in the Middle East, tycoons from India, Nigeria, Ukraine and Canada, and international figures with interests in the policies Mrs. Clinton will be helping to write and carry out.

The five-page accord signed by representatives of Mr. Clinton and Mr. Obama could use tightening. For example, the wording calls for disclosure of “new contributors” to Clinton Foundation programs. It does not necessarily require disclosing the size of their gifts or the dates they were made. Disclosure of Mr. Clinton’s charitable fund-raising and relevant private fees should be done monthly, or at least quarterly, not just once a year.

The overarching principle should be prompt disclosure of the amount and source of all payments to any Clinton charity or to Mr. Clinton personally by any person or entity with a political or economic interest, real

or perceived, in State Department decisions. Ideally, the White House counsel's office would be assigned a larger role than envisioned in screening Mr. Clinton's speaking and consulting deals before any check is received.

Mr. Clinton has agreed to reduce his fund-raising and administrative role in the Clinton Global Initiative. The international project will no longer accept contributions from foreign governments or hold big events outside the United States once Mrs. Clinton is installed. These are prudent moves. The committee must decide if they are sufficient, given Mr. Clinton's continuing ties.

During her confirmation hearing, Mrs. Clinton must make it emphatically clear that past and future supporters of her husband or his work will not get favored treatment by the State Department. Avoiding the appearance of favoritism will be as important as the fact.

We believe that Mrs. Clinton has the potential to be a superb secretary of state. We also value Mr. Clinton's work since leaving the White House to help advance the fight against AIDS, malaria, malnutrition and other global ills. He has agreed to greater transparency and more restrictions than any former president, going beyond what law requires. That does not alter the committee's duty to scour the plans for workability and loopholes.

Everyone should recognize that there is no perfect solution for Mrs. Clinton's particular spousal dilemma. And, realistically, no set of rules, however well-meaning or tightly drafted, can substitute for the exercise of sound judgment and proper restraint. But they can help.

[From the Washington Post, Jan. 9, 2009]  
**QUID PRO CLINTON?—POTENTIAL CONFLICTS OF INTEREST COULD HAUNT PRESIDENT-ELECT OBAMA**

In a letter to the editor Tuesday, Bruce Lindsey, chairman and chief executive of the William J. Clinton Foundation, took us to task for an editorial last month suggesting that former president Bill Clinton suspend fund-raising for his foundation upon the confirmation and during the tenure of his wife, Sen. Hillary Rodham Clinton (D-NY), as secretary of state. Mr. Lindsey called our suggestion "shortsighted and dangerous." But not to see the appearance of a conflict of interest is shortsighted and potentially dangerous for one person who has enough to worry about: President-elect Barack Obama.

The good works of Mr. Clinton or his foundation are not in question. His work to lessen or eliminate the suffering brought about by HIV/AIDS and to address the challenges presented by climate change is impressive. So is his ability to raise vast sums for his foundation to tackle these issues. The money comes from sources in the United States and abroad. What has always been worrisome is that such prodigious fund-raising could set up the potential of someone looking to curry favor with Ms. Clinton by making a sizable donation to Mr. Clinton's organization. Even the appearance of a conflict could call into question the motives of both Clintons and the donor.

A prime example emerged this week as a result of Mr. Clinton disclosing his contributors as part of an agreement with Mr. Obama that smoothed Ms. Clinton's nomination. The New York Times reported Sunday that upstate New York developer Robert J. Congel gave \$100,000 to Mr. Clinton's foundation in November 2004, one month after enactment of a law, first supported by Ms. Clinton in 2000, that gave Mr. Congel access to tax-exempt "green bonds" to build the Destiny USA shopping complex in Syracuse.

Nine months later Ms. Clinton secured \$5 million in funding for road construction at the complex. We hasten to point out that Ms. Clinton was joined by other members of the New York delegation in urging passage of both bills, including the state's senior senator, Charles E. Schumer (D).

While Mr. Clinton's fund-raising has been an appearance of a conflict waiting to happen with his wife a senator, it will only get worse and more troublesome once Ms. Clinton is confirmed as secretary of state. Per the agreement with Mr. Obama, a list of who is bankrolling the foundation will be released once a year. Only new donations from foreign governments will be examined by government ethics officials. And there is no prior review of donations from foreign companies or individuals or those in the United States with interests overseas. Mr. Clinton's continued globetrotting while collecting checks along the way could embarrass the administration on multiple, sensitive and dangerous fronts.

[From the Los Angeles Times, Jan. 14, 2009]  
**THE CLINTON CONNECTIONS—THE FORMER PRESIDENT SHOULD KEEP HIS FOUNDATION AT ARM'S LENGTH WHILE HIS WIFE HOLDS A CABINET POST.**

Hillary Rodham Clinton, whose confirmation as secretary of State is a foregone conclusion after a three-hour love-fest of a hearing before the Senate Foreign Relations Committee on Tuesday, will probably do a fine job in the post—as long as her husband can keep his wallet zipped.

Former President Clinton's charitable foundation has the potential to haunt both his wife and the Obama administration, and not just because it has a history of accepting donations from tyrants and corrupt businessmen. Foreign governments, including Saudi Arabia, Australia, the Dominican Republic and Kuwait, have given millions to the Clinton Foundation, which might complicate Hillary Clinton's dealings with those countries—and could lead to a perception, justified or not, that one way to influence U.S. policy is to slip a few bucks to the secretary of States husband's charity. Given the importance of perception in international relations, that's no small concern.

Bill Clinton has a troubling history of doing favors for his political donors, and although his charity's work is beyond reproach—it has contributed millions to fighting AIDS and climate change around the world—the foundation's connection to enterprises that personally enrich both Clintons is murky. Many of its donors also have paid hundreds of thousands of dollars in speaking fees to the former president. Then there are highly questionable donations, such as the \$500,000 he was paid by a Japanese American business for a speech he never gave, and that he later donated to the foundation, as reported in Tuesday's Times by Andrew Zajac.

The Obama administration struck a deal with the foundation aimed at improving transparency and avoiding conflicts, but it doesn't go far enough. Though the names of future donors will be released, it will be on an annual basis, and foreign governments will be subject to review by federal ethics officers only if they're new donors.

The best way out of this mess would be for Bill Clinton to divorce himself from all of his foundation's fund-raising activities for as long as Hillary Clinton is secretary of State; he can consider it partial atonement to his long-suffering wife. If he won't, the foundation should at least reveal its donors in real time, as the contributions are received, and should follow a suggestion made Tuesday by Sen. Richard G. Lugar (R-Ind.) and forswear new foreign contributions. That won't end

potential conflicts from U.S.-based donors with international interests, but it's a start.

Mr. CORNYN. I see there are other colleagues here who wish to speak. I yield the floor and reserve the remainder of our time.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized.

Mr. KERRY. Mr. President, I yield 5 minutes to the Senator from Florida and then, after that, if I may yield to the Senator from Arizona and the Senator from Maine for comments.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. KERRY. I thank the Chair.

The ACTING PRESIDENT pro tempore. The Senator from Florida is recognized.

Mr. NELSON of Florida. Mr. President, there is an example of another one of our Senators in this body who is now assuming a very high and important position in the Government. The President and the Vice President have sprung forth from this Chamber. How honored we are, it having just been announced that Senator SALAZAR has resigned since he has been confirmed as Secretary of the Interior.

The issue before us is Senator CLINTON. The Senator from Texas has laid out his concerns and has said he finds the arrangement unusual. I appreciate his remarks. He has noted the good works of the Clinton Foundation. This Senator would think this arrangement is unusually good—for reasons. What has the Clinton Foundation done? It is not as if the spouse of a high-level new Secretary of State is in a foundation or a corporation of some nefarious kind of activity. Indeed, this is the kind of activity, as noted by the Senator from Texas, that is extraordinarily good.

For example, the Clinton Foundation has helped millions of people around the world. Mr. President, 1.4 million people living with HIV/AIDS now have access to lifesaving drugs. Because of this foundation's efforts and the former President's efforts to lower the cost of those antiretroviral drugs, 71 countries have access to these lifesaving medicines, which represents more than 92 percent of the people living on this planet with HIV.

I will give another example: 425,000 Rwandans are served by four health facilities that have been strengthened by the Clinton Foundation.

Because of these efforts, they have increased countries' human resource capacity to deliver care and treatment to their people, and it has helped prevent the transmission of disease from mothers to their children.

Take for example the Clinton Climate Initiative. It is working with 40 of the world's largest cities, both in the United States and around the globe, to reduce greenhouse gas emissions and combat global warming—something in which the next speaker, the Senator from Arizona, has been so intimately involved. These Clinton programs are

fostering sustainable development in Africa and Latin America.

As Americans, we can clearly applaud the efforts of the former President and his exceptional humanitarian work he has accomplished over the years that he has been a private citizen and that he has worked on through the Clinton Foundation.

We were reminded yesterday, with the inaugural celebration and the inaugural activities, of the importance of getting the national security team in place and getting it in place fast. The President laid out the imminent crises he is having to face. We need a Secretary of State in place. Senator CLINTON's integrity and her record of service are clear. We should not delay any longer, and we ought to confirm her quickly to be our next Secretary of State.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, before I yield to the Senator from Arizona, Mr. LUGAR, who would normally be here as the ranking member, the distinguished ranking member, who is one of our most respected voices on foreign policy, is not feeling well, so he is not here right now. But he has asked me to personally make sure his comments are printed in the RECORD in full. I wish to share just 30 seconds here. He says:

In my judgment she is an extremely well qualified nominee who is deserving of confirmation. Her presence at the helm of the State Department could open unique opportunities for U.S. diplomacy and could bolster efforts to improve foreign attitudes toward the United States.

He goes on to talk about her relationship with world leaders at the time and her understanding of U.S. foreign policy.

• Mr. LUGAR. Mr. President, I wish to comment on the nomination of Senator HILLARY CLINTON to be Secretary of State. In my judgment she is an extremely well qualified nominee who is deserving of confirmation. Her presence at the helm of the State Department could open unique opportunities for U.S. diplomacy and could bolster efforts to improve foreign attitudes toward the United States. She has long-standing relationships with many world leaders that could be put to great use in the service of our country. Her time in the Senate has given her a deep understanding of how U.S. foreign policy can be enriched by establishing a closer relationship between the executive and legislative branches. She is fully prepared to engage the world on a myriad of issues that urgently require attention.

Given Senator CLINTON's remarkable qualifications, President Obama's strong confidence in her, and pressing global issues, which I do not need to enumerate, I favored having our friend confirmed yesterday by unanimous consent. Relevant points of concern about conflicts of interest arising from the fundraising of the Clinton Founda-

tion were made during her confirmation hearing. In my judgment, only Senator CLINTON and President Clinton, themselves, have the ability to avoid these problems. At the hearing, I strongly urged Senator CLINTON to ensure that no conflict of interest problems arise. She stated that she would do so, and I am confident that she understands the importance of this commitment.

Nevertheless, I recognize that some colleagues who do not serve on the Foreign Relations Committee shared similar concerns about the potential for conflicts of interest. They wanted an opportunity to discuss these concerns, and the Senate gives them that right. The Foreign Relations Committee and the Senate have oversight responsibility over anything that might add or detract from U.S. foreign policy. The Obama Transition and Senator CLINTON implicitly recognized this Senate responsibility when they forwarded their memorandum of understanding addressing Clinton Foundation activities to the Foreign Relations Committee for its review.

I understand that the Clinton's are proud of the Clinton Foundation, and I applaud the work it has done. I also understand that the foundation is devoted to many ongoing projects and beneficiaries. President Clinton has given a great deal of time and energy to this enterprise, and he and other leaders of the foundation are reluctant to accept changes or restrictions that they perceive as potentially inhibiting its momentum.

But this understandable concern for the work of the foundation does not trump the vital business of U.S. foreign policy that will be directed by Senator CLINTON. The work of the Clinton Foundation is a unique complication for Senator CLINTON's service that will have to be managed with great care and transparency.

The point I attempted to make during the hearing and in other communications leading up to the hearing was that the Clinton Foundation exists as a temptation for any foreign entity or government that believes it could curry favor through a donation. As such, it sets up potential perception problems with any action taken by the Secretary of State in relation to foreign givers or their countries. There need be no wrongdoing on the part of anyone to generate controversy or misperceptions. Every new foreign donation that is accepted by the foundation comes with the risk that it will be connected in the global media to a proximate State Department policy or decision. Foreign perceptions are incredibly important to U.S. foreign policy, and mistaken impressions or suspicions can deeply affect the actions of foreign governments toward the United States. Moreover, we do not want our own Government's deliberations distracted by avoidable controversies played out in the media. The bottom line is that even well intentioned for-

ign donations carry risks for U.S. foreign policy.

At the hearing, I recommended that the only certain way to eliminate this risk would be for the Clinton Foundation to forswear new foreign contributions and rely on its large base of U.S. donors during Senator CLINTON's time as Secretary of State.

Alternatively, I suggested that the Clinton Foundation could enhance public confidence and minimize risks of conflict of interest with a few additional transparency commitments, none of which would threaten the operations of the Clinton Foundation. Inconveniences for the foundation or a reduction in some types of donations that have been accepted in the past are small prices to pay when balanced against the serious business of U.S. foreign policy that affects the security of every American. If there is the slightest doubt about the appearance that a donation might create, the foundation should not take it. If there are issues about how a donation should be disclosed, the issues should be resolved by disclosing the donation sooner and with as much specificity as possible.

In particular, I suggested three additional commitments that the Clinton Foundation could make in the interest of transparency. First, all donations of \$50,000 or more in a given year from any source should be disclosed immediately upon receipt, rather than waiting up to 12 months to list them in the annual disclosure. Second, pledges from foreign entities to donate more than \$50,000 in the future should be disclosed both at the time the pledge is made and when the donation eventually occurs. Third, gifts of \$50,000 or more from any foreign source, including individuals, should be submitted to the State Department ethics official for the same ethics review that will be applied to donations from foreign governments. This is especially important because the lines between foreign governments and foreign individuals are often blurred. For example, conflicts of interest could arise from a donation from a Gazprom executive or a member of the Saudi Royal family as easily as from the governments of Russia and Saudi Arabia.

Since the inception of the Clinton Foundation in 1997, 499 donors have given \$50,000 or more, an average of less than one per week. So the administrative burden of these additional transparency commitments would be minimal. But adopting them would yield substantial transparency benefits with regard to the donations that are most likely to raise issues.

In answers to questions for the record, Senator CLINTON offered no reasons why these additional disclosure items would not be beneficial. Instead, answers stated that the MOU went beyond what other spouses of cabinet officials have done to limit their Foundations and that there is no law or ethics regulations requiring further steps. These statements are true, but beside the point.

First, the issues surrounding the fundraising of the Clinton Foundation and its impact on Senator CLINTON's service as Secretary of State are not primarily legal. The imperative here is protecting U.S. foreign policy, not satisfying a legal or ethical requirement. If a transparency measure would help guard against donations that could jeopardize Senator CLINTON's participation in some matters, prejudice foreign opinion against U.S. policies, or generate public controversies, it should be embraced. Each proposal should be judged on its own merits, rather than rejecting suggestions on the basis that enough has been done. Is it, or is it not a good idea to subject all foreign donations greater than \$50,000 to the State Department ethics review process, for example.

Second, following precedents established by other foundations is unsatisfying given that this case far exceeds previous cases in magnitude and risk. Senator CLINTON will be the Secretary of State—the top foreign policy official of the United States after the President. President Clinton is one of the most recognizable personages and prolific fundraisers in the world. As an ex-President, he is regarded as having personal influence with members of our Government and other governments. Moreover, we have already seen in the December disclosure of past donors that the Clinton Foundation has received tens of millions of dollars from foreign governments, government-controlled entities, foreign businesses and others who may have interests affected by State Department policy. Other cases lack this extraordinary confluence of a Secretary of State with responsibility for foreign policy, a globally recognized ex-President spouse who has raised money in every corner of the world, and a foundation that has implemented an aggressive foreign fundraising strategy.

Furthermore, we should be clear that the MOU is a negotiated, political agreement that involved both the Obama Transition and the Clinton Foundation exerting leverage and making compromises. There is nothing wrong with this. But we should not confuse it with a document produced by ethics experts seeking to construct the most effective arrangement for avoiding conflicts of interest. These negotiations produced a useful, good-faith agreement, but not one beyond improvement. It represents a beginning, not an end. Its success will require that all parties make the integrity of U.S. foreign policy their first principle of implementation.

I am hopeful that Senator CLINTON and the Clinton Foundation will take time to reexamine their position on these items. If they do, I believe they will see that they could reap substantial transparency and public confidence benefits by going beyond what the MOU requires them to do. More importantly, all involved should recognize that protecting the foreign policy of

the United States from conflict of interest appearances far outweighs the relatively minimal impact additional transparency measures might have on the operations of the Clinton Foundation.●

The ACTING PRESIDENT pro tempore. The senior Senator from Arizona is recognized.

Mr. MCCAIN. Mr. President, I thank my colleague, the distinguished chairman of the Foreign Relations Committee. I will speak briefly. I know the Senator from Maine would like to say a few words.

I really believe we should move forward with the nomination of our former colleague—I guess our still present colleague—Senator HILLARY CLINTON, to take up the urgent and important duties she holds, which are to meet some very serious challenges. We should not delay. I do not have to remind you, Mr. President, or anyone else in this body that we are in two wars. There is a very fragile cease-fire in the Gaza now between the Israelis and Hamas. The situation in North Korea seems to have deteriorated again with the paradoxical and unpredictable behavior of the North Korean dictator and Government. I think we need to immediately, or as soon as possible this morning, by voice vote, move forward with the nomination and confirmation of the Senator from New York to be the next Secretary of State.

I remind all my colleagues, we had an election and we also had a remarkable and historic time yesterday as this Nation has come together in a way it has not for some time. I, like all good politicians, pay attention to the President's approval ratings. They are very high. But more important, I think the message the American people are sending us now is they want us to work together and get to work. I think we ought to let Senator CLINTON—who is obviously qualified and obviously will serve—get to work immediately.

I ask unanimous consent that at the completion of the remarks any of my colleagues might have, we vitiate the vote at 4:30 and proceed by voice vote to a confirmation of Senator HILLARY CLINTON to be the next Secretary of State for the United States of America.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KERRY. Mr. President, reserving the right to object, I am in a very strange position here of wanting to protect the prerogatives of the minority, which is an important part of how we work here but at the same time completely supporting the Senator from Arizona.

I will balance this out for a moment.

Mr. MCCAIN. Will the Senator yield? While the unanimous consent request is being considered, perhaps my other colleagues could speak?

Mr. KERRY. If we could ask for forbearance for the unanimous consent, perhaps it would be more appropriate if Senator CORNYN or someone from the other side of the aisle were willing to

lodge that objection because I am personally very uncomfortable doing so.

Mr. MCCAIN. Let me say to my colleague, I just had a conversation with Senator CORNYN. He does not object to that.

Mr. KERRY. I was going to ask for the same thing at the end of the comments, but I wanted to first see if he was prepared to clear it. Mr. President, could I ask if the Senator will withhold his unanimous consent request for a moment and if the Senator from Maine could be permitted to speak? We will see if we can jump through this hoop.

Mr. MCCAIN. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maine is recognized.

Ms. COLLINS. Mr. President, I rise today in strong support of the confirmation of Senator HILLARY CLINTON to be our next Secretary of State. Last Thursday, the Senate Foreign Relations Committee overwhelmingly approved Senator CLINTON to become our Nation's top diplomat. I rise today to echo the committee's approval and to urge my colleagues to vote in favor of her confirmation.

Senator CLINTON's many years of public service make her an outstanding nominee for Secretary of State. In her confirmation hearing, the ranking member of the Senate Foreign Relations Committee, Senator LUGAR, spoke of Senator CLINTON as "the epitome of a big leaguer," who has remarkable qualifications for the post of Secretary of State. The committee chairman, Senator KERRY, shared his faith in her qualifications and abilities, having seen her "diplomatic acumen up close." He also said that Senator CLINTON did an outstanding job in her testimony before the committee, as those of us who observed the hearings can affirm.

Senator CLINTON is the "first" First Lady of the United States elected to public office. As First Lady, she traveled the world for 8 years, visiting more than 80 countries. In doing so, she took an active role in helping to carry out our Nation's foreign policy and was an advocate for our Nation. She not only met with foreign leaders at the highest levels of government, but she made it a hallmark of her trips to visit villages, clinics, and other remote areas, learning firsthand the importance of a foreign policy founded at the most basic levels of humanity.

During my service in the Senate, I have had the opportunity to work very closely with Senator CLINTON on a number of issues, particularly since we both serve as fellow members of the Armed Services Committee. We have worked together tirelessly to improve the detection, assessment, and treatment of traumatic brain injury among wounded servicemembers.

We also cochaired the Alzheimer's Task Force and have worked together to increase funding for research into this devastating disease.

Senator CLINTON and I have had the opportunity to travel with Senator

MCCAIN to Iraq and Afghanistan. I witnessed her world knowledge and authoritative approach to foreign policy. I have seen her tireless work ethic and intelligence up close, as well as her ability to engage with colleagues across the aisle to get the job done and to meet the needs of the American people.

I will always remember one meeting in particular that we had together in Afghanistan. Senator CLINTON and I broke off from the group to go meet with a group of Afghan women from all walks of life. I was so impressed with Senator CLINTON's engagement with these women, with her genuine interest and the details of their lives, whether it was their access to health care or the education for their children. She was very engaged in the conversations despite the fact that we had traveled all night and were extremely tired.

Her caring, her compassion came across in her conversations with these women. I know these qualities—her caring, her compassion, her commitment, her extraordinary preparation and intelligence—will serve her well and will serve our country well as Secretary of State.

Today our Nation faces many pressing challenges abroad. The challenges are many, not only in Afghanistan and Iraq but security in the Middle East and the safety of the people of Israel, and the dangerous situation in Pakistan. I am encouraged by Senator CLINTON's commitment to a foreign policy and a national security strategy that is built on bipartisan consensus and executed with nonpartisan commitment and confidence. She has promised a foreign policy based on principles and pragmatism, not rigid ideology; facts and evidence, not emotion or prejudice.

I urge my colleagues to join me in voting in favor of her confirmation, and I echo the suggestion of Senator MCCAIN that we get on with this as she is an extraordinary nominee and deserves our support.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts.

Mr. KERRY. Mr. President, I thank the Senator from Arizona and the Senator from Maine for their important comments, with which I agree. I understand the Senate is under a prior order to actually recess.

I ask unanimous consent that we allow one more speaker, the Senator from South Carolina, at which time the Senate would recess for the caucus lunches and return, I believe, at 2:15.

Mr. MCCAIN. Mr. President, would the Senator yield for a question?

Mr. KERRY. I would be happy to yield for a question.

Mr. MCCAIN. Do you think it is possible, if we can get it cleared, to perhaps have this unanimous consent vote before breaking for lunch?

Mr. KERRY. I think it is possible if the Senator can persuade three members of his caucus that they do not need to speak on this issue. If that can happen in the next 5 minutes, I believe it is possible for us to move forward.

I think the Senator's cloakroom has those names and, obviously, to protect their right to be able to speak, we need to check with them. But that is the only thing standing between our ability to confirm the nomination before the recess.

Mr. MCCAIN. I will follow up with another question for my colleague; that is, if we are unable to do it in the next few minutes, perhaps we could, for sure, during the lunch break, be ready to go at the conclusion of the lunch break.

Mr. KERRY. I think that would be terrific. Again, if all three Senators would raise this issue at the caucus, at their caucus luncheon, we ought to be able to come back and expedite the confirmation. We are prepared to vote now. We were prepared to vote yesterday. I might add, Senator LUGAR was encouraging our moving by unanimous consent yesterday. So we are a day overdue, and we are ready to proceed.

With that, I would yield such time as the Senator from South Carolina might consume.

The ACTING PRESIDENT pro tempore. Without objection, the request is agreed to.

The Senator from South Carolina is recognized.

Mr. GRAHAM. Mr. President, I thank the committee chairman. I want to recognize the work the committee did. I thought the hearings were very important for the country. They were well done. They were timely held. Any concerns about conflicts of interest, there will be a process in the future, if that happens to be a concern, to go through the committee. I have a lot of confidence in the committee to provide oversight.

But having said that, I have a lot of confidence in Senator CLINTON to be a good Secretary of State. We have a new President. We had a tough campaign. The campaign is over, but the wars are not. The challenges facing the country are enormous, domestically and internationally.

I think this new President deserves to have his team in place. I could not think of a better choice for Secretary of State, and he has many to choose from. So he has made his choice; the committee has acted. I do hope the Senate can act expeditiously after lunch. Everyone deserves to have their say. I respect the chairman preserving the ability of Senators to have their say.

I intend to vote for Senator CLINTON. I have had the pleasure of serving with her, traveling throughout the world. I know she understands the world; people understand her. There is no place in the world that she cannot go that people do not have, I think, a very favorable impression of her. She will help execute a foreign policy that is going to be difficult. I want it to be bipartisan where it can.

If we can get this done today, it will be good for the country. She will do an outstanding job. I have a lot of con-

fidence in the committee to make sure that any potential conflict of interests are fairly dealt with.

With that, I hope this afternoon we can do it by voice vote. But let's get it done. This country needs a Secretary of State right now, this minute, engaging the world because we have young men and women throughout the world in harm's way, and they need an advocate on the world stage.

There is no better advocate I can think of than Senator HILLARY CLINTON. She can do an outstanding job. I appreciate the chairman allowing me to speak on her behalf, and I enthusiastically will support her.

#### COMMUNICATION FROM SENATOR KEN SALAZAR

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the following communication, which the clerk will report.

The assistant legislative clerk read as follows:

U.S. SENATE.

Washington, DC, January 20, 2009.

Hon. JOE BIDEN,  
Vice President of the United States, President of the Senate, U.S. Capitol, Washington, DC.

DEAR VICE PRESIDENT BIDEN: I hereby resign as United States Senator for the State of Colorado immediately, in order to undertake the responsibilities of United States Secretary of the Interior. Enclosed is a letter to the Governor of Colorado concerning the same.

Sincerely,

KEN SALAZAR,  
U.S. Senator.

#### RECESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:52 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. CARDIN.)

#### EXECUTIVE SESSION

#### NOMINATION OF HILLARY RODHAM CLINTON TO BE SECRETARY OF STATE—Continued

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. KERRY. May I ask how much time remains with respect to the Clinton nomination?

The PRESIDING OFFICER. There is 57 minutes on the majority and 76 minutes on the Republican side.

Mr. KERRY. It is my understanding the Senator from South Carolina wishes to speak.

We have had some discussion with a few of our colleagues on the other side of the aisle. I understand there are two or three folks who want to speak, at which point I am prepared to move forward immediately to a vote on this nomination. That is our current plan, unless somebody else had a reason they wanted to speak.