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## Senate

The Senate met at 9:30 a.m. and was called to order by the Honorable SAM BROWNBACK, a Senator from the State of Kansas.

### PRAYER

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

Let us pray:

Wise Creator, the One who made heaven and Earth and all that is in them, thank You for the honor of being made in Your image, personally formed by You for Your glory. Deliver us from pride or false modesty, as we give You credit for our abilities and live for Your glory.

Thank You, Lord, for our weaknesses and inadequacies and even our pain and distresses. You have allowed these in our lives that they may contribute to Your higher purposes. Please don't remove the mountains in our lives, but give us the strength to climb them.

Shower Your grace upon our Senators today and make them more than sufficient for these grand and awful times. Help them to walk humbly with You, as You bless and strengthen them. Lord, tend to the sick, give rest to the weary, and soothe the suffering. We pray this in Your wonderful name.

Amen.

### PLEDGE OF ALLEGIANCE

The Honorable SAM BROWNBACK 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. STEVENS).

The legislative clerk read the following letter:

U.S. SENATE,  
PRESIDENT PRO TEMPORE,  
Washington, DC, May 12, 2004.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable SAM BROWNBACK, a Senator from the State of Kansas, to perform the duties of the Chair.

TED STEVENS,  
President pro tempore.

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

### RESERVATION OF LEADER TIME

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

### RECOGNITION OF THE MAJORITY LEADER

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

### SCHEDULE

Mr. FRIST. Mr. President, I will take a couple of minutes to lay out the schedule for today. This morning, the Senate will have a period of morning business for up to 60 minutes. Last night's orders provided that the first 30 minutes will be controlled by the majority and the final 30 minutes will be controlled by the minority.

Following morning business, the Senate will begin consideration of IDEA, the Individuals with Disabilities Education reauthorization bill, S. 1248. We will consider that bill under a previously agreed to order, which provides for a limited number of amendments per side. Chairman GREGG will be here to manage the bill on this side.

I expect there will be votes throughout the course of the day in relation to those amendments. We should be able to complete our work on this bill either late today or early tomorrow.

This morning, I wanted to again comment on the Executive Calendar and the mounting number of nominations. It is an important issue and important to our Nation and to the way we are viewed around the world. So I want to review the process again. I mentioned yesterday morning some of the specific pending ambassadorial nominations awaiting our action, in addition to the 32 judicial nominations. I know the distinguished assistant Democratic leader mentioned these ambassador nominations later in the day yesterday. Again, I want to restate what I mentioned yesterday morning. There are eight nominations for ambassadorships that are pending on the calendar. These nominations have been presented, have gone through committee, and are simply awaiting action on the floor of the Senate. It is not one, two, three, four, or five—it is eight. That includes ambassadorships to Sweden, Brazil, Finland, Romania, South Africa, Nepal, Poland, and Northern Ireland.

I know of a concern at this time by a Member on our side of the aisle with respect to one of these eight nominees; however, I don't believe there are concerns on either side of the aisle with respect to the remaining seven nominations. So we are prepared to confirm these other nominations and allow them to begin their important work for the United States of America, the work that awaits them at their posts in the countries I mentioned. Each one of these is important and significant. We are ready to move with them.

I do want to restate the intention of bringing it to the Senate floor yesterday, and that was that we need to work together on the nominations. It is really as simple as that. Eight nominations have gone through the entire vetting process up to this point, and they are simply awaiting action here on the floor of the Senate. We are prepared to confirm seven of those eight today.

I will also mention that this is true with respect to a number of judges. We

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



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have 32 pending judicial nominations as well. Ultimately, once we figure out some way to allow these nominations to be considered, I am confident that most, or many, are going to receive unanimous votes if this body is just given the opportunity to vote.

I guess my point is, as I look at the 8 nominations and the 32 nominations, I urge my colleagues not to take this sort of blanket or scorched earth policy of not letting anybody through at all. We need to be reasonable and we need to work together on these nominations. If there is a concern, and if there are certain nominations that are not being considered, there are a lot of different ways we can get attention to those individuals. But this sort of blanket holding things back is something we need to address.

I hope the nominations, many of which are probably cleared on both sides, are not held hostage by a few. On this side of the aisle, we are prepared to consider the ambassadors, we are prepared to consider the judges, and we are prepared to vote on the chairmen of a whole range of committees, such as the Consumer Products Safety Commission, HUD nominations, and the list goes on. It is time for good faith and it is time to do our constitutional duty. These nominations are sent to us to be voted upon.

#### ABUSE OF IRAQI PRISONERS

Mr. FRIST. Mr. President, I want to also mention that yesterday the Senate Armed Services Committee held a day-long hearing to learn more about the abuse of the Iraqi prisoners at the Abu Ghraib prison. Many of us did not see all of the testimony, but we were able to review it over the course of the day. The committee received detailed testimony from Major General Antonio Taguba, the senior officer who investigated and reported on the Abu Ghraib prison abuses, and from a range of other Defense Department officials.

Today, the Intelligence Committee will be holding a closed hearing to explore matters under their jurisdiction related to these incidents. As we know, both committees met last week in a similar fashion. This afternoon, from 2 to approximately 5 o'clock, in S. 407, there will be an opportunity for all Senators to review photographs and evidence related to the prisoner abuse scandal. We will have the opportunity to view them. They will be there from 2 p.m. to 5 p.m. in S-407, after which they will be returned.

As I stated yesterday, it is our expectation that the Senate will be apprised of the ongoing investigations being conducted by the Department of Defense and of all the actions being taken to ensure these incidents never occur again.

To that end, I simply wish to reflect my perspective that the Defense Department has been very responsive to our requests. Secretary Rumsfeld, General Myers, and their senior aides have

updated us as events have unfolded, and they have been attentive to the Senate's requests and to their needs.

As the President said the other day, Secretary Rumsfeld—I agree with the President—has done a superb job as Secretary of Defense in very trying and challenging times. I am confident he is taking action to address these deplorable acts in a deliberate manner, in a transparent manner, and is taking all measures to ensure that these acts will never occur again.

#### EXTENDING CONDOLENCES TO THE FAMILY OF NICHOLAS BERG

Mr. FRIST. Mr. President, I wish to extend my condolences to the family of Nicholas Berg who, as we all know, was murdered yesterday in Iraq by kidnappers. We grieve for him, and we grieve for his family.

At the same time, the actions of his murderers are a reminder to us of what all our soldiers on a daily basis are undergoing. We must endeavor to bring these terrorists to justice as we work to bring democracy, peace, and the rule of law to Iraq.

Let us keep in mind all of this in the days and weeks ahead, which will be very challenging times for us all.

#### PASSAGE OF FSC/ETI

Mr. FRIST. Mr. President, I wish to comment, because I did not have the opportunity last night, on the FSC/ETI JOBS bill that was passed last night after a long time on the floor and after a number of amendments, an approximately equal number considered from the Republican and Democratic side. It is a real achievement for this body. It was passed, and it is critical to accelerating jobs and production of jobs in this country.

The bill we passed will bring our trade and tax laws into compliance with our trade agreements finally. As many of my colleagues know, the Europeans are already imposing tariffs on our exports. That Euro tax started in March at 5 percent, and until we act—we have acted in the Senate, and now the House must act, but we must act as a Congress—these will increase 1 percent each month if we do not act.

I do want to mention the energy provisions that are part of this bill that were added on the Senate floor—too many for me to refer to now but provisions such as tax credits for the production of electricity from renewable sources, such as wind and solar. It contains tax incentives to promote the production and use of alternative fuels motor vehicles using natural gas. It includes added incentives to promote the use of clean coal and advanced clean coal technology. There are important incentives to increase the supply of natural gas, and the list goes on.

The Senate has acted, and I look forward to the House passing its version of this legislation so that the House and Senate can go to conference and we

can produce a conference bill without much delay and bring it back to the Senate.

There is a lot going on in the Senate both on and off the floor. I appreciate the cooperation of my colleagues as we move America forward.

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

#### AMBASSADORIAL NOMINATIONS

Mr. DASCHLE. Mr. President, this morning the distinguished majority leader made some comments regarding ambassadorial nominations. This is an important issue, and I thought I would take a minute to talk about it and respond to some of the concerns we heard expressed on the floor over the last several days.

Last Thursday, I was pleased the Senate confirmed 20 ambassadors, including Ambassador Negroponte for the tough assignment in Iraq after June 30. I note Ambassador Negroponte's nomination was completed with near record speed, given that he was confirmed 1 week after he was nominated by the President. The other 19 ambassadors were confirmed less than a week after they were reported out of the Foreign Relations Committee.

By confirming those 19, the Senate filled three vacant U.S. Embassies. We had hoped to confirm other career Foreign Service officers for the vacancies that exist, including the Embassy in Nepal, which has been the site of some considerable violence over the last several months. Unfortunately, I am told there is still an objection to his confirmation from the Republican side, meaning the Embassy will continue to be vacant for the foreseeable future.

At the moment, I am told the State Department has nearly 170 Embassies around the world. Eight are currently vacant, meaning they have no confirmed ambassador. Of those eight, the President has chosen not to fill two of them, and two are currently too dangerous to fill. One is awaiting action in the Foreign Relations Committee, and the Republicans are objecting to another. The last two, in Sweden and Finland, are vacant because the political appointees who previously served in those posts did not serve out the terms they were committed to serve.

Last week, several of our Republican friends noted that the vacancies send a negative signal to these countries. I hope the President will move with dispatch to fill these vacancies as soon as possible. I also hope the President will work with us to address another problem: Ambassadors pulled out of the duties for which they were confirmed so that they can assume assignments in or related to Iraq.

Here are three examples. Our Ambassador to the Philippines has not been in Manila for the last several months, even though that country, which is hosting American forces that are training Filipino forces, just went through a