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No. 3

## Senate

The Senate met at 3 p.m. and was called to order by the Honorable NORM COLEMAN, a Senator from the State of Minnesota.

### PRAYER

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

Let us pray.

Almighty God, our rock and fortress, You put the mountains in place and bring silence to roaring waves. We celebrate and sing because of You. You are a strong tower where we find safety. Strengthen our faith and forgive us for doubting Your power and providence. Help us see Your hand in the orderly transition of governmental power. Remind us that You place leaders in their positions of authority. Thank You for this great land and for the many freedoms we sometimes take for granted.

We appreciate Your faithfulness and Your mercies that are new each day. Today, lead our lawmakers so that Your name will be honored. Protect them from hidden traps and sustain them through the lengthening shadows.

Lord, as we pray, we remember Howard Liebengood, Senator FRIST's faithful chief of staff and a former sergeant at arms. Comfort and sustain all of us who are grieving his loss. We pray in Your blessed Name. Amen.

### PLEDGE OF ALLEGIANCE

The Honorable NORM COLEMAN 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, January 20, 2005.

To the Senate:

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

TED STEVENS,  
President pro tempore.

Mr. COLEMAN thereupon assumed the Chair as Acting President pro tempore.

### RECOGNITION OF THE MAJORITY WHIP

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

### SCHEDULE

Mr. MCCONNELL. Mr. President, on behalf of the majority leader, I will announce today's schedule. The Senate has convened on this ceremonial day for the purpose of considering some of the President's Cabinet level appointments. We had hoped and expected to consider the President's appointment of Condoleezza Rice to be Secretary of State but, unfortunately, I understand there is an objection on the other side to moving to that nomination today. So in a moment I will propound several unanimous consent agreements for the President's nominations.

Before I do, I say that if we get these agreements, there will be no rollcall votes today.

### ORDER OF PROCEDURE

Mr. MCCONNELL. I ask unanimous consent that at the conclusion of my remarks and the remarks of the Democratic leader, the Senate proceed to executive session for consideration of Executive Calendar No. 3, Mike Johanns, to be Secretary of Agriculture; pro-

vided further that there be 30 minutes of debate under the control of Chairman CHAMBLISS, 15 minutes under the control of Senator HARKIN, and 15 minutes under the control of Senator DAYTON; provided further that at the conclusion of that time the Senate proceed to a vote on the confirmation and nomination with no intervening action or debate.

Finally, I ask that the President then be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection? The Democratic leader.

Mr. REID. I ask that the consent be modified to delete the time for Senator HARKIN and Senator DAYTON.

The ACTING PRESIDENT pro tempore. Is there objection to the modified request? Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that following the vote on the Johanns nomination, the Senate proceed to the consideration of Executive Calendar No. 2, Margaret Spellings, to be Secretary of Education; provided further that there be 45 minutes of debate under the control of Chairman ENZI, 15 minutes under the control of Senator KENNEDY, 10 minutes under the control of Senator LAUTENBERG, 10 minutes under the control of Senator WYDEN, and 10 minutes under the control of Senator DODD; provided further that at the conclusion of that time the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate.

Finally, I ask that the President then be immediately notified of the Senate's action.

Mr. REID. I ask that the consent be modified to have Senator KENNEDY have Senator LAUTENBERG's time if Senator LAUTENBERG does not claim it.

The ACTING PRESIDENT pro tempore. Is there objection to the modified consent?

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



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Without objection, it is so ordered.

Mr. MCCONNELL. Mr. President, I ask further consent that at 3 p.m. on Monday, January 24, the Senate proceed to executive session for the consideration of Calendar No. 1, Carlos Gutierrez, to be Secretary of Commerce; provided further that there be 2 hours of debate on the nomination, 1 hour under the control of Chairman STEVENS and 1 hour under the control of Senator DORGAN; further, that at the conclusion of that time, the Senate proceed to a vote on the confirmation of the nomination, with no intervening action or debate.

Finally, I ask that the President then be immediately notified of the Senate's action.

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

Mr. MCCONNELL. Mr. President, I ask unanimous consent that today, following the confirmation of the Spellings nomination, the Senate proceed to the confirmation of Condoleezza Rice to be Secretary of State; provided further that there be 2 hours of debate equally divided in the usual form, and that following that debate the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. REID. Mr. President, reserving the right to object, we have Senators who have been engaged in matters relating to what is going on around the world who, for the confirmation of the Secretary of State, wish to be able to speak. We have squeezed the time in as closely as we could, and we have 4½ hours we need on our side. This has been explained to the Republican leadership.

We would, of course, be willing to move forward on that tonight and tomorrow, but there are the inaugural festivities, and we all understand that. It certainly does not seem untoward in any way that the Senators have some time to speak before this most important nomination, and I say as a matter of passing, at the White House today I had a fine conversation with Condoleezza Rice, and she said her main goal was to make sure she was confirmed by the time the President gave his State of the Union speech because she had a trip scheduled to go overseas after that. This confirmation will take place, at the latest, sometime Wednesday. So she will be able to make that with a lot of time to spare. So I object.

The ACTING PRESIDENT pro tempore. The objection is heard.

Mr. MCCONNELL. Mr. President, some of us were just at a luncheon where I had a chance to speak with the current Secretary of State who is anxious to get back to tinkering with his cars. So he will note that objection with some regret.

As I indicated, we anticipated an objection. Senator REID had indicated

there would be a problem on that side for any amount of debate we would have today or tomorrow, so therefore I ask that on Tuesday, January 25, at a time determined by the majority leader, after consultation with the Democratic leader, the Senate proceed to executive session for the consideration of the Rice nomination; provided further that during Tuesday's session there be 9 hours of debate equally divided between the two leaders or their designees.

I further ask consent that when the Senate resumes the nomination on Wednesday, January 26, there be an additional 40 minutes of closing remarks equally divided between the two leaders or their designees.

Finally, I ask that following that debate, the Senate proceed to a vote on the confirmation of the nomination with no intervening action or debate, and that after the vote the President be immediately notified of the Senate's action.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KENNEDY. Reserving the right to object, and I do not intend to object, I was wondering if my colleague from Massachusetts, Senator KERRY, has any time within that time?

Mr. REID. Mr. President, if I could, I ask the consent be modified to reflect the speakers for the Democrats at this time: Senator BYRD, 1 hour; Senator BOXER, 1 hour; Senator REED of Rhode Island, 30 minutes; Senator DURBIN, 30 minutes; Senator KERRY, 20 minutes; Senator LEVIN, 15 minutes; Senator KENNEDY, 15 minutes; Senator LIEBERMAN, 10 minutes; Senator CORZINE, 10 minutes; Senator SALAZAR, 10 minutes; Senator FEINSTEIN, 10 minutes.

I would say to all my colleagues, we have only 5 minutes left, so there would be no additional time but for the fact that Senator BOXER has indicated she likely will not use her whole hour. She is always most courteous with other Senators, and she will be happy to give some of that time on Tuesday to other Senators, if necessary.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. KENNEDY. I withdraw my reservation.

The ACTING PRESIDENT pro tempore. Does the acting majority whip modify that request?

Mr. REID. I ask to modify that request.

The ACTING PRESIDENT pro tempore. Is there objection to modifying the consent? Without objection, it is so ordered.

The Democratic leader.

Mr. REID. I apologize to the acting leader. Senator BIDEN has indicated he is going to get 20 minutes, but he is going to speak in favor of the nomination. He said he could get that from Senator LUGAR.

Mr. MCCONNELL. Mr. President, I yield the floor.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will be a period for the transaction of morning business with Senators permitted to speak for up to 10 minutes each.

#### EXECUTIVE SESSION

#### NOMINATION OF MIKE JOHANNIS TO BE SECRETARY OF AGRICULTURE

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now go to executive session and proceed to the nomination of Mike Johannis.

The clerk will report the nomination.

The legislative clerk read the nomination of Mike Johannis, of Nebraska, to be Secretary of Agriculture.

The ACTING PRESIDENT pro tempore. The Senator from Georgia.

Mr. CHAMBLISS. I yield as much time as he may consume to my colleague from Kansas, the former chairman of the House Agriculture Committee under whom I served, my dear friend, PAT ROBERTS.

The ACTING PRESIDENT pro tempore. The Senator from Kansas.

Mr. ROBERTS. I thank the distinguished chairman of the Agriculture Committee, and, I might add, the new chairman of the committee, for yielding this time to me. I look forward to working with him. On behalf of the man whose job it is to feed America in a troubled and hungry world, we could not have made a better choice—I am using the editorial "we"—for a man to lead the Senate Agriculture Committee. He brings to the job extensive experience and commitment to represent not only the producers of Georgia but those all throughout the Nation. So I thank the Chairman. I look forward to working with him.

I rise today to speak on the nomination of Governor Michael Johannis of Nebraska to serve as the next Secretary of Agriculture. But first I would like to thank our outgoing Secretary of Agriculture, Secretary Ann Veneman. Ann has been a longtime and dear personal friend of mine. While she now has accepted a new challenge as head of UNICEF; that is, the United Nations Children's Fund, I want to personally thank her for the 4 years of service she has given to this Nation. Her steadfastness on behalf of agriculture was inspiring to us all. So to Ann Veneman: A job well done.

Her legacy will be her commitment to trade and food and agricultural security, which is in the best interest of all Americans. On her watch she dealt