

aisle, don't prejudge. Don't start up the attack machine, don't declare war and begin the reflexive demagoging of qualified Republican nominees, regardless of who they are.

According to a USA Today article, a recent Gallup Poll found that 86 percent—no small majority—86 percent of Americans believe that our Democratic friends will try to block President Bush's Supreme Court nominee for "inappropriate political reasons." The public is beginning to see this knee-jerk opposition for what it truly is: confrontation for confrontation's sake.

I hope this is not the path we take. According to history, according to media reports, according to the overheated rhetoric of the left-wing fringe groups that have already began gnashing their teeth, it looks that way. But it doesn't have to be that way. Here is what we should do. We should have a fair process. We should treat the nominees with dignity and with respect. And we should have the Court at full strength when it starts its new term on the first Monday in October, October 3.

Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. REID. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

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

THE SUPREME COURT

Mr. REID. Mr. President, briefly in response to my friend from Kentucky, the distinguished majority whip, I agree with him. We should have a civil debate on the Supreme Court nominee. That is going to happen based on what the President has done to this point.

He met with me in a one-on-one meeting prior to the resignation of Sandra Day O'Connor. He called me the day she resigned. There was a meeting this past Monday in the White House with Senator FRIST, this Senator, and the two leaders of our Judiciary Committee. I thought it was a very good meeting.

What happens regarding a Supreme Court nominee is dependent on the President. From all the indications I have gotten, he does not want a big battle, nor do we. I am hopeful and confident that will be the case.

However, I say directly to my friend from Kentucky, there is no reason we can't make the October 1 date if the President selects someone next week or the week after or the week after that. We can have the FBI working. We can have the Judiciary Committee staffs working. The first or second week in September, there can be hearings that last a week. Everyone can ask all the questions they want. Especially if it is a Supreme Court Justice who is one the President thinks, and he indicated

he would allow us to—certainly I would like to conominate, but I know that is not our purpose in the Senate. He did indicate if there is someone who is deserving of a red flag for reasons that maybe he does not anticipate, we can maybe help in that regard.

Keep in mind, Sandra Day O'Connor, being the brilliant woman she is, made her resignation effective upon appointment of her successor. It would be better if we had the new Supreme Court Justice when they begin their Court hearings in October. We are going to try to do everything we can to cooperate in that regard. If it does not happen, Sandra Day O'Connor will still be there. During this period of time, the summer months, she is still handling her circuit duties, doing everything she needs to do as a member of the Supreme Court. I admire her for not making the resignation effective upon the President receiving that letter. Everyone should cool the rhetoric and see what will happen. The ball is in the President's court.

As has been indicated, a significant number of names were discussed with him. We did not discuss anyone with him in a negative tone. Every person we talked about with him was positive, some of whom he knew, some he knew personally.

I am hopeful this will all work out for the good of the country. When I say "good of the country," it would be better for everyone—the President included, the Democrats and Republicans in the Senate—that we did not have a protracted problem in the Senate regarding Sandra Day O'Connor's replacement. We would do her honor by having someone move into this position without a lot of problems.

MISALLOCATION OF SENATE TIME

Mr. REID. Mr. President, my friend, the distinguished majority leader, noted this morning that we have been in session for over 6 months. That is certainly true. My colleague from Tennessee is correct, we have made progress over these last 6 months.

But it is important to the American people that the other side of the story, as Paul Harvey says, is also told. What is that other side of the story? He cited progress we have made but made no mention of the wasted time in this Senate on the so-called judicial option, the nuclear option. The time we wasted there was multiple weeks. I don't know if anyone has kept an accounting of the exact time, but the rough calculation I have made is more than one-third of the time we have been in session—about 89 days—we have devoted all or most of 30 days to that issue. More than one-third of the time we have spent in the Senate was spent on the so-called nuclear option.

What did that involve? First of all, we approved, prior to starting, 208 of the President's nominees and turned down 10. The President, as soon as he was reelected, renominated 7 of the 10

we turned down. Three of the individuals decided they did not want to be judges or they did not want to go through the process. One of the judges retired who the President recess appointed. We spent more than one-third of the Senate's time on seven judges.

From the very beginning of the President's reelection, we said with two of them, there is no problem, the two Michigan judges. No problem whatever. Just bring them here, we will vote on them, and they can go through.

The reason they were turned down earlier is because of all the problems in the past when the majority at that time—the Republicans sometimes were in the minority; it flipped back and forth; but they would not allow some judges who came from Michigan. It was a procedural problem. Upon the President's reelection, we said: You have those two Michigan judges. So we have spent one-third of the Senate's time on five people, five nominees.

These people could be members of the President's family, but would you spend one-third of the Senate's time on that while leaving important issues dealing with this body alone, ignoring them and rejecting them? I don't think so. But these were not members of the President's family but people who wanted to be judges. What did it amount to when we finished? Out of the five, three have been chosen as judges, two were not. It boiled down to three people. That is what it amounts to. I don't think that is a good allocation of our time, and that is a gross understatement.

Not a single day have we spent in this Senate dealing with health care—not a debate on health care, let alone legislation. I don't think we can find a person anywhere in America who would not say, Boy, this problem with health care is significant. Why do they feel that way? Because 45 million Americans have no health care, and millions more are underinsured, meaning they have insurance but it is not very good. This problem is affecting the very core of our society.

Employers know their employees are happier and they are better employees when they have health insurance. Why did these employers not have health insurance for their employees? They are not mean. They are not miserly. They have no health insurance because they cannot figure out a way to get it. With the present state of our society, employers all over America cannot buy health insurance. Once they buy it, it is canceled if someone gets sick or is in an accident. It is a problem we should be spending time on. Ignoring it does not do the trick.

Education. I have said in the Senate, and I will say it again, I met some time ago with all 17 superintendents of schools of the State of Nevada. We have a wide range of sizes of our school districts. The Clark County school district, Las Vegas, has about 300,000 students. It is one of the largest school districts in all of America. That was

one of the 17 with whom I met. One of the 17 is from Esmeralda County, Goldfield. That whole school district has 88 students. So 300,000 versus 88, and in between we have different size school districts.

All 17 superintendents, without exception, when they walked into that meeting with me—I didn't ask if they were Democrats, Republicans, or Independents—all 17 told me, as we went around the room, spending about an hour and 45 minutes together, that the Leave No Child Behind Act is destroying public education in Nevada. I didn't make this up. That is what they told me. It must be a problem. The State of Utah, our neighbor, has dropped out of the program. But we have not spent time in the Senate talking about education—not a single day on education legislation.

Not a single day have we talked about minimum wage. Minimum wage is a very important issue. We have people in Nevada working two and three jobs in the service industry, earning minimum wage, trying to make a go of it. It became so pronounced in Nevada that the State of Nevada, which is known as a pretty conservative State, raised the minimum wage. Now the legislature has to vote again. We are going to put that in our constitution because the Federal Government has not lived up to its expectation.

There are many issues we need to deal with in the Senate. These are issues the majority leader failed to talk about when he was here today. He talked about some of the things we have done, and we have worked closely. Everyone knows I like to have the trains run on time. It is hard for me to get over that. It is difficult for me to want to slow things down. I have lived on this Senate floor for 6 years, and I want as much order as we can have in the Senate. We have worked hard to try to cooperate.

Even though all Democrats did not support the bankruptcy bill, it passed, working through the process. Same with the class action legislation. But some of the things we have passed have not been good for the country.

My distinguished friend, the majority leader, talked about the budget. In this Senate, right before the vote, I read a letter from the leaders of the Lutheran Church, the Methodist Church, the Episcopal Church, the Church of Christ, and others. It was their letter, not mine. They said the budget that was about to be passed—and now is law before this country—was an immoral document. These are church leaders.

I met recently with the leader of all the bishops of the Catholic faith in my office in Washington. They are very concerned about what is happening to the poor, the oppressed in this country with the budgetary folks. They have addressed that to the White House. This budget passed on trillions of dollars of debt to our children, and at the expense of them the wealthiest in this country did much better in this budget.

We have staggering debt in this country. A press conference was held a couple of days ago by the President and others bragging about the deficit not being so big. The budget the President submitted—now we find the midterm report shows it is going to be the third largest debt in the history of this country, only surpassed by two other Bush budgets. And if he added in the disguise he has in this budget where he does not count the Social Security surplus, the debt would be about \$600 billion, the deficit for this 1 year. We have not talked about this issue.

I see in the Senate today my friend from the State of North Dakota. No one, bar none, has spoken more about another problem we do not address in this Senate and the majority leader failed to mention, which is the trade deficit. There was almost a celebration held yesterday regarding the trade deficit this past month which was “only” \$55 billion—only \$55 billion. I am not misspeaking, I am not saying “billion” when it should be “million.”

I don't think we need to brag about the fact we passed CAFTA, which will just make it even bigger. The Catholic Church in Honduras and other places in Central America where CAFTA is going to apply opposed it. Labor unions will oppose it because it is unfair to the working men and women of that part of the world. We should not brag about CAFTA. We should talk about trade policy.

Yes, we passed an energy bill, and I appreciate the limited support we got from my friends on the other side of the aisle. It is better than the House bill, but still it is a very bad bill. It is better than the House bill, no question about it.

We are going to march to conference, and I have agreed to let my folks go to conference on the Energy bill. I hope we can hang on to what we have. Even though it is not very good, it is so much better than the sellout, for lack of a better word, to my folks on the other side of the aisle for the major oil companies. We must still make it through conference where House Republicans remain determined to strip away the good the Senate did and insert giveaways, protections for big energy corporations and chemical companies.

We just finished Homeland Security appropriations. I respect the work of my friend JUDD GREGG and Senator BYRD, the chairman of the subcommittee. We cannot brag about this. I am glad it is finished, but keep in mind, this bill we have in the Senate came with a recommendation from the President to cut spending for first-line responders by about \$412 million.

But when my friends in the majority got finished with it, the amount of money taken from first-line responders, in the bill, totaled \$492 million less than last year. We have thousands of police stations, thousands of fire stations filled with police officers and fire fighters, ambulances, medical respond-

ers, and this Homeland Security budget took money away from them. There were efforts made on the floor yesterday by members of the Republican Party, the majority, to take money from the budget, and it was literally to rob Peter to pay Paul. Thank goodness those amendments did not pass.

So we cannot brag about what we are doing in homeland security. For transit, it was a little better, and I am happy to see that. But there are so many things we need to do that are not being done. We have chemical plants with no protection, nuclear power generating facilities with no protection. We are unable, in the State of Nevada, to respond to each other, one police agency with another police agency. But it is not only Nevada. It is all over the country.

So as we look back on these 7 months we have been in session, more than a third of it was devoted to three people who are now judges. We have done nothing with retirement security, even though we had the scandal with United Airlines. Pensions and savings are going downhill.

Stem cell research: I know we are trying to work something out, and I appreciate and admire what the majority leader, a physician, is trying to do on that. I appreciate his help. We still have not done it yet.

The defense authorization, we have not done that. We have been in session, as I have indicated, for 19 weeks. It is a blemish on this Senate's record that we are 80 percent completed as to the work period this year and we have done about 10 percent of the work we need to do. With only 6 weeks left until the target adjournment, we have done virtually nothing for the American people. It is no wonder the American people have lost confidence in the Republican leadership in this Congress.

We brag about the bankruptcy bill. Who is that for? It is not for the common working men and women in this country. It is for banks and big credit card companies.

Class action legislation: That is not for the American consumers. It is for big business.

So at this time now, we have to turn our attention to a Supreme Court nominee. As I have indicated, when it comes to that nominee, I hope the President will use this opportunity to bring the country together. We really need that, as President Reagan did when he nominated Sandra Day O'Connor. By choosing a consensus nominee, that can be done. It has been done, and we need it so badly today. We need to move away from the partisanship and back to the commonsense center, not just on judges but on all the work we do in the Senate.

The American people sent us to work for them. They have not seen very many results in the first 7 months of this session. But in the weeks ahead, I hope we can change that. I am happy to work with my counterpart and move forward. I want the trains to run on

time. But this was a subject brought up by the distinguished majority leader, and I felt it was appropriate to answer. I have done the best I can in responding.

ORDER OF PROCEDURE

Mr. NELSON of Florida. Mr. President, I have been advised by my colleague from North Dakota that he would like to follow me, so I ask unanimous consent that the Senator from North Dakota follow me for a period of 20 minutes. And then it is my understanding that the Senator from Ohio is in the queue, the Senator from Ohio being Mr. DEWINE. So I ask unanimous consent that be the order.

The ACTING PRESIDENT pro tempore. Is there objection?

Hearing none, it is so ordered.

The Senator from Florida is recognized.

FEMA

Mr. NELSON of Florida. Mr. President, to follow up on one of the things we did accomplish in the Senate, passing last night the Department of Homeland Defense appropriations bill, I want to call to the attention of the Senate three amendments this Senator from Florida had attached to the bill which were passed. They regard FEMA, the Federal Emergency Management Agency. This, of course, has been extremely important to the Nation, but particularly to my State of Florida, having gone through the experience of four hurricanes last year within a 6-week period.

Originally, FEMA did a very good job. A lot of that was as a result of the lessons we had learned from a decade previously from the monster hurricane of 1992, Hurricane Andrew, when one level of Government was not talking to another level. Those lessons learned were applied. Indeed, in the immediate aftermath of those four hurricanes that hit Florida within that 6-week period, FEMA responded, and responded well, working with the State of Florida and the local governments, which in this case for those four hurricanes included most of the counties of Florida. Little did I know, going into August a year ago, I was going to end up visiting almost every emergency operations center in the State of Florida. But that is the fate that befell our State.

But then, in the long run, FEMA started dropping the ball. It was not because they did not have enough money. We appropriated \$13.5 billion—that is with a “B”—for hurricane relief. Of that \$13.5 billion, \$8.5 billion went to FEMA. It was not that it did not have enough money. But they started sending it to the wrong places. They sent over \$30 million to Miami-Dade County, when in fact the hurricane winds never blew in Miami-Dade County.

So one of the amendments has to do with them being required, under law,

to report back to the committee in the Senate and the committee in the House on all of the changes they have made in response to the recent inspector general’s report that named all of these deficiencies in FEMA. One of them was sending millions of dollars into a county where the hurricane winds did not blow.

Another example was they paid for over 300 funerals, but the number of deaths directly attributable or even indirectly attributable to the hurricane was about 125. Why are we paying for that?

Over and over—I cannot tell you how many county commissioners and mayors were calling us, pleading: Why won’t FEMA reimburse us for the debris removal? Over and over we had people saying: FEMA is not sending us any relief.

What is the purpose of FEMA? It is to help people when they are in a time of need and it is authorized under law.

Well, lo and behold, do you know what the most recent one is? It is exactly the reverse. Just a month ago, FEMA sent out \$27 million in payments to people; and now, as of 2 weeks ago, it is demanding the people send it back. They said they made a mistake, that they were not eligible for that—\$27 million?

Well, thank goodness the Governmental Affairs Committee of the Senate, at my request, had an investigation and a hearing. They allowed the senior Senator from Florida to be the leadoff witness. Of course, I chronicled a number of these instances.

So we attached to the legislation that passed last night—the Department of Homeland Security appropriations bill—amendments that will require FEMA to report back to these committees on the changes that have been made in response to these deficiencies that were noticed by the Inspector General’s report.

But we also put on an amendment that will require FEMA to issue consistent and uniform guidelines for the local governments regarding their reimbursement for hurricane debris removal. This was what was so frustrating to our local governments because in one county FEMA would reimburse the local government for the debris removal and in another county it would not. You had this inconsistency. So in our oversight of the executive branch, it is our responsibility to make it. I am happy to say we passed this on this bill.

The third amendment was just a commonsense amendment. Do you know what happened? Last year, they were hiring inspectors to go into homes. The inspector general’s report pointed out that those inspectors did not have very much training. Therefore, they were just writing checks left and right, not knowing what they were doing. They would write, for example, a reimbursement for a demolished house and all the accoutrements and complete furnishings, but, in fact, that

house did not have any furnishings. If the inspector had asked, FEMA would have known. Well, that is going to be dealt with, with the amendment, with them coming back and reporting on the inspector general’s report.

But do you know what else happened? FEMA allowed inspectors to go in, examine a house, and make a determination. But, lo and behold, they then came back, and those inspectors bought those houses at bargain basement prices, when the homeowner was desperate for cash, at below fair market value. The inspector was profiting as a result of the inspector having been hired, representing the U.S. Government, FEMA, to go in there and help the people, and then coming around and taking advantage of the people in their depleted condition.

So we added an amendment, last night, that is going to prohibit those inspectors from entering into contracts with people when they inspect their property. It is common sense.

There is one thing more I want to inform our colleagues in the Senate. When I arrived at the emergency operations center in the State of Florida Sunday afternoon, just before the hurricane hit—at the time when it was about 3 hours out from landfall, it was a category 4—we thought the poor people of Pensacola were going to be absolutely devastated again from the effects they had 10 months ago with Hurricane Ivan, when it hit with such ferociousness. Well, in those intervening hours, by landfall, it had come down from a category 4 to a category 2. By the way, the differential between 145 miles an hour and 125 miles an hour does not sound like much—that is 20 miles an hour—but the differential is exponential in its destructive force. When I arrived at the emergency operations center—and we were so apprehensive—immediately, several people in the State of Florida EOC came up to me and said: Senator, we want to thank you for standing up and opposing legislation that has been filed in the Senate.

It is legislation that was referred to our Senate Commerce Committee, legislation that would require the National Weather Service to take their Web site off the Internet, under the legislation filed, if there is a competing weather service offered by a commercial entity.

In this particular legislation, it is a commercial entity in the State of the Senator who offered the legislation called AccuWeather. What those people in the Florida EOC wanted me to know was that AccuWeather, on Saturday before the hurricane hit on Sunday, had been predicting it was going in to New Orleans or Mississippi, whereas the National Weather Service, through the National Hurricane Center, had that track coming straight to an area between Pensacola and Ft. Walton Beach, exactly the track where the hurricane hit.

If we had not had the National Weather Service accuracy available to