

to focus on what is absolutely necessary.

Again, I have the greatest respect and admiration for my friend, the junior Senator from Mississippi. But what he is talking about does not acknowledge what we did not do before the break occurred.

I look forward to working with Senator McCONNELL. Senator DASCHLE has asked me to work as the lead Democrat on the working group to consider the recommendations of the 9/11 Commission. We will focus on the role Congress plays in supporting our intelligence community and the Department of Homeland Security.

I start out on this acknowledging that the two people who led this Commission, Governor Tom Kean and Congressman Lee Hamilton, are two of the finest public servants anywhere in America. They spent a year of their lives working on this issue. They had good Commission members. They had 80 of the top people in the world to help them do their research and investigations.

What they came up with is good, and it is going to take some real strong evidence to show why we should not follow that. I have an open mind and look forward to working with Senator McCONNELL, for whom I have the highest regard. This is a bipartisan working group and we must keep it that way. We have to keep politics out of this process. We are in the middle of an election, but this is not a partisan issue. I am going to work with every member of this group to find solutions that will make our Nation stronger and improve our intelligence capabilities.

I hope we can finish the so-called FSC bill that the majority leader has named the JOBS bill. I hope we do this for lots of reasons, but the most important reason, as far as I am concerned, is when I went home people are concerned about energy.

This country has less than 3 percent of the known oil reserves in the world, counting ANWR. We cannot produce our way out of the problems we have. There are things we can do to improve our production, but we cannot produce our way out of our problems. We use 12 million barrels a day. We import over 60 percent of those 12 million barrels. That cannot go on forever.

I hope we would recognize that this FSC bill, the JOBS bill, has in it section 45 production tax credits to give tax credits for Sun and wind production of energy, geothermal production of energy, and biomass. This is the future. When a country has less than 3 percent of the known oil reserves in the world, this is where we need to go. We need to go to alternative energy. That way we can move to a production society. We can do lots of good things.

The tax credit for wind energy expired the first of the year. We know it worked well. We know there are some farms in the Midwest that make more money producing electricity than they do growing soybeans, corn, and wheat.

Developing these clean, renewable resources, in addition to being the right thing to do, will create thousands of new jobs, and it will help consumers by providing a steady and reliable source of electricity and it will protect our environment. Because renewable energy is made in the USA, it will help reduce our dependence on foreign oil.

We have so much to do. We have only passed 1 of the 13 appropriations bills. We need to address these most important issues. As I have already indicated, I personally am opposed to an omnibus. I would rather have continuing resolutions than an omnibus bill because it was not a good experience last time. We have a lot of work to do. Let us get busy.

I see the majority leader on the floor of the Senate, and I yield the floor to him.

ORDER OF PROCEDURE

The PRESIDING OFFICER. Under the previous order, the majority leader is to be recognized, then the Senator from Florida, and then the Senator from North Dakota.

Mr. DOMENICI. The Senator from New Mexico would like to ask the majority leader a question.

The PRESIDING OFFICER. The majority leader has the floor.

Mr. FRIST. I am happy to yield for a question.

Mr. DOMENICI. I ask the majority leader, if Senator REID would have no objection, if he could yield me 2 minutes.

Mr. FRIST. Mr. President, I would be happy to yield to the Senator from New Mexico 2 minutes. Then, just so other Senators will know, I have about a 15-minute statement in which I would like to outline what the plans will be over the next several weeks.

The PRESIDING OFFICER. Is there objection?

The Senator from Nevada.

Mr. REID. I certainly have no objection to the Senator from New Mexico speaking. Unless a Republican comes, because we want to alternate back and forth, I ask that following Senator DORGAN, Senator BOXER be recognized for 10 minutes.

Mr. FRIST. That would be fine from my standpoint. And Senator NELSON?

Mr. REID. He is already recognized.

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

The Senator from New Mexico.

PASSING AN ENERGY BILL

Mr. DOMENICI. Mr. President, I was in my office and I heard Senator DORGAN talk about the Wall Street Journal and the Energy bill, or at least he commented on it. The Energy bill that is pending at the desk, which the Democrats have refused to let us take up, does not have the MTBE provision to which the Senate Democrats and some Republicans objected. It is not in there. So who is holding it up? The Senate

Democrats, led by Senator BINGAMAN, will not let us proceed on that bill.

It is most interesting. The distinguished Senator from Nevada read off a list of things we ought to be doing. The Senator ought to know that every single one of those, and more, is in that Energy bill. He talked about renewables from wind to solar and production tax credits. They are all in that bill. More natural gas is in that bill; research to use clean coal is in that bill. Also, we have language that will forever cause us to not have any more big regional blackouts in America, and on and on.

So let's be honest about it. The Energy bill, as a superbill, is pending. If they would just let us vote, we would have a bill for America that includes everything Senator REID has talked about and more.

As far as us killing an energy bill with provisions for holding harmless the producers of MTBE, I suggest Senators get the bill and read it. That provision is out of the bill that our leader called up and that the Democrats decided to filibuster. They want us to get 60 votes on everything, including America's energy future. That is the way it is.

I yield the floor.

The PRESIDING OFFICER. The majority leader.

LEGISLATION AND ISSUES BEFORE THE SENATE

Mr. FRIST. If we could just go back to regular order, I will do my statement because I know there will be a response back and forth. At this juncture, I have about a 15-minute statement.

I opened the Senate, now about 45 minutes ago, and as my colleagues can tell, there is a lot of interest in a whole lot of both legislation and issues that people want to get out front on. What I would like to do is take a few minutes and give an overview of where we have been a little bit, but also where we are going over the next several weeks.

I talked to Senator DASCHLE earlier today. We will continue our discussions over the course of today and tomorrow, meeting with the leadership on both sides of the aisle, and our various caucuses. We will work out the details.

I want to step back and paint the larger picture because we have so little time with so many huge issues before us. Each Senator has four or five issues that mean the most to them.

What is absolutely critical, from a leadership standpoint on both sides of the aisle, is to have a framework so we can accomplish the Nation's business and move America forward. With a limited number of days and what we know is going to be a very trying season because of the campaigns that are going on and the politics that go on that are necessarily related to the campaigns, it is going to be a huge challenge before us.

As I said an hour ago, I do want to welcome everybody back. I do hope everybody is energized—which we have

seen already on the floor of the Senate—but also that everybody is relaxed and understands the importance of the issues before us. I am delighted people have had the time to spend back at home with their constituents and, what is probably most important for periods like this, with their family and friends.

We all must expect a very busy legislative session on the floor—which people will see laid out in our debate on amendments on the important issues—but also on a whole range of issues that are either in conference today or will soon be in conference. There are a number of crucial items before us that we must complete this year.

Stepping back to our timeline, our goal is to finish this session of Congress by October 8. Some people said it would be October 1, some October 15. The goal is October 8. There will be discussions about a lameduck session and people will be writing about it. Our goal is to complete this session by October 8. I look forward to working with the leadership in conferences and caucuses on both sides of the aisle to accomplish this because we are moving America forward. For whom? It is for the American people. So we absolutely must be working together.

Today on our first day back, our top priority—it may spill into tomorrow morning, but our top priority is to address what is happening in Florida as we speak and as we have seen it play out over last night and the day before and, indeed, over the last several weeks. We need to reach out and aggressively respond to help the people of Florida who have seen their homes literally devastated, who are displaced from their homes, displaced from their communities, huddling with their families a long way from where they live.

We have had two devastating storms in a short 3-week period in Florida. As our Senators from Florida know, as we have discussed, we will be there, we will respond as soon as possible. I was talking to Senator NELSON on the floor about this.

Over the last weekend, even before Hurricane Frances touched the eastern shores of Florida, the Congress, this body, was notified that FEMA would be obligating funds for these disasters at a rate greater than what had been appropriated for this year. In other words, what that means is FEMA would be operating in a deficiency. Currently the administration estimates that FEMA indeed will be out of funds by the end of tomorrow. Therefore, last night the President of the United States transmitted to us an emergency \$2 billion supplemental request for FEMA. The President has asked us, asked this body, to take immediate action on this request.

I have been in contact with officials from the administration, with the chairman of the Senate Appropriations Committee, with officials and Representatives from Florida, and everyone agrees we should act as soon as

possible. I anticipate the House of Representatives will act no later than tomorrow morning and perhaps even tonight. We should follow that immediately upon receipt of this emergency supplemental, and I will be working with the minority to structure an arrangement for quick passage in the Senate to help those people in Florida who are struggling this very moment. Our neighbors in Florida are depending on us for emergency response, for shelter, for food, and other types of care.

In his letter to us last evening, the President says he anticipates a further request in coming days as the full impact of Hurricanes Charley and Frances become clearer. I expect we will need to include further FEMA funding on the Homeland Security appropriations bill for fiscal year 2005 that we will be turning to tomorrow morning. But we must act first on this initial \$2 billion emergency request. Our prayers and thoughts do go out to the people of Florida who are suffering, who are living in shelters, without homes to return to, and who must live with that ever-present possibility that other storms will strike them, that they may be on the way, given the fact that the hurricane season is only half over as I speak. We must act quickly to provide the hard-working staff at FEMA, who have done such a tremendous job over the last several weeks, with the funds and with the resources they need to continue to aid the people of Florida.

Mr. DORGAN. Mr. President, will the Senator yield?

Mr. FRIST. I will be happy to yield.

Mr. DORGAN. If I might inquire on that point, I thank very much the majority leader for his indulgence.

My understanding is the proposed \$2 billion to restore FEMA money needs to be acted on quickly. I understand that. I think everyone would want to cooperate with the majority leader on that point. The majority leader indicated that the White House would intend then to send down a second request. The reason I am asking a question about that is this. There are, as the Senator knows, other areas of the country that have suffered substantial weather-related disasters. In North Dakota, for example, 1.7 million acres could not even be planted in farmland this year, so we have some farmers in pretty tough shape. It is not only North Dakota, but Minnesota, Montana, and other parts of the area. There are some drought-stricken areas out West as well. Some of us would want to include some help for those producers.

I don't think we would want to interrupt what is going on today. The Senator is absolutely correct, we need to move quickly to respond. But, Senator FRIST, you indicated the second request may well be put on a Homeland Security appropriations bill. Yet I know there is a unanimous consent request being offered today, or at least one that is being talked about, that would preclude amendments to that that would not be about Homeland Security.

How would we get an emergency or disaster piece on that bill? Would those of us who want to add to it to deal with the disaster in farm country have an opportunity to do so?

Mr. FRIST. Mr. President, the details we will get into. I have two points I wanted to make, even in mentioning it. A, we need to respond and we need to respond quickly, as the Senator from Florida and I were talking about. From a FEMA standpoint, this money is needed now. Everybody with FEMA down there is working hard. They should not have to be worrying about money coming in. They are responding directly to the people.

Even the \$2 billion, as we have seen from estimates in the newspaper, what has happened in Florida is going to eventually cost, at least from the estimates I have seen, several-fold that. I don't want to send the signal that when we move so quickly on the \$2 billion, we are excluding the earlier events in Florida, the full ramifications of the current hurricane, or other needs. The real issue is whether we wait on this \$2 billion and address the other needs and assess wherever they are in the country. There is general agreement we need to move now with this installment that FEMA needs because they are out of money, and then the specific vehicle we need to discuss.

I haven't talked to anybody about how we want to do that, but we will have to have a second supplemental of some sort to address needs in Florida and possibly other needs.

Let me continue to try to get through because the specifics we can come back to and talk about, because I have a whole range of issues, if that is all right.

I want to come back to homeland security because I mentioned in my opening statement today the importance of going to the Homeland Security appropriations bill, and thematically that is the issue which I believe will dominate the next 4 weeks. I will come back to how the various pieces will fit in when addressing what is the overriding issue of this body over the next several weeks.

As Senator DASCHLE mentioned, last week we saw the terrible school siege in Beslan, Russia, which served as a reminder that our enemies are ruthless and determined. Those pictures and the coverage we have seen are burned into our minds at this juncture, and the ferocity of the enemy in that small town in southern Russia. Al-Qaida-linked militants literally slaughtered hundreds of schoolchildren, parents, and teachers on what should have been a joyous day—the first day of school. It was a massacre. There is really no other way to describe it. There are 334 people dead and 200 people missing right now. Our hearts ache and reach out to the people of Russia and to the families who have been devastated by this sickening act of violence. America understands the pain that is felt by those families, by that country, and by

those communities. We are determined to defeat those forces of terror which were depicted by that horrendous event and to do so quickly and responsibly.

We must strengthen our homeland security, and we will turn to that legislation tomorrow. We need to reform our intelligence systems.

Thirdly, we need to address the vacancy of that top post of the CIA.

These are three objectives we need to keep coming back to and to stay focused on over the course of the next several days since we have so little time. Those three objectives we absolutely must achieve.

Tomorrow morning we will go to the Homeland Security appropriations bill. In the past there have been efforts to bog down the process with unrelated amendments, nongermane amendments. We should all agree and we do all agree that homeland security should not be used to advance separate, unrelated political issues.

Our first responders and the American people are depending on this body to act. Both Democratic leadership and Republican leadership agree to go to this particular bill, an important bill which funds our homeland security in this country. I urge my colleagues again to act swiftly, to amend appropriately but act swiftly on this important bill. We need a bill that is appropriately debated, amended, passed, signed, and enacted before we adjourn.

I will continue to work with our Democratic colleagues in terms of an agreement that will allow us to consider the Homeland Security appropriations bill and amendments with hopes of finishing that bill as expeditiously as possible.

As our top focus—protecting our Nation—must go beyond homeland preparedness, America will only be secure if we deal with threats before they happen, not just after they happen. As the 9/11 Commission Report so grimly outlined, our intelligence community calls out for major reform.

President Bush has already taken steps following a careful review of the Commission's recommendations. President Bush has issued three Executive orders to strengthen our intelligence system. The CIA Director will now have expanded powers to ensure a joint, unified national intelligence effort. The President has also ordered the creation of a national counterterrorism center which will be responsible for analyzing and integrating foreign and domestic intelligence which is acquired across various departments and agencies. With the third Executive order, the President directed our intelligence agencies to give the highest priority to detection, prevention, disruption, preemption, and mitigation of efforts of terrorist activities against the United States. He has ordered our agencies to maximize their ability to exchange intelligence so we can put together each piece of the puzzle and preempt terrorist plotting.

President Bush's top priority is defending America.

These directives are crucial to winning the war on terror, but as we all acknowledge and the reason we must act in this legislative body is that these measures are interim measures. Here in the Senate we began responding to the 9/11 Commission Report as soon as it came out, but we have much work to do, as was outlined by several of my colleagues over the last hour, this month to respond to the 9/11 Commission Report, its criticisms, its critiques, as well as its recommendations.

There are three major areas we need to address in the coming weeks: First, legislation to reform intelligence analysis and coordination in the executive branch; second, the confirmation of a new CIA Director; and third, the Senate's role in oversight of intelligence and homeland security; that is, what goes on here in the U.S. Senate. What is our role? Go back and look at it and engage appropriate reform. Those are the three issues we must address.

I mentioned that after the 9/11 Commission Report this body began to respond immediately. In July, just before the recess began, Senator DASCHLE and I immediately set the process in place in the Senate to respond legislatively to the 9/11 Commission Report.

First, on executive reform in the executive branch, Senator DASCHLE and I asked the Governmental Affairs Committee in close consultation with other committees that have a stake in these changes to carefully evaluate the Commission's proposals regarding reorganization of the executive branch and then to determine how best to implement those.

Over the August recess—a time that is typically just a recess and people are back at home with constituents in their States—Congress held over two dozen committee hearings. In the Senate, four committees worked through August and heard testimony from roughly two dozen witnesses. Those committees included the Governmental Affairs Committee, the Intelligence Committee, the Commerce Committee, and the Armed Services Committee. Each carefully examined the recommendation of the 9/11 Report, and each brought in expert testimony to review past performance and future reforms.

The Governmental Affairs Committee, led by Chairman SUSAN COLLINS and Senator JOE LIEBERMAN, is taking the lead to determine how we can best reorganize and revitalize intelligence agencies and activities in the executive branch. This is a complicated undertaking. It is a serious undertaking but one which is absolutely vital to the security of our country.

Much work has been done over the last 6 weeks after the 9/11 Commission Report, but we have a huge amount of work to do in the next several weeks.

The second issue is the CIA Director. As with the President, the Senate's highest priority is to protect the American people. Our top concern must be

ensuring that we are as effective as possible in dealing with the threat of terrorism. That is why we must act promptly in this body to confirm Congressman PORTER Goss to the currently vacant post of CIA Director. It is obvious that we need a permanent CIA Director, and it is time for this body to act. The nomination has been made. With the schedule that will be outlined in the next several days, we must act on this important position. At a time of homeland general insecurity with the threat of terrorism, whether it is in the homeland or international, we should not allow this critical post to remain vacant.

Congressman GOSS, I might add, is an outstanding choice to lead the agency. As chairman of the House Intelligence Committee and a former CIA agent, he has long experience in the field of intelligence. He knows clearly the challenges ahead. We must confirm Congressman GOSS without delay. There is no time to lose.

Thirdly, Senate oversight. I mentioned the relationship with the executive branch, which the Governmental Affairs Committee addressed. Second, I mentioned the importance of our responsibility to go ahead and move this nomination of Congressman GOSS. The third issue is what we do in the U.S. Senate in terms of our appropriate responsibility and in terms of oversight.

In a separate effort regarding the 9/11 Commission Report response from the Governmental Affairs Committee, Senator DASCHLE and I established a task force to evaluate the September 11 Commission proposals and to offer specific reforms as they relate to Senate intelligence in homeland security oversight. Senator MCCONNELL and Senator REID are co-chairs of this task force. Their work is underway.

This is a pivotal moment to make over the Senate so it operates efficiently, effectively, more responsibly, and more transparently in overseeing the security of our homeland. We cannot lose this opportunity. We should not lose this opportunity. There will be the old battles, I am sure, that will play out again and again in terms of jurisdiction, in terms of power, in terms of prestige, or in terms of the way we have been locked in in the past in this body in dealing with intelligence oversight.

Our national defense requires no less than a new unified bipartisan effort to transform the Senate to meet these new threats. Time is of the essence. It is not my intent that the task force spend months and months and months reviewing options and then see time run out on this Congress. We need to act deliberately, give a lot of thought to it, debate it, and then act decisively. I know from conversations the Democratic leadership agrees with this as well.

As we move forward to strengthen our national security, I will shift gears

a bit from the agenda of the next several weeks and turn to the issue of protecting America's taxpayers. Four important family tax revisions are set to expire at the end of this year. They include the increase in the child tax credit to \$1,000, marriage penalty tax relief, expansion of the 10-percent tax bracket, and the increase in the alternative minimum tax exemption. Each of these provisions impacts families. Each has helped ease the burden on millions of American families.

If we do not act in this body to extend the provisions, millions of hard-working American families will pay the price. They will be unfairly penalized. If we do not act, their taxes will go up and their household budgets will shrink. They will have less freedom and less ability to make ends meet.

For example, if we do not act, 70 million women will see their taxes increase on average \$660. If we do not act, 46 million married couples will each pay on average a whopping \$900 more in taxes. If we do not act, 38 million families with children will pay \$900 more, on average. If we do not act, 8 million single women with children will see their taxes increase by nearly \$370. If we do not act, 11 million elderly would each have to pay \$383 more. If we do not act, 23 million small business owners would incur tax increases averaging \$784. Nearly 2 million individuals and families who currently have no income tax liability would once again become subject to the income tax.

That is what is at stake. That is what is before the Senate. That is simply unacceptable. We cannot allow the American people to suffer an automatic and totally unavoidable tax hike because we in this body fail to act.

There is bipartisan consensus to take action to extend these family tax provisions and to protect the American family. Protecting the homeland, protecting the American family, are tall goals, but they are absolutely crucial to the security and the well-being of our country.

Meanwhile, we also have a responsibility to deliberate on the President's judicial nominees under the previous order at 5:30 today. We will have two votes on the two district judge nominations, Virginia Maria Hernandez Covington of Florida and Michael H. Schneider, Sr. of Texas. Both are exceptional nominees. Both enjoyed bipartisan support. Following these votes, we will consider another excellent nominee, District Judge Michael Watson. His nomination will not require a rollcall vote.

Judge Hernandez Covington is a Florida native and currently serves on the Second District Court of Appeals. She stands before us as a nominee to the middle district court of Florida as an appellate judge. Hernandez Covington authored over 110 opinions and has heard more than 1,000 cases. The American Bar Association unanimously rated judge Hernandez Covington well-qualified for the U.S. District Court.

The second judge under consideration today is Michael Schneider. He currently presides on the Texas Supreme Court. President Bush has nominated Judge Schneider to the U.S. District Court for the Eastern District of Texas. As an appellate and trial judge, Justice Schneider has heard civil and criminal matters from across the State. He was honored in 1994 as the Texas trial judge of the year. In 2001 he was awarded Texas's appellate judge of the year. Judge Schneider received the ABA's highest rating, unanimously well-qualified.

Our third nominee, Judge Michael Watson, has been an appellate and trial court judge in the Ohio State courts for over 8 years. He currently serves on the Tenth District Court of Appeals. The American Bar Association has rated Judge Watson qualified to serve on the U.S. District Court.

Each of these candidates is indeed outstanding. I expect their votes to go smoothly this afternoon.

I would be remiss, however, if I did not mention the fact that 10 other nominees are still in limbo. Since 2003, seven appellate court nominees have been filibustered. They have been denied something very simple: an up-or-down vote by each Senator in the Senate. They have been denied that through filibusters. We believe that is wrong. We believe the obstruction tactics to which these individuals have been subjected is harmful and unfair. They are unfair to the nominees—public servants all—and they are harmful to the judicial system and to the Senate which is charged by the Constitution to do something very simple; that is, advice and consent. That means an up-or-down vote: Yes or no. If they want to vote no, they should be able to vote no. And if they want to vote yes, they should be able to vote yes. They deserve a vote.

I ask my colleagues to stop the obstruction and to allow an up-or-down vote on all these nominees. A simple up-or-down vote: Yes or no.

In closing, as we all know, President Clinton had heart surgery, and, as so many people have done, we offer our best wishes to the President for a speedy recovery. He underwent coronary bypass grafting and by all accounts has done very well. This is something that is very close to me. The coronary bypass grafting is an operation I performed routinely, an operation I did every day before coming to the Senate. It is routine. Now there are 330,000 done a year, about 1,000 a day—even more than that. About 500,000 were done before the new technology of stents and angioplasty came in. Although it is a routine procedure for many hospitals, postcoronary artery bypass grafting is a big operation. It is like being hit by a truck in terms of the recovery. It takes a few days.

President Clinton, by all accounts, has done very well. We heard last night from the surgeons. Obviously, we all have had the opportunity to extend our

thoughts and prayers to our colleague, Senator CLINTON, here and to their entire family over the last several days.

I also briefly mention in early August we tightened security around the Capitol significantly. Over the recess, Senator DASCHLE and I met with the Sergeant at Arms and other law enforcement and intelligence people. We agreed that new information regarding potential threats required our Capitol to establish some temporary perimeter security checkpoints at all streets leading into the complex, as well as a number of other security measures.

That said, we are working closely with the Capitol police and the District of Columbia to minimize any inconvenience.

We look forward to a busy session, a productive session over the next days and weeks. We will address legislation that is absolutely critical to the security of our homeland, to the security of the United States, and to the well-being of our fellow Americans. We will vote on, and I am confident we will pass, the supplemental appropriations bill for the State of Florida to help them respond to the devastation of Hurricanes Charley and Frances.

By working in a bipartisan manner—and as I said when we opened, I know the environment, and the larger environment, is going to be very politically charged, but if we in this body can work in a bipartisan manner, a focused manner, I am convinced we can accomplish the goals that are set out and move America forward. We will strengthen our security, we will strengthen our homes, and we will lend a hand to our neighbors as we confront the challenges ahead.

Mr. President, I yield the floor.

The PRESIDING OFFICER. Under the previous order, the Senator from Florida is recognized for 10 minutes.

EMERGENCY APPROPRIATIONS FOR FLORIDA

Mr. NELSON of Florida. Mr. President, I thank the majority leader for the comforting statement that we will take up the emergency appropriations for FEMA to meet the first of two crisis we have had in the State of Florida over the course of the last few weeks.

If I might inquire of the majority leader, is it still the understanding of the majority leader that the House bill may come tonight, or are we looking at tomorrow in which we could pass this emergency supplemental appropriations?

Mr. FRIST. Mr. President, even since I completed my remarks, I was just inquiring. It depends entirely when we get the language from the House. I think we still have a shot of doing it later tonight. But we will be in session with the votes on the judges. If we need to stay in a little bit later to do it tonight, we will do it. I am very hopeful we will have language here within an hour and a half or 2 hours, in which case we will go to all the appropriate