he was confirmed by the Senate. According to press accounts, even though his seat was a so-called ''judicial emergency,'' Mr. Clark asked the President not to sign his commission for office until he finished his race and sat for another session in the Texas legislature so that he could help elect a Republican speaker of the house and vote on things like redistricting, and President Bush delayed signing Clark's appointment papers. After information surfaced about the White House's willingness to delay the appointment of Mr. Clark, he stepped out of the race but told voters that they could still vote for him, and he won. This was shocking and inappropriate behavior by a man confirmed to sit as a Federal judge.

In Judge Watson's situation we have heard that he is actively seeking donations for his State race while also telling donors that he expects to be confirmed shortly. In his written answers, he states that he has ''informed [his] contributors that [he is] in the confirmation process.'' I was troubled by his initial response to my question about what he will do with the funds he has amassed if he is confirmed. He stated that he has not determined whether, if he is confirmed, he will return the money to donors, contribute it to charity or use the money to ''purchase individual tickets to other political events.'' This option is clearly prohibited by Canon 7 of the Code of Conduct for United States judges, which applies to nominees, and bans such partisan activities as buying tickets to partisan events.

Judge Watson's friend subsequently wrote a letter to the Senate claiming that the Code of Conduct for United States judges does not apply to nominees, but anyone who reads Canon 1 of the Code would see that it says, ''the Code is designed to provide guidance to judges and nominees for judicial office.'' That letter also asserts that nominees have one year ''to come into full compliance with its terms,'' which is simply incorrect. There is a narrow exemption related to divesting from profit-sharing or deferred compensation arrangements that is wholly inapplicable to the mandate of Canon 7 prohibiting political activity. The letter is similarly misguided when it asserts a wholly new interpretation on the restriction against soliciting campaign funds, by claiming that Federal judges or nominees could solicit such funds as long as they did not do so ''personally'' and instead used agents to do so. This novel interpretation would create a gaping hole in the Federal prohibition against such partisan activity. Fortunately, the approach advocated by the letter has not been embraced or adopted by the Federal courts.

Admittedly, the ethical rules are rules of reason. In rare instances, like Judge Watson's, an individual is not required to choose between the possibility of a Federal judgeship and the possibility of a State judgeship. At the same time, given the vital importance of the ethical constraints to the public confidence in the fairness of our courts, such a person must exercise extra caution to steer clear of conduct that could call into question his or her impartiality under the Federal rules. If Judge Watson were following the advice and interpretations offered in the letter of his friend, he would be unlikely to comport his conduct with the Code of Conduct for United States judges which expressly applies to nominees such as him.

I do appreciate that, despite the justifications offered by his friend, Judge Watson has informed Senator DEWINE that if he is confirmed he has decided to donate his campaign funds ''to a charity dedicated to the protection of the health and welfare of children,'' in compliance with ''State election laws.'' I am happy that Senator DEWINE has been able to get the nominee to make these assurances and promise that he and his campaign committee will disclose the names and amounts of his donors.

In addition to the assurances of Senator DEWINE, who I hold in high esteem, we have also heard positive things about the nominee from prominent members of the legal community in Ohio since a vote on his nomination in committee was postponed. Some came from unexpected sources. I remain troubled but given the support of the Senators from Ohio and lawyers from Ohio, I will not oppose this nomination.

I congratulate Judge Watson and his family on his confirmation. He is being given a position of great public trust, and I hope that he will live up to the assurances he has given to the Senate and be fair and non-partisan as a Federal judge.

The PRESIDING OFFICER. If there is no further debate, the question is, Will the Senate advise and consent to the nomination of Michael H. Watson, of Ohio, to be United States District Judge for the Southern District of Ohio?

The nomination was confirmed.

The PRESIDING OFFICER. The majority leader.

Mr. FRIST. I ask unanimous consent the President be immediately notified of the Senate's action.

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

LEGISLATIVE SESSION

Mr. FRIST. I also ask unanimous consent that the Senate resume legislative session.

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

MORNING BUSINESS

Mr. FRIST. I ask unanimous consent there be a period of morning business, with Senators permitted to speak for up to 10 minutes each.

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

EMERGENCY SUPPLEMENTAL APPROPRIATIONS FOR DISASTER RELIEF ACT, 2004

Mr. FRIST. Mr. President, I ask unanimous consent that notwithstanding the adjournment of the Senate, that the Senate may receive from the House the supplemental appropriations bill, the text of which is at the desk; that the Senate then proceed to its immediate consideration; the bill be read the third time, and passed, and the motion to reconsider be laid upon the table.

Mr. DASCHLE. Reserving the right to object, Mr. President, I applaud the effort made by the majority leader and all Members of Congress to respond as quickly and as comprehensively as we can to the extraordinary disaster we have now witnessed in Florida. Our hearts and prayers go to all of those people who have experienced this remarkable set of circumstances.

There are other areas of the country which have not had the same degree of direct adverse weather but have suffered adversely the effects in many parts of the country with regard to drought, in particular, in certain areas. The two Senators from North Dakota, Senators DORGAN and CONRAD, in particular, have been very vocal about the extraordinary impact it has had. South Dakota has also been very adversely affected. We have had terrible drought. We have not been able to address it satisfactorily. There are some people now who are actually having to sell their farms and ranches because they are unable to cope any longer with the drought circumstances.

I ask that we might modify the consent to provide for a single amendment which would provide disaster assistance primarily to agricultural producers in Florida and throughout the country in an effort to address those needs, as well.

The PRESIDING OFFICER. Does the majority leader so modify?

Mr. FRIST. Mr. President, reserving the right to object, and then I think the Senator from Mississippi may want to comment, as we discussed earlier today, the $2 billion supplemental is coming from the House later tonight, almost certainly later tonight or in the morning. The purpose of passing the bill as it comes from the House, which this will in effect do, will allow the President to sign it very quickly because, as we know, tomorrow FEMA is actually in deficiency and does not have the money. The purpose is for us to get this bill passed through the House, the Senate, and signed by the President tomorrow. Such modification would mean we would not be able to do that.

As we discussed earlier, there are going to be other opportunities. As I mentioned directly to the Senator from Florida, we do not know what the total cost will be, even for Florida; and there very likely will be another supplemental, at which time consideration of other Senators' interests could be expressed.