

Republicans: Frank Wolf (R-VA), Mary Bono (R-CA), Michael Castle (R-DE), John Abney Culberson (R-TX), Tom Davis (R-VA), Charles Dent (R-PA), David Dreier (R-CA), Vernon Ehlers (R-MI), Jo Ann Emerson (R-MO), Phil English (R-PA), Jeff Fortenberry (R-NE), Luis Fortuño (R-PR), Jim Gerlach (R-PA), Wayne Gilchrest (R-MD), Dean Heller (R-NV), David Hobson (R-OH), Peter Hoekstra (R-MI), Walter Jones (R-NC), Jack Kingston (R-GA), Mark Kirk (R-IL), Randy Kuhl (R-NY), Michael McCaul (R-TX), Sue Wilkins Myrick (R-NC), Jim Ramstad (R-MN), Ralph Regula (R-OH), David Reichert (R-WA), Christopher Shays (R-CT), Christopher Smith (R-NJ), Patrick Tiberi (R-OH), Fred Upton (R-MI), James Walsh (R-NY), Zach Wamp (R-TN), Ed Whitfield (R-KY), Roger Wicker (R-MS), and Don Young (R-AK).

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, could the Chair tell me what the order is this morning.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Morning business is closed.

WATER RESOURCES DEVELOPMENT ACT OF 2007—CONFERENCE REPORT

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to the consideration of the conference report to accompany H.R. 1495, which the clerk will report.

The legislative clerk read as follows:

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 1495), to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes, having met, have agreed to recommend and do recommend that the House recede from its disagreement to the amendment of the Senate and agree to the same with an amendment, signed by all conferees on the part of both Houses.

(The conference report is printed in the proceedings of the House in the RECORD of July 31, 2007)

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. Mr. President, I am very pleased to bring to the floor today the conference report on H.R. 1495, the Water Resources Development Act of 2007. I think I can pick up on something Senator ALEXANDER said about how divided we are in this country over this Iraq war. That is very clear. No one understands more than our Senator who is sitting in the chair and presiding today how we are divided. This is a different story, so we will take a little break out of our discussions about Iraq, and we will continue to work for bipartisanship in bringing this war to an honorable close.

At this time, we take a little break from that and turn toward something

that is very important, which is building and rebuilding the water infrastructure of our Nation. Today is a day that is 7 years in the making.

I wish to start off by thanking my committee, all of the Members on my side of the aisle, and Senator INHOFE, our ranking member, and all his colleagues on the Republican side of the aisle. This is an unusual day. This is a day where we come forward united on a bill that will authorize the projects and policies of the Civil Works Program of the Army Corps of Engineers. I am so pleased we will vote today on final passage of that bill, and we will send it to the President.

I hope President Bush will reconsider his veto threat of this bill. I think colleagues will speak to how urgent this bill is. Imagine not having a water resources bill for 7 long years. That is too long to wait. If colleagues are concerned about the size of the bill—truly, if we had gone back the way we did it, every 2 years, it would be about the size that this bill is. As Senator INHOFE will say when he gets here—and, as you know, he and I don't agree on many environmental matters, but on public works matters we do agree—this is the first step in a long process—the authorizing step—and then comes the appropriations.

So every one of these projects that has gone through local governments all over this country—remember, for every one of these projects, there is a local match. These are projects that came from the bottom up, from our people who were saying to us we need help with flood control, with economic development, with dredging and we need help with wetlands restoration and in a number of areas involving the movement of water; and this country learned it when we watched after Hurricanes Rita and Katrina.

If we didn't know it then, we certainly know it now. So I say to this President, this bill is in line, in terms of the pricetag, with what we would have had if we had done this bill every 2 years. There is huge support for this bill. The votes in the House and the Senate are enormous, very one-sided.

So I hope, Mr. President, if you are listening or people in your office are listening, this is a respectful request to please join with us. We don't have to fight over every single thing. When it comes to the economy, the quality of life of our people, we should be united.

The House vote on this conference report was 381 to 40. We are hoping we will vote in that same fashion in the Senate.

Mr. President, how much time do I have, since I am Senator REID's designee?

The ACTING PRESIDENT pro tempore. Each of the managers has 67½ minutes. The Senator has used 3½ minutes.

Mrs. BOXER. Mr. President, will Senator LANDRIEU be amenable to taking 10 minutes at this time, and I will reserve time later for her in the debate?

Ms. LANDRIEU. Yes.

Mrs. BOXER. I yield 10 minutes of my time to Senator LANDRIEU. I wish to say before she begins, she has been a mover behind this bill. She has worked her heart out to get this bill to the floor and, as a result of her working, of course, along with her colleague, Senator VITTER, who is on the committee, our committee came to Louisiana and held a very unique hearing. We had many colleagues—I see Senator CARDIN is on the floor. He was there. We had a very good turnout, and Senator LANDRIEU was eloquent. She has been eloquent on the floor of the Senate in the past I look forward to hearing her remarks.

The ACTING PRESIDENT pro tempore. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, I thank the Senator from California and all of my colleagues on this particular committee who have worked so hard. The ranking member, Senator INHOFE from Oklahoma, has also worked hard. But I have to say to this chairwoman who took the chairmanship of this committee and said 7 years is enough time to wait, it is too long for the people of Louisiana, for California, or Florida, or Maryland—my good colleague from Maryland, Senator CARDIN, who serves on this committee has been so forceful—she said: I am coming to Louisiana. I want to see it for myself, particularly after Hurricanes Katrina and Rita devastated our coast.

As the chairwoman knows, we lost 267 square miles of land in south Louisiana because of the storm and the devastation of the tides, the surges, and the flooding. That is more than the whole District of Columbia, more than two and a half times the size of the 100 square miles that represent the District of Columbia. This is a huge expanse of land that was lost.

This Senator said enough. We have been waiting too long. It has been 7 long years. Today with this conference report vote that is going to take place in about 2 hours, that wait will come to an end. The last step Congress can take to send this bill off will have been taken. The conference report, hopefully, will be approved by a vast majority of Senators on both sides of the aisle. It would not have happened without Senator BOXER's leadership. I am, indeed, so grateful on behalf of the people I represent in Louisiana.

This is a small map, but it shows my colleagues the vastness of the land we are trying to protect and preserve, this great wetlands, which is the green area shown on this chart. The Mississippi River comes down, of course, through the mouth of the Mississippi River. This is the Sabine River that divides Louisiana from Texas and the Pearl River that serves as a boundary between Mississippi and Louisiana.

From east Texas, all of Louisiana, and for west Mississippi, this is an extremely important bill for our coastal regions. It is going to provide historic

and first-time funding for a comprehensive wetlands restoration, a combination of levees, wetlands restoration, and freshwater diversion projects that are going to not only protect the 3.5 million people who live south of the I-10—when people say to me, Senator, why do you live there? I don't know exactly how to answer that question other than to say we have been there for 300 years.

I don't know exactly why the first person—and that was before the Native Americans. That was after the Native Americans settled the land. I am speaking about when Bienville put up a stake along the Mississippi River. I would say there are any number of reasons, one of which is it was absolutely imperative to settle on the mouth of the river for westward expansion for the Nation. We couldn't have had a nation without the Mississippi River and the Louisiana Purchase, of which 19 States now are made up from the Louisiana Purchase.

We remember our history. I cannot go into all the reasons, but they most certainly are there with 300 years of history. There are 3 million people who live here. We cannot relocate them. It would be cost prohibitive. We can only protect them. We have put in smart planning and smart zoning. That is what we are doing and have been doing. The parishes put up money, and the State, and the Federal Government, and that is what we are doing.

I only have a few minutes remaining. I will speak later.

There is another way to look at the levee system that is crucial to protect the people who live in south Louisiana. Unlike many States, we do not have beaches. I have been to the beautiful beaches in California, and I want them preserved. I have been to some of the most beautiful beaches in Virginia and North Carolina and throughout the country. We are the only State that does not have beaches. We only have two: Holly Beach which is 7 miles long—it was virtually destroyed in the storm—and Grand Isle, which is 7 miles long. This coastline is thousands of miles long with only two little beaches. But we do have wetlands. We do not have people living on these wetlands. Sometimes there is a little camp here or a little community there. But they are stuck on the high ridges. They have been living on ridges that can be protected, and with the right kind of levees and the right kind of comprehensive system such as is in the Netherlands and other places in the world, this can be done. It takes commitment, it takes dedication, and it needs a steady stream of funding.

Mr. President, how many minutes do I have remaining?

The ACTING PRESIDENT pro tempore. The Senator has 4½ minutes remaining.

Ms. LANDRIEU. Mr. President, this is a fairly dramatic chart I want to show people. It is a little scary for me and, I am sure, the people I represent.

It is also very scary for Florida, Virginia, North Carolina, and Georgia. This is the track of all hurricanes from 1955 to 2005. This is what the southeastern part of this country has to brace itself for every year—year after year after year.

According to all reports, these storms are getting stronger and stronger and more numerous. We have been very blessed that we have not had a critical storm this summer. But the season is still open until November.

This yellow track is the track of Katrina. This blue track is the track of Rita which actually hit 2 years ago today. I was down in Cameron Parish on the corner of Louisiana, and east Texas is still hurting very badly, as well as our areas, from this storm. It has not recovered yet.

My point is, this bill not only has projects for inland waterways and navigation, but it provides vital projects for all of the southeastern United States and for the eastern seaboard to protect the people, the great industries, and manufacturing that are represented through all sorts of navigable waterways and ports that service this whole Nation.

Without this bill, this whole area will become significantly more vulnerable and open to storms, erosion, and surges. This is a very dramatic chart that shows what we are up against.

I am going to come back later and show some other charts, but in conclusion, this is a historic bill for Louisiana. It is extremely important for the Nation. For the first time we have authorized Morganza to the gulf which protects Houma, LA, a city not a lot of people hear about, but it is a very important city. It is smaller than Baton Rouge, smaller than New Orleans, smaller than Lafayette, but it is crucial to the energy infrastructure of this Nation.

We have many small towns in south Louisiana that my colleagues will not hear a lot about, but we store oil and gas there. We run pipelines through these towns. People are down there working their hearts out to give us the energy security we need. The least we can do is protect their schools, their communities, their way of life, and their culture.

I thank Senator BOXER for allowing me to speak. I thank my colleague Senator VITTER, who is a member of this committee. He will be speaking in a moment. He has been extremely helpful, energetic, and forceful in his advocacy for many of these projects. We have worked together. I am very pleased that he has put so much time and effort into this bill.

I see my colleague from Florida, who also has made a historic breakthrough on some projects, particularly the Everglades.

I yield back the remainder of my time.

The ACTING PRESIDENT pro tempore. Who yields time?

The Senator from Louisiana.

Mr. VITTER. Mr. President, I also rise and join so many colleagues on both sides of the aisle in strong support of this Water Resources Development Act conference report. Perhaps it is appropriate that we will pass this historic legislation through the Senate today, September 24, the 2-year anniversary of Hurricane Rita which devastated large parts of southeast Texas and southwest Louisiana.

Of course, less than a month ago, August 29, was the 2-year anniversary of Hurricane Katrina, also appropriate that we are finally moving on this crucial legislation so near to that anniversary.

In fact, I would go so far as to say that as we still battle to recover from those two devastating storms, as we still climb out of that enormous setback in Louisiana, as we still face important work to do related to that recovery in Congress, this conference report, this WRDA bill, is the single most important thing we can pass to help the gulf coast with that recovery, particularly medium and long term. That is how vital it is to improve hurricane flood protection. That is how essential it is to our very lifeblood survival recovery from the devastating impact of Hurricanes Katrina and Rita.

Of course, as virtually everyone, I am very frustrated about how long it took us to get to this moment—7 years—when a WRDA bill is expected to be passed every 2 years. But at least, I will also say, we have done something with that delay in improving the bill, particularly to take account of the needs and the lessons learned coming out of those devastating storms.

I first came to the Senate after the election of 2004, January 2005. The first committee I was assigned to was the Environment and Public Works Committee, through which this WRDA bill, of course, passes. That committee works on this bill. Even when I first came to the Senate 3 years ago, this bill was about 2 years overdue. So it has been a long time coming. But we have worked on it, we have improved it, it has gone through the committee process, and it has gone through the conference process.

I also served on the conference committee. We finally have a very good, robust product and, again, we have at least taken advantage of that time lapse to learn the lessons of Hurricanes Katrina and Rita and to include key positions that Louisiana and the gulf coast need for their recovery and, indeed, survival.

What crucial provisions are included in this bill? A 100-year level of hurricane protection. President Bush, in his famous Jackson Square speech in mid-September 2005, made a clear, firm, and historic commitment to that very high level of hurricane protection.

This bill embodies that commitment and passes it into law. It takes several steps forward toward that 100-year level of protection.

Recently the Corps determined that level of protection doesn't exist in the

greater New Orleans area. We are between 2 and 16 feet vertically deficient in terms of our levees throughout the greater New Orleans area. This bill fully authorizes addressing that shortfall.

The second key component of the bill, moving on into the future, is a greater level of hurricane protection even beyond the 100-year level, what we in south Louisiana call category 5 protection. In prior legislation, some of the supplemental appropriation bills we passed on an emergency basis after the hurricanes, we told the Corps to get to work studying and designing that higher level of protection. This bill further refines that mandate and directs the Corps in no uncertain terms to offer specific project recommendations toward that fundamentally higher, sounder level of protection.

A third crucial component is coastal restoration. As my colleague from Louisiana has referred to, Louisiana has lost enormous amounts of land, having it vanish into the gulf due to coastal land loss. We have lost more land than exists in the entire State of Delaware. Right now, as we speak, we lose a football field of land every 38 minutes, and that is 24 hours a day, 7 days a week, 52 weeks a year. It goes on and on and on. This bill begins to address in a very serious way that national emergency. This bill authorizes an ambitious coastal restoration plan.

Again, the bill is long overdue, but we have made use of that delay. When I first came to the Senate, the WRDA bill then under consideration only devoted about \$400 million to this national crisis of coastal land loss. It only authorized one specific project. We knew we had to do more. We saw we had to do more because of the experiences of Hurricanes Katrina and Rita, and so now we authorize around \$4 billion of this crucial work, with 17 specific coastal restoration projects fully authorized.

Corps reform, another crucial provision, is embodied in the bill, although I think we do Corps reform right, particularly with regard to Louisiana projects. One of the most bitter lessons of Hurricane Katrina in particular was that the Corps had made serious engineering and other mistakes in the past which led to the levee breaches and devastating flooding throughout the New Orleans area. We had to reform the process to make sure that never happened again. We had to bring in outside engineering and other expertise to integrate with the expertise within the Corps to make sure those sorts of mistakes were never made again.

I drafted, with the help of others, Corps reform provisions that are in this bill, some of them specific to Louisiana projects. For the first time ever, we fully integrate hurricane, coastal, flood protection, and navigation programs within Louisiana and we mandate a specific integration team that will help that become reality so that one type of project isn't done in isolation.

We establish the Louisiana Water Resources Council to improve the efficiency and performance of projects. That is a very important part of Corps reform. We expedite the process so that, hopefully, no longer will it take an average of 13 years—13 years—for an average Corps project to even get to the stage where the first shovel hits the ground.

This bill contains so many other crucial provisions—closing of the MRGO, major improvements to the Bonnet Carre diversion alternative, major hurricane protection improvements to the lower Jefferson Parish and Lafourche Parish, and crucial work in the southwest part of the State, where Hurricane Rita caused devastating damage, including deeper access to the Port of Iberia, coupled with greater flood and hurricane protection for Vermilion Parish, and improved dredging and navigation on the Calcasieu River, and on and on and on. This bill is a lifeline for our continued survival in Louisiana.

As we move forward, I thank all of the folks who worked so hard to produce this bill, certainly including the leadership of my EPW Committee, the chair, Chairman BOXER, the ranking member, Senator INHOFE, and the chair and ranking member of the subcommittee of jurisdiction, Senators ISAKSON and BAUCUS, and all of their very devoted staff. As we move on, I urge all of us to join together to pass the bill, and then to either avoid Presidential veto or, if necessary, hopefully work immediately in a bipartisan fashion to override that veto and ensure that this crucial legislation, crucial for the very survival of Louisiana, becomes law.

Mr. President, I yield the floor.

Mrs. BOXER. Mr. President, I have a little UC to take care of the people on the floor right now.

I ask unanimous consent that Senator COLLINS be allowed to speak for up to 5 minutes; Senator NELSON for up to 10 minutes, and Senator BAUCUS for up to 10 minutes.

The ACTING PRESIDENT pro tempore. Does the Senator wish for the Members to speak in that order?

Mrs. BOXER. Yes. And, for now, this will be it, but I will do a second UC to include Senator LANDRIEU for another 10 at a later time.

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

The Senator from Maine.

Ms. COLLINS. Mr. President, I thank the chair of the committee for yielding me this time, and I rise today in support of the conference report for the Water Resources Development Act. This legislation authorizes important studies and projects to protect and maintain water resources throughout our country.

I am especially pleased that the conference report includes \$26.9 million for Camp Ellis, ME. More than 100 years ago, the Army Corps built a jetty ex-

tending out from the Saco River, adjacent to Camp Ellis Beach. This jetty altered the pattern of currents and sand and it is the primary cause of the devastating erosion at Camp Ellis. The extent of the erosion is truly shocking. Some 36 houses have been washed into the sea in the last 100 years. The 1998 shoreline is 400 feet from where the shoreline stood in 1908. The houses that are now in danger were once six or more houses back from the sea.

In April of this year, a devastating Patriot's Day storm hit Maine with heavy winds and a great deal of rain. This terrible storm, the worst natural disaster to strike Maine since the ice storm of 1998, caused massive storm surges, astronomically high tides, and inland and coastal flooding.

Let me show my colleagues some of the evidence of the devastation that was caused by this April storm. As you can see, this is the road that follows along the waterfront. It was utterly devastated. In another picture I will show my colleagues, this is what happened to some of the houses that were along the waterfront. As you can see, they were completely destroyed as the water took out the foundations and caused terrible destruction. That is a power pole that has been thrown down by the storm. In yet another example, a house has been absolutely ruined as a result of this storm.

Now, when the jetty was first constructed 100 years ago, we didn't have the knowledge we do now, and no one predicted the terrible impact. The incredible force of the ocean during the storm earlier this year literally washed out the foundations of the homes. The street that once ran along the ocean front was largely destroyed, leaving nothing between the remaining homes and the open ocean. Many homeowners in the area were still dealing with flooded basements for weeks following the storm. This was a vivid reminder of the terrible impact a powerful storm can have on those who live in this vulnerable community.

The sea has advanced such that another large storm could wash out the peninsula altogether and turn Camp Ellis into an island. That, obviously, would be devastating to the people who live there.

We know what must be done to prevent such a calamity. Studies undertaken at the direction of the Army Corps of Engineers indicate that an offshore breakwater and a spur coming off the jetty are likely to be needed to protect Camp Ellis from further erosion and the destruction of even more property. The Camp Ellis jetty was built by the Federal Government at a time when the erosional impacts of shoreline structures were largely unknown. The jetty has served its important navigational purpose well over the 100-plus years of its existence, but now it is time for the Federal Government to make good on its obligation to help those people who have been harmed by the structure the Federal Government built in the first place.

With the passage of the Water Resources Development Act, we will finally have authorized the funds necessary to act upon the best available science and to fully and finally protect the residents of Camp Ellis. I urge my colleagues to support the conference report, and again I thank the committee for being responsive to the concerns of the people of Maine.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Florida.

Mr. NELSON of Florida. Mr. President, a commitment takes a lot more than lip service and nice words to restore ecosystems, and particularly ecosystems that have been manipulated by mankind and distorted as has happened with the Florida Everglades. When I talk about commitment, I want to talk about Senator BOXER. This lady, in only a few months, after waiting for 7 years, with all other leadership flailing about and not making it happen—this lady, our chair of the Environment Committee, has made it happen and it is going to be passed. We are going to do it today, and we all hope the President will not veto it. But with the separation of powers under our constitution, we have a way of enacting law over a President's veto, and that is better than a two-thirds vote in both Houses of Congress to enact it into law despite the veto of the President. We hope we don't have to do that, but if we do, we will. Then we can set things right and we can get about the restoration.

I want to tell the Senate about this incredible area known as the Everglades. This is a compendium of satellite imagery over a 4-year period. This is at the southern tip of Florida. This is Lake Okeechobee, Palm Beach, Fort Lauderdale, Miami, Homestead, and the beginning of the Florida Keys. This is a road which was constructed in the 1920s, to get from Miami to Naples, called the Tamiami Trail. This is a road which was constructed to get from Fort Lauderdale to Naples—Interstate 75—called Alligator Alley. This, of course, was constructed much more recently—sometime about 25 years ago—and was constructed with box culverts so that there would be proper water flows.

But you can imagine, back in the 1920s they didn't think about that. When they built the Tamiami Trail, it in effect created a dike that, as the water flowed south out of Okeechobee, in the historical Mother Nature patterns, and would flow in this sheet flow to the south into Florida Bay and into the gulf of Mexico, it was suddenly stopped by this dike, which was the roadbed.

So part of this bill called Modified Waters is to correct that, having additional flows come underneath and then eventually to construct a long bridge or bridges here, which will enhance the flow of the water. Why enhance the flow of the water? That is what Mother Nature intended. The water actually

starts way north, just south of Orlando. It flows in a meandering stream called the Kissimmee River into Lake Okeechobee and historically spilled over out of Lake Okeechobee and flowed in a massive sheet flow in this direction, southernly and southwesterly, until the hurricanes of the 1920s, in which over 2,000 people were killed, drowned, and the whole idea was to come in and start diking and draining for flood control. But in so doing, they messed up what Mother Nature intended.

About the year 2000, when the comprehensive Everglades restoration project was passed, it was to now accommodate for several different things. First of all, the water had been diverted, so that had to be changed. But the fact is that now 6 million people are living here. That wasn't the case in early Florida. And a vast agricultural industry had developed on the south end of the lake. To give the water needs to the Everglades and the Everglades National Park and to the 6 million people and to the agricultural interests—that, put together, is the Comprehensive Everglades Restoration Plan. Ever since that was enacted, we have not had an authorization bill to authorize the projects to implement this plan. So I again give kudos to Senator BOXER for bringing this up and making it happen fast.

What we have, then, is a major project in this bill called the Indian River Lagoon. This is the Indian River up here. I happened to grow up, as a child, on this river. At times, that and the St. Lucie River flowing into the Indian River Lagoon is like a dead river because of the excessive nutrients from lower Lake Okeechobee flowing to Tidewater. The same to the west, down the Caloosahatchee River, down to Fort Myers—excessive nutrients create a dead river.

I couldn't believe it. A couple of years ago, I went out on that river right there, the St. Lucie River. First of all, there was a bright-green algae bloom. You know what that means. That means algae is sucking up the oxygen from the river, and therefore all the living things that depend on that river are not going to be there. I didn't see the mullet jumping. I didn't see the porpoises rolling. I didn't see Mr. Osprey diving into the water to get his dinner. I didn't see Mr. Eagle sitting over in the dead pine tree waiting for Mr. Osprey to catch his dinner for him. It was a dead river. That is one of the reasons for one of these major projects called the Indian River Lagoon, and that is authorized. Then we have to appropriate the money and get it done.

There is another area here called the Picayune Spring. It is a highly endangered area because of the encroachment of development and the necessary waterflows. It, also, is addressed as well as what I talked about, this dike, which is the roadbed, called the Tamiami Trail.

What we have is a comprehensive plan for what Marjorie Stoneman

Douglas, when she wrote of her great love of these Florida Everglades, termed the "River of Grass."

I will conclude with this. Senator BOXER and her husband were kind enough to go down to the Everglades with me a few weeks ago. It was this incredible sight. As we glided over this river of grass in an airboat and as the Sun began to set and as the shadows lengthened, as we came out of the river of grass into the Big Cypress Preserve with these stands of cypress trees, with that little light available right at dusk, it looked as if we were in this beautiful meadow of grass with the tree stands. Suddenly, reality struck when we saw a mother doe and her two fawns—instead of bounding over the hills of the grass, they were jumping over the grass out of the water and back into the water, in this incredible place, the location of fauna and flora.

The Everglades does not just affect Florida. It doesn't just affect the Western Hemisphere. Major environmental sites that are ecologically threatened affect the climate of planet Earth, our home.

I am so grateful that we have this bill up and that we are going to pass it with huge numbers today.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Montana.

Mr. BAUCUS. Mr. President, I rise today to speak in support of the Water Resources Development Act of 2007.

First, I deeply congratulate the chair of the committee, Senator BOXER. She worked very hard and on a strong bipartisan basis to get this legislation where it is, working with Senator INHOFE. I thank him equally.

I also wish to thank Senator ISAKSON, the ranking member of the subcommittee, concerning this legislation.

And hats off to Senator Jim Jeffords. Senator Jeffords and his staffer, Catharine Ransom, deserve special thanks because for years they have been working on this legislation. I wanted first to thank him for his efforts as well. I know if he were here with us today, he would be very happy getting this legislation passed.

We westerners have been plagued recently with several years of drought. Ranchers and farmers across my State of Montana have watched their livelihood dry up before their eyes. The West's battle with drought highlights the pressing needs to ensure our water resources are used efficiently because it does not rain in the West. It may rain in Washington, DC, and other parts of the country, but it doesn't rain in the West.

This conference report provides authority for the Army Corps of Engineers to move forward with long overdue water resources projects. Levees are crumbling, people are living in harm's way waiting for this legislation. The tragedy in Minnesota highlights that need. This conference report authorizes projects that will provide needed flood and storm damage protection, navigation improvements, and environmental restoration. Clearly, there

is authority here well needed, long overdue, for rebuilding and restoring the coast of Louisiana, devastated by Hurricanes Katrina and Rita.

Several projects are very important to my State of Montana: the Yellowstone River and tributaries recovery project; the Lower Yellowstone Project at Intake, MT; the Missouri River and tributaries recovery project; the upper basin of the Missouri River project; and a riverfront revitalization project in Missoula.

There is also a very important authorization for the rehabilitation and improvement of a very important aging water project we called the Hi-Line Region of Montana, called the St. Mary diversion. This system is rusting, it is cracking, and it is crumbling. If you go out and see it, you are stunned how much this is deteriorating. But 17,000 Montanans on the Hi-Line depend on this 90-year-old system for their drinking water. Without St. Mary, lower Milk River would go dry 6 out of every 10 years, imperiling the water source to thousands of Montana families.

These projects and their importance to the communities and the projects they serve underlie the need for this conference report. We passed it last year. Let's get it enacted again this year.

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin is recognized.

Mrs. BOXER. Mr. President, before my friend begins, I wanted to get the parliamentary situation, if he will yield for a minute?

Mr. FEINGOLD. I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California is recognized.

Mrs. BOXER. It is my understanding that Senator FEINGOLD has up to 30 minutes to speak on the bill. He and I discussed it. If he has any added time, he has graciously agreed to yield it to me with the understanding that if he wants additional time, I will get it back to him later. But I think, if it is necessary for me to make such a request, I ask unanimous consent that whatever time the Senator yields back be yielded back to me with the understanding he will be able to speak again if he so chooses.

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

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin.

Mr. FEINGOLD. Mr. President, how much time do I have?

The ACTING PRESIDENT pro tempore. The Senator from Wisconsin has 30 minutes.

Mr. FEINGOLD. If I do not use all the time, I will certainly be happy to yield to the Senator from California.

Mr. President, I will oppose the conference report on the Water Resources Development Act. For 7 years, I have worked with Senator MCCAIN and many of our colleagues on essential reforms of the Corps of Engineers and have long

anticipated the day the Congress enacts meaningful reform.

Unfortunately, today is not that day, and this is not the reform bill the country needs.

After a decade of Government and independent reports calling for reforming the Corps and pointing out stunning flaws in Corps projects and project studies, and after the tragic failures of New Orleans' levees during Hurricane Katrina, the American people deserve meaningful reforms to ensure the projects the Corps builds are safe, appropriate, environmentally responsible, and fiscally sound. The urgency and necessity could not be clearer.

Unfortunately, the conference report includes weak reforms. The Senate twice voted in support of strong reform language, when it passed WRDA bills earlier this year and last Congress. But the conference report we are about to vote on has been stripped of many important safeguards that would ensure accountability and prevent the Corps from manipulating the process. We have compromised enough over the years. We can no longer afford a system that favors wasteful projects over the needs of the American people.

The bill brought back from conference is particularly disappointing because a few months ago, on May 15, Senators REID, BOXER, and I entered into a colloquy in which we agreed the Senate Environment and Public Works Committee would ensure the strong Senate reforms would be the minimum reforms coming out of conference and enacted into law. That agreement, apparently, has counted for little.

I am particularly troubled by the changes made to the bill's independent review provision during negotiations between the House and the Senate. The Senate version of the bill included a strong independent review provision, which I successfully offered as an amendment to last year's bill and which was again included in this year's WRDA.

Subjecting Corps of Engineers project studies to a review by an independent panel of experts will help ensure future Corps projects do not waste taxpayer money or endanger public safety and that environmental impacts are avoided or minimized.

Unfortunately, the independent review provision included in the conference report was significantly weakened in several respects. First, it does not ensure independence of the review process. Under the conference report, the supposedly "independent" review is not independent. The review process is run by the Corps rather than outside the Agency, as required by the Senate bill.

The Corps Chief of Engineers is given significant authority to decide the timing of review, the projects to be reviewed, and whether to implement a review panel's recommendations, and, apparently, even has the ability to control the flow of information received by the review panel.

The Corps was not given the authority to determine the scope of the review, but in these other respects, it was given far too much authority, all of which will compromise the independence of the review that is performed.

Second, it terminates the independent review provision 7 years after enactment. It is reasonable for Congress to continually evaluate how the program is working, but to presume there is not a need for a long-term review and set a sunset date is irresponsible.

Independent reviews should be permanently integrated into the Corps's planning process. The burden should be on the Corps to demonstrate why it does not need a congressionally mandated review process, rather than on Congress to wage another battle to extend the requirement in 7 years.

Third, it allows the Corps to exempt projects. The Senate provisions established mandatory review when clear triggers are met. However, the conference report gives the Corps fairly broad discretion to decide what projects get reviewed. It expands the House's loophole allowing the Corps to exempt projects that exceed the mandatory \$45 million cost trigger. The Corps can exempt Continuing Authority Program projects, certain rehabilitation projects, and, most egregiously, projects it determines are not controversial or only require an Environmental Assessment rather than a full-blown Environmental Impact Statement.

It is this very decision, whether to do an EA or an EIS, that is often in need of review. Furthermore, a project's economic justification, engineering analysis, and formulation of project alternatives are critical elements that should be looked at for all major projects, not just those with significant environmental impact.

The conference report also prevents review of most ongoing studies. Although the conference report allows the Corps to exempt projects from review, it does not give the Corps equal authority to include projects. The bill includes restrictive language that prevents the Corps from reviewing studies that were initiated more than 2 years ago, or that were initiated in the last 2 years but already have an "array of alternatives" identified, which occurs early in the process.

The Senate language would have allowed the Corps to initiate a review for any project that does not have a draft feasibility report.

The conference report also eliminates the requirement that a review is mandatory if requested by a Federal agency. The Senate bill would have made a project review mandatory if requested by a Federal agency with the authority to review Corps projects. Instead, the conference report gives the Corps the authority to reject the request and requires the Federal agency to appeal the decision to the Council on Environmental Quality.

The Corps should be required to conduct a review made by the head of another agency that is charged with reviewing Corps projects or, at a minimum, to justify to the Council on Environmental Quality why it wants to deny such a request.

The final problem I wish to highlight is the conference report does not make sure the Corps is accountable. The conference report eliminated a key provision in the Senate bill that ensured accountability. Specifically, the provision would have required that if a project ends up in court, the same weight is given to the panel and the Corps' opinion if the Corps cannot provide a good example for why it ignored the panel's recommendations. By dropping this accountability requirement, the conference report allows the Corps to ignore the panel's recommendations, as the Corps is currently doing with its own internal review process.

I would love to be able to join my colleagues in claiming this is a "historic moment." I am pleased that some of the other reforms I fought for are included in this bill. We have come a long way in the last 7 years, as evidenced by the overwhelming bipartisan majority of my colleagues who supported the Senate's reforms last year and again earlier this year.

But we have not come far enough, and that is truly regrettable. Why should the taxpayers of this country have to continue wondering if their dollars are being spent on projects that lack merit, hurt the environment or are not entirely reliable? Is not Congress finally willing to put an end to the longtime practice of doling out projects to Members regardless of those projects' merits? How many more flawed projects or wasted dollars will it take before we say enough?

I am pleased the conference report contains some modest reforms, but we can do much better than that. In fact, we did much better than that when we passed the Senate bill not long ago. Congress needs to get this right; I think the stakes are too high.

Unfortunately, for the reasons I have explained, the conference report fails to do enough. It contains severely compromised language that does not fix the status quo under which Congress uses the Corps to fund pet projects that are not justified or adequately reviewed.

I wish to also express my concern with the cost of the bill which has ballooned to \$23 billion, \$23 billion from the \$14, \$15 billion cost of the House and Senate versions.

Nearly \$1 billion of the additional cost is for 19 projects that were added during conference, neither the Senate nor the House has previously reviewed these projects.

My colleagues have previously stood on the Senate floor and said the cost of the bill does not matter because WRDA is merely an authorizing bill and not an appropriations bill. We will sort out our priorities later, they say.

I think the American taxpayers join me in saying this is absolutely irresponsible and shirks our responsibilities as elected officials.

There is already a \$58 billion backlog of construction projects previously authorized, and with only \$2 billion annually appropriated for project construction, this means the Nation's most pressing needs face significant competition for funding and likely delays.

Furthermore, this bill authorizes a significant number of projects and studies that are beyond the Corps' primary mission areas. The Corps cannot be everything to everyone, and Congress does need to discipline itself and set priorities.

I will continue to work with my colleagues to institute a system for prioritizing Corps projects and other critical reforms. We may have an opportunity to pass those reforms sooner than some had hoped. The administration has indicated the President will veto this bill, this bloated bill.

Rather than overriding a veto, I hope the Congress will use that veto as an opportunity to rethink the flawed mindset that resulted in this bill and in previous WRDA bills. We do not do our constituents favors by spending their tax dollars on projects that are not justified or fully reviewed. We need reforms to make sure these tax dollars are spent in the most important priorities, not just on members' pork.

I urge my colleagues to oppose the WRDA conference report.

Mr. President, I reserve the remainder of my time.

I yield the floor.

The PRESIDING OFFICER (Mr. DURBIN.) The Senator from Missouri.

Mr. BOND. Mr. President, I rise today to congratulate EPW Chair Boxer and Ranking Member INHOFE for bringing a balanced and much needed bill to the floor.

Normally this bill is a 2-year authorization, but there has not been a bill, a WRDA bill, during this administration. So I will call it the Water Resources Development Act of 2001.

Now, my State has nearly 1,000 miles of Missouri and Mississippi River frontage in addition to our lakes. Our communities rely on Corps projects for affordable water, transportation, flood protection, energy production, environmental protection, and recreational opportunities.

Nobody knows better than the farmers of Missouri and the Midwest how important river transportation is to serve the world market. This bill for my constituents means jobs, trade competitiveness, reliable and affordable energy, drinking water, and protection from floods, which can ruin property and kill people.

This is not of minor importance to those out in the world, in the Midwest, who work for a living. I am delighted we are completing our long journey to permit modernization of the Mississippi River locks. These locks were built during the Great Depression for

paddle wheel boats 75 years ago. They were designed to last 50 years.

Well, they are 25 years past their design lifetime. This is a long, much needed, overdue investment in infrastructure, jobs, trade competitiveness, and environmental protection.

Sixty percent of all grain exports move through the bottleneck of obsolete locks. Some 30 percent of oil is shipped by barge, by waterway, a significant amount of coal, of cement, of fertilizer. A single medium-sized barge tow carries the same amount of freight as 870 trucks. There is a comparison for railroad, but the railroads are so full they cannot carry any more; they are at capacity. But it carries something akin to 2½ trainloads.

These facts speak volumes for the cost, pollution, and fuel efficiencies of river transportation. Throughout this long and arduous process to complete a 2-year bill in 7 years, we have been blessed with strong bipartisan support for modernizing the locks. I have already referred to the relationship of our EPW Committee.

Senator GRASSLEY has been supportive of this from the start. We would not be here today without Senator HARKIN, the occupant of the chair, Senator DURBIN, Senator OBAMA, Senator McCASKILL, and others from the Midwest playing a key role in this becoming law. I express my gratitude.

Outside Congress, modernization of the old bottleneck looks has won the untiring support of agriculture, the waterways community, industry, labor, and community leaders. I am concerned the administration may veto this bill because they say it is too big. Well, if it were a normal 2-year bill, it would be big. But this is a 7-year bill; taking into account three cycles which we should have and have not yet passed a WRDA bill. So it is big by historic standards.

When we total the three WRDA bills passed during the 5-year periods of 1996 to 2000, a 5-year period, the authorization levels totaled almost the same as this 7-year bill, almost \$21 billion.

Now, if there is a veto, I look forward to overriding it on a bipartisan basis as soon as action can be scheduled. This is an authorization bill. Without appropriations, it spends nothing. As Senators know, this bill simply adds projects to the list of items eligible for appropriations subject to the binding budget limitations faced under the appropriations process.

Put another way, this is a license to hunt. You still to have hit the bird and you can't go over the limit. So all it is is a license to ask for appropriations. The backlog of unfunded items often referred to by opponents of this bill is unfunded because many of the projects are not sufficiently high priority within tight budgets. Some may be very good projects but they do not make the cut given the limited budget. Does it make sense to say that bills passed

many years ago have to be funded before we can take a fresh look at priorities facing our waterway infrastructure and other waterway needs? I don't think so. Priorities change. Right now these items in this bill are the priorities that have been thoroughly vetted by the Corps, by all those who have input, and by the Environment and Public Works Committee in our body and in the Transportation Infrastructure Committee on the other side. I urge my colleagues to support it.

To oppose new authorizations is simply a way to pretend to save money without saving money, while unwisely assuming that all currently authorized projects are of a higher priority than the newly authorized projects contained in this bill. In many ways, this will cost money, and I will talk about that in a minute. But if there were to be a veto, the unfortunate message for water States and agricultural States in the Midwest is that water resources are not a high priority to this administration, despite the expectation of many supporters in 2000, when supporters of waterways in Missouri came out in record numbers to carry the State for the current President. The previous administration was not supportive and this administration is no better. Our concerns started with proposed construction budget cuts. Then they fired Mike Parker, a strong proponent of water resources. Then they underfunded flood control and navigation on the Missouri River. Now it would be capped off by vetoing WRDA. I truly hope that doesn't happen. They would get a grade for consistency, except that they say they support aggressive trade policies. But they say nothing about the transportation capacity vital to move the goods they want to trade, so they say. Bulk commodities can't be faxed or e-mailed or Fed-Ex'd or UPS'd in the real world to the rest of the world. Again, on our waterways in Missouri, one medium-size barge tow carries the same freight as 870 trucks with cost, pollution, fuel efficiencies, economic and environmental benefits that are obvious to all.

I was interested to read a November 2005 article in the Washington Times which reported that the President noted during a press conference with Panamanian President Torrijos: "... it's in our nation's interest that this canal be modernized." I know the administration does not oppose modernizing the Social Security-age locks on the Mississippi River, built during the Depression for paddle-wheel boats, but they also have not yet even endorsed it. Yet there was a rousing endorsement for upgrading the waterways in Panama. My colleagues and my constituents back home believe our midwestern exporters deserve as much consideration as Chinese exporters who transit the Panama Canal. I remain hopeful the administration will agree.

While no two of us would write the bill the same way, I am pleased so much work was done for so long by so

many to find a compromise that could serve the diverse needs of a nation that needs water resources to function. Among a very long list, this bill is supported by the National Corn Growers Association, the Carpenters, operating engineers, laborers, American Farm Bureau Federation, the American Soybean Association, and scores of members of the Waterway Counsel from coast to coast, communities large and small.

Our staffs have been working tirelessly on this not for days or for weeks but years. It has been a long process. We have gotten to know them like family. There is almost some regret in knowing that our family will be broken up when this bill is signed into law. But maybe we can get back on schedule and have another WRDA bill in 2 years. The staff has been tremendous. They took on tough issues, set up difficult criteria, helped to sort through competing objectives, and they never quit. While there were many who worked very hard on this over the years, including Andy Wheeler, Ruth Van Mark, Angie Giancarlo, Ken Kopocis, Jeff Rosato, Tyler Rushford, Jo-Ellen Darcy, Mike Quiello, and others, I especially thank the bipartisan staff support of Let Mon Lee with the committee. Let Mon has been working with us for all these years. He is truly part of our family. We would hate to lose him, but if that is the price for passing WRDA, so be it.

The success of our economy and its people owes a great debt to investments that were made by those before us. I urge my colleagues to make the investments now that will be providing the benefits for future generations and vote in favor of an opportunity and value for our future. We were reminded tragically a few weeks ago in Minnesota of the need to be vigilant in upgrading our infrastructure. When you see what happened in Minnesota, we saw a bridge collapse. There was a tragic loss of life. There was some disruption of commerce. But if one of these locks midway on the river between Missouri and Illinois at the bottom of the chain fails completely and bailing wire and chewing gum can only hold back the river so long and they leak not like sieves but by continuous sheets of water, if one of those locks were to blow out and fail, the impact on our economy, on commerce, would be huge, the impact we almost felt when Katrina shut off the mouth of the Mississippi River in Louisiana. Fortunately, they got that undone in a couple of days. But even papers that don't normally think about water commerce and agriculture were saying what a danger this was. A failure of one of these locks, one of these half-size, outdated, overaged locks could tremendously cripple our economy, put our rural economies into a significant downturn.

I urge our leadership in this body to move quickly for a speedy override vote should a veto materialize. But

again, my thanks, my congratulations, and deep appreciation to the Environment and Public Works Committee leadership and the diligent staff who have brought us to this point.

It is time we pass the 2001 WRDA bill. It may be 6 years late, but it is even more needed now than it was in 2001.

I yield the floor.

The PRESIDING OFFICER. Who yields time?

The Senator from California.

Mrs. BOXER. Mr. President, is it a fact that I have 34 minutes remaining on my manager's time?

The PRESIDING OFFICER. The Senator is correct.

Mrs. BOXER. Senator FEINGOLD graciously said he would yield me the remainder of his time with the understanding that if he needed more, I would give him some of it. So what is his amount that is remaining?

The PRESIDING OFFICER. Twenty minutes.

Mrs. BOXER. I ask unanimous consent that that be done.

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

Mrs. BOXER. Mr. President, again, in a way I am glad I didn't have a chance to speak before because there has been so much interest in this bill that I waited until we had a little quieter time on the floor, although several are coming.

Part of our work is making sure that in coordination with local governments and State governments and communities and the American people, we do what we need to do so we can build our economy, so our economy has behind it the infrastructure it needs. What happens when an infrastructure fails? We saw that in Minnesota when the bridge collapsed.

I am proud the Environment and Public Works Committee held a very strong hearing at the behest of Senator KLOBUCHAR, and we are moving forward on a way to ensure that we can fund those kinds of improvements. We saw what happens when water infrastructure fails, when we look at what happened in Hurricane Katrina. We saw that the levees we thought were built to protect against category 5 storms simply didn't stand up.

There is no way we can talk our way out of the problem we face in America. The problem we face is we have an aging infrastructure. Whether it is our roads or bridges, our highways, or our water infrastructure, these need attention. That is why today is such an important day and why I am so proud to stand here, because even though not every Member will support this bill, I would say almost every Member will. Senator FEINGOLD was eloquent and he was disappointed that we didn't do everything he and Senator MCCAIN asked us on Corps reform. I understand that. We are very close friends and colleagues. The fact is, I see it a little differently. We went a very long way. I know he and I have our differences. What I wish to do, rather than take the

time to engage in an argument, is to place in the RECORD the program highlights of Corps reform initiatives that are in this bill. I ask unanimous consent that this be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

**WATER RESOURCES DEVELOPMENT ACT OF 2007
CORPS REFORM INITIATIVES—PROGRAM
HIGHLIGHTS**

INDEPENDENT REVIEW

Creates a truly independent review process of projects through a program of mandatory reviews with reviewers selected by the independent National Academy of Sciences.

Projects over \$45 million (with an expanded definition to include beach nourishment projects), controversial projects, and projects where a governor requests a review will all be subject to independent review.

The review applies to project studies plus environmental impact statements.

The review panels will be able examine all aspects of the environmental, economic, and engineering aspects of the proposed project.

The review panels will have the opportunity to receive, evaluate, and comment upon input from States, local governments, and the public.

Recommendations of the review panel must be a part of the public project record, and any rejection of the recommendations must be explained in the record.

The costs of the review are Federal and are not contingent upon future appropriations.

SAFETY ASSURANCE REVIEWS

Creates a new responsibility to have outside experts review and assist the Corps of Engineers in the design and construction of flood damage reduction or hurricane and storm damage reduction projects to improve the performance of these critical, life-saving projects.

MITIGATION

Corps projects would have to comply with the same mitigation standards and policies established under section 404 of the Federal Water Pollution Control Act as any other entity.

Corps mitigation plans must provide for the same or greater ecosystem values as those lost to a water resources project through implementation of not less than in-kind mitigation.

Corps studies must include detailed mitigation plans that can be evaluated by the public and the Congress, including specific statements on the ability to carry out the mitigation plan.

Eliminates the Senate language that could have delayed mitigation up to one year.

Establishes requirements for the Corps to conduct monitoring of mitigation implementation until ecological success criteria are met. In evaluating success, the Corps must consult yearly with applicable Federal and State agencies on mitigation status.

The increased mitigation requirements apply to all new studies and any other project that must be reevaluated for any reason.

Requires the Corps to develop and implement a publicly available mitigation reporting system.

PLANNING PRINCIPLES AND GUIDELINES

Requires the Secretary to revise the planning Principles and Guidelines for the first time since 1983. The process must be in consultation with Federal agencies, and must solicit and consider public and expert comments.

The factors to be included in the revised Principles and Guidelines include the ele-

ments from both the Senate and House bills, ensuring the broadest look at the existing document and incorporating the most current and accurate concepts.

Establishes a national policy to maximize sustainable economic development, avoid the unwise use of floodplains and minimize adverse impacts and vulnerabilities in floodplains; and protect and restore the functions of natural systems and mitigate any unavoidable impacts.

Requires a comprehensive report on U.S. vulnerabilities and comparative risks related to flooding.

WATERSHED-BASED PLANNING

Increases Federal participation in watershed-based planning to eliminate the lack of integration of the interconnectedness of projects—a major short-coming of the failure of the hurricane protection in New Orleans.

LEVEE SAFETY

Creates a National Levee Safety Assessment program, in cooperation with the States, to address the lack of information on and assessment of levees.

Creates a publicly available database with an inventory of levees.

Requires a Federal inspection and public disclosure of all Federally-owned or operated levees, all Federally constructed but non-Federally operated levees, and non-Federally constructed levees if requested by the owner.

OTHER PROGRAM IMPROVEMENTS

Expedites the process for deauthorizing the unconstructed backlog of projects.

Creates a Federal responsibility to participate in the monitoring of ecosystem restoration projects to ensure project success.

Allows for non-profit entities to partner with the Corps of Engineers in implementing projects, which is especially important on small-scale environmental restoration projects.

Clarifies that the cost-sharing reforms enacted in 1986 apply to all projects and studies, stopping the Corps of Engineers from creating waivers and loopholes.

Expands opportunities for the beneficial reuse of dredged material for restoration and preservation benefits.

Ensures the authority of the Corps of Engineers to participate in ecosystem restoration projects that include dam removal.

Mrs. BOXER. What everyone will be able to read is the independent review we now have in place in the bill that is truly independent, done by the National Academy of Sciences, which includes safety assurance reviews, mitigation, planning principles and guidelines, watershed-based planning, levee safety, and other program improvements, including expediting the process for deauthorizing the unconstructed backlog of projects. Rather than get into a big argument, to me it is such a positive day today.

I see the Senator from Virginia coming to say a few words.

This is a very important day. We are struggling in the Senate to work together. The war in Iraq has torn us apart. It is very hard. But on this matter of building an infrastructure and making sure it works, we are as one. This conference report has the support of my ranking member, Senator INHOFE, the entire Environment and Public Works Committee. It is important to note that the conference report was signed by every conferee from both Chambers. The conference report was

signed by every conferee, Republican, Democratic, Independent, as they may be, in both Chambers. The conference report has already received an overwhelming vote in the House: 381 in favor; 40 opposed. Imagine what a wonderful message that is that we can work together.

I also say for the record that this conference report fully complies with the rules of the Senate as amended by S. 1, the Honest Leadership and Open Government Act of 2007. Under the requirements of new rule XLIV, I certify that each congressionally directed spending item in the conference report and the name of each Senator who submitted a request to the committee for that item has been identified through a chart that has been available on the committee Web site at least 48 hours prior to the vote on this conference report. So we have been faithful as we must be to the new rule XLIV on our ethics, where you can see what every Senator requested and a certification that in fact there is no conflict of interest, no pecuniary interest on the part of the Senator or any member of the immediate family. This is truly a bipartisan bill.

I am going to make a unanimous consent request that at the conclusion of my 10 minutes, Senator CARDIN be recognized for up to 10 minutes and that then Senator WARNER be recognized.

Mr. WARNER. Mr. President, I believe I was on the floor before the Senator from Maryland.

Mrs. BOXER. Well, the Senator from Maryland has been on the floor all day.

Mr. WARNER. Fine. Well, I am not trying to run this.

Mrs. BOXER. How much time would my colleague wish?

Mr. WARNER. I am going to take 2 or 3 minutes.

Mrs. BOXER. Then why don't we give you 5 minutes first and then 10 minutes for Senator CARDIN.

Mr. WARNER. Does that accommodate my colleague?

Mrs. BOXER. He is very pleased with that.

How many more minutes do I have on my 10 minutes?

The PRESIDING OFFICER. There is 23 minutes remaining.

Mrs. BOXER. So, again, we have complied with the new ethics rules. I want to say also, in terms of the Corps reform matters, there is an environmental organization, American Rivers, and they have written a very important release that I ask unanimous consent to have printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

American Rivers, August 1, 2007

**WATER BILL BEGINS PROCESS OF MODERNIZING
THE CORPS OF ENGINEERS**

Washington, DC—In a move that will help communities, taxpayers, and the environment, a House-Senate Conference Committee has produced reforms in a bill that will improve how the Army Corps of Engineers (Corps) does business. The Water Resources

Development Act of 2007 (WRDA), H.R. 1495, will begin moving the Corps into the 21st century.

The Corps is the nation's primary river management agency and in 2006 accepted responsibility for faulty floodwall and levee designs that led to the tragic flooding of New Orleans following Hurricane Katrina. The Corps' designs were so flawed that levees and floodwalls collapsed in the face of a storm they should have withstood. Corps projects also destroyed vital coastal wetlands that could have reduced the Hurricane's storm surge, and funneled that surge into the heart of New Orleans. The problems with Corps planning highlighted by Katrina affect Corps projects across the country.

The WRDA bill will produce critical improvements to the Corps' planning process, including requiring an update of the Corps' woefully obsolete planning guidelines that dictate how the Corps evaluates specific projects. The bill will also require the Corps to do a much better job of replacing habitat lost to its projects. The Corps now routinely ignores the basic wetlands mitigation standards that the agency applies to private citizens. The bill will also establish a new policy that gives a stronger emphasis on protecting the environment and the natural systems that provide critical natural flood protection to communities. It also directs that there be a comprehensive study of the nation's flood risks and flood management programs.

"The reforms in this bill begin to put the Corps on track towards becoming a more reliable and credible agency," says American Rivers' president Rebecca Wodder. "While we hoped that Congress would go farther in several critical areas, we are pleased with the passage of this first round of urgently needed changes. We intend to see that these changes are executed to their fullest extent and call out any weaknesses in this new process."

The gains in the WRDA bill would not have been possible without the tireless work from lawmakers on both sides of the aisle, and both sides of Capitol Hill. Senators Russ Feingold (D-WI) and John McCain (R-AZ) have long championed the issue of Corps reform, and Senate Environment and Public Works Chairman Barbara Boxer (D-CA) and House Transportation and Infrastructure Chairman James Oberstar (D-MN) deserve praise for working to change key aspects of how the Corps operates.

Unfortunately, the conferees failed to adopt the robust independent review provision that Senators Russ Feingold (D-WI) and John McCain (R-AZ) and others had secured in the Senate version of the WRDA bill in the last 2 years. The conferees instead adopted a project review provision that lacks complete independence. The final bill contains several loopholes that would allow the Corps to avoid review under certain circumstances and ignore a review panel's recommendations. Worse still, the provision also inexplicably disappears after 7 years. Independent review is particularly important in light of the flooding of New Orleans and the recent Government Accountability Office findings that Corps project studies were so flawed that they could not provide a reasonable basis for decision making.

"The nation has been very well served by the critical leadership of Senators Feingold and McCain to reform the Corps," says Melissa Samet, Senior Director for Water Resources for American Rivers. "We look forward to working with them to ensure that the Corps strictly adheres to the reforms included in this bill and that additional reforms as included in future legislation."

"Congress has taken a first step towards more responsible river management," adds Wodder. "American Rivers and our colleagues throughout the nation will be watch-

ing to see that the Corps lives up to the intent of the original authors of this legislation and we will continue to fight further reforms to ensure public safety and environmental sustainability."

Mrs. BOXER. They certainly believe we should have gone further with Corps reform. That is clear.

But they do say:

The reforms in this bill begin to put the Corps on track towards becoming a more reliable and credible agency.

This is important. They do say:

The gains in the WRDA bill would not have been possible without the tireless work from lawmakers on both sides of the aisle.

They name some names of Senators.

Even though, as I say, they would have wanted 100 percent of what Senator FEINGOLD asked for, they again say:

Congress has taken a first step towards more responsible river management.

I feel pleased with this result. I know sometimes we see a glass half full and sometimes we see it half empty. I see it half full. I am proud we made these amazing strides toward Corps reform. Senator FEINGOLD is, shall we say, very disappointed, and I respect that. I do not see it the way he sees it.

So when I come back to some more of my time—but I will yield at this time—I will talk about how important this bill is to the health and safety of our families, our communities, and our economy. At this time I yield and we will go to the unanimous consent agreement.

The PRESIDING OFFICER. The Senator from Virginia is recognized for 5 minutes.

Mr. WARNER. Mr. President, I listened with great interest to our distinguished chairwoman. I say to her, I commend you on your leadership and that of our distinguished ranking colleague, Senator INHOFE. It is quite an achievement. It has been 6 years of working to get here, and I have been pleased to be a member of this committee for a couple decades almost now. But it is a great achievement. I strongly support what you have been able to do and personally thank you for your inclusion of an amendment that I have felt very important. Senator WEBB, my colleague from Virginia, and I announced on July 30 the basic text of that amendment. I am pleased today to add a few closing words.

The conference report—likely my last WRDA as a Senator—includes the high priority Craney Island Eastward Expansion project. Craney Island represents a significant opportunity for the Commonwealth to be home to the development of state-of-the-art cargo operations. The project will accommodate a major new terminal for the Virginia Port Authority and will create over 54,000 new jobs annually, with wages of about \$1.7 billion.

Now, this port serves not only the Commonwealth of Virginia, but its tentacles reach deep into America. Many States are served.

As home to the world's largest naval base; that is, the Tidewater region, and

as one of the business commercial ports on the east coast, Hampton Roads is a strategic, critical port necessary for national defense, commerce, and trade. So this project will also directly and indirectly serve our national defense.

This project will help position the Hampton Roads region to strengthen its position as a major east coast port. The Port of Virginia serves as a gateway. It is an interesting term; it is a "gateway." In other words, things flow in, things flow out, and not just for the Commonwealth of Virginia. Almost every State in the Union ships down through this port on some occasions. More than 55 percent of the cargo we move comes from outside of the borders of the Commonwealth of Virginia. That is to say, this project is not just important for Virginians but for other States and companies that rely on their goods moving through the port in a reliable and cost-effective, safe manner.

For that reason, I am pleased the cost share for this project will be equally divided—equally divided—between the Commonwealth of Virginia, through its port authority, and the Federal Government. This is clearly a project with strong national benefits, and it is only fitting that in this case the Federal Government help shoulder part of the cost because of the national security interests and the fact that we serve so many other States.

Again, I thank my distinguished chairman and the ranking member of our committee and others who made this amendment possible.

I yield back the remainder of my time to my good friend and colleague, such as he may continue with his speech.

Mrs. BOXER. Mr. President, if I might make a unanimous consent request before my good colleague speaks.

First of all, because my friends on the other side are looking for time, I yield them 3 minutes of my time, to Senator INHOFE, right off the bat—3 minutes. If the Chair could add that to the time they have remaining.

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

Mrs. BOXER. Mr. President, I ask unanimous consent that following Senator CARDIN, Senator DEMINT be recognized for up to 20 minutes.

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

The Senator from Maryland.

Mr. CARDIN. Mr. President, I rise in support of the conference report on the Water Resources Development Act of 2007. I start by thanking Senator BOXER for her incredible leadership and Senator INHOFE for bringing forward a process that allows us to reach this moment where, after 7 years, we are going to be able to pass a Water Resources Development Act.

Senator BOXER and Senator INHOFE have developed a process where we could come forward with programs that are extremely important to our country in a fiscally responsible manner,

where we can come together in a non-partisan—not only bipartisan but non-partisan—way to move forward on this legislation.

Let me start off by saying that in our country today we spend .3 percent of our gross domestic product on infrastructure and buildings. That is deplorable. We saw the consequences of that failure to invest in our infrastructure—in our roads and our bridges and our buildings—in what happened in Minnesota with the collapse of a bridge.

In the Environment and Public Works Committee, we had a hearing on what we need to do as far as wastewater treatment facility plants and how there are literally hundreds of projects that go unfunded that are damaging our health and damaging our environment.

Well, today we are prepared to move forward with what I think is an extremely important bill. Once again, I congratulate the leadership on the Environment and Public Works Committee, Senator BOXER, for making this possible.

This bill is very important to our country. It is very important to our future. I am proud to be a member of the committee and proud to be a supporter of this legislation.

Let me comment for a few minutes as to what it means for the region of the country I represent, in this general area where we all are today.

We have heard a lot about how this is going to help the people of Louisiana, which I strongly support. I think we all have a responsibility to deal with the problems from Katrina. We heard how it is going to help in regard to the Everglades.

This bill is the most important act in regard to the Chesapeake Bay, which is a national treasure, and helps give a model as to how we can reclaim a body of water that is impacted by so many jurisdictions and States. We not only provide for the restoration funds that are important for the Chesapeake Bay, but we also provide, for the very first time, that the Army Corps will supplement the Environmental Protection Agency's effort to repair and improve wastewater treatment facilities that benefit the Chesapeake Bay.

Specifically, Blue Plains will benefit from this legislation. The users in northern Virginia, Maryland, and the District of Columbia—all of us—will benefit from the wastewater treatment facility improvements at Blue Plains.

The new EPA permit for Blue Plains requires that the nitrogen load from the plant be reduced by more than 4 million pounds annually. This will be the largest single nutrient reduction project in the bay watershed in a decade. All the experts say that should be our highest priority in regard to the Chesapeake Bay.

I am also pleased there is \$20 million in regard to oyster restoration included in this legislation, which is very important for the Chesapeake Bay and very important for our environment.

So we are improving the Chesapeake Bay by this legislation, but we are also dealing with the economic realities of our waterways.

The Port of Baltimore contributes \$2 billion to our State's economy, employing 18,000 Marylanders directly, and tens of thousands more indirectly.

I listened to my colleague from Virginia talk about the Port of Virginia. As with the Port of Virginia, the Port of Baltimore is vital to our national security, our national interest. This legislation extends the authorization for the 50-foot dredging of the Baltimore Harbor and channels, which is very important to our economy, very important to our region.

But the legislation does more. It continues the commitment of the Army Corps and our communities to Poplar Island. Poplar Island was once an inhabited island. It is no longer the case. But what we have done with Poplar Island is we have made it a plus-plus. We have a location for the dredge materials from the dredging in the Chesapeake Bay and our harbors, but we have also created an environmental advantage. Poplar Island has risen phoenix-like from the waters of the Chesapeake Bay.

Mr. President, 570 acres of upland habitat and an additional 570 acres of wetland habitat are being created through the leadership of this Congress. That is good news for our environment and good news for our economy. Poplar Island is a national model of how we should do the dredging and environmental improvements. There is more in it for our region.

Smith Island is a remote inhabited island in the Chesapeake Bay on the Maryland-Virginia border. It has lost 3,300 acres of wetlands, and it is threatened to be totally lost to erosion. This bill authorizes the construction of 2 miles of breakwaters to protect over 2,100 acres of wetlands and underwater grassbeds. It is very important to our environment, very important to the people who happen to live on Smith Island. I am pleased we have included that in this legislation.

This bill helps from the eastern shore of Maryland, to the Chesapeake Bay, to the mountains of western Maryland. The rewatering of the C&O Canal near Cumberland will not only help as far as the historical restoration of that part of our State but will also be important for flood control.

This legislation is comprehensive. It helps all the regions of our country, but helps our Nation as a whole. I am proud to be a supporter of this legislation. I am proud to have served on the committee that helped create it. I urge my colleagues not only to support this legislation but urge the President to please understand how important this bill is to our country.

It is a modest investment. It starts to reverse the process where, for too long, we have ignored our infrastructure in this country. It is the right plan for America's future. I urge my colleagues to support it.

I yield back my time and yield the floor.

THE PRESIDING OFFICER. The Senator from South Carolina.

Mr. DEMINT. Mr. President, I rise to express my concerns and disappointment about a number of provisions that have been added to this bill, the Water Resources Development Act, the bill we refer to as WRDA, that were not part of the bill we passed in the Senate or not part of the bill that was passed in the House.

These provisions are earmarks because they direct spending directly at the request of a Member to a specific entity in their home State or district. Unfortunately, these earmarks were not passed by either body in an open or transparent way. Instead, they were added behind closed doors in the dark of night, as we sometimes say here. As a result, these earmarks cannot easily be debated, amended, or removed from the bill.

I am very disappointed these provisions were added in secret. That is not how we should do things here, and it is a direct violation of a stated goal of the ethics bill that was recently passed and signed by the President 10 days ago.

My colleagues on the other side of the aisle came down to the floor one by one and praised the new ethics bill because they said it would stop earmarks from being added in the dark of night. I questioned the effectiveness of these provisions at that time because they had been watered down behind closed doors. Yet my colleagues on the other side said it was the most sweeping ethics reform in decades. They said there would be no more secret earmarks added to our bills in conference.

According to Taxpayers for Common Sense, this WRDA conference report contains numerous earmarks that were not part of either the House or the Senate bill. Unfortunately, anytime we talk about earmarks, it seems very personal because it usually has a Member's name on it, so I will start with South Carolina because one of the earmarks added in conference was for South Carolina. Obviously, I would like to do everything I can to help my own State, but this was not the time or the way to do it. There are a number of items for \$10 million, \$11 million, but, unfortunately, there is one item in here for \$1.8 billion. That earmark alone is more than 10 percent of the total cost of the original bill. This was added in conference. It was not debated or voted on. Now it is coming back and it is unamendable.

All of these projects that were added have added to the cost of this bill, and actually the cost has exploded. According to the Congressional Budget Office, the projects contained in this bill totalled some \$14 billion when it left the Senate, but then it was taken to conference. Behind closed doors, amounts were raised, new projects were added, reforms were dropped, and the bill now costs \$23.2 billion. That is right. The

price of this bill has increased 66 percent since it left the floor of the Senate.

I know my colleagues, the Senator from California and the Senator from Oklahoma, have worked very hard on this bill, and I believe there are some good things in it. I was very pleased to work with the Senator from California on some reforms that will help us deauthorize projects that have not been funded in 5 years or more and are currently inactive. As my colleagues know, the long list of backlogged projects makes it very difficult for the Corps of Engineers to focus on real priorities. I am looking forward to working with the Senator from California to get a good list of the inactive projects from the administration so the committee can deauthorize them in the next WRDA bill. The Senator has told me she will deauthorize these projects, but if for some reason we are not able to get that done, this bill provides an automatic mechanism to deauthorize by the end of the fiscal year, following the fiscal year in which the projects appear on the inactive list. This reform is more important than ever because the bill we are passing now or bringing back up now increases the backlog of projects from \$58 billion to approximately \$80 billion. So while this bill takes one step forward, unfortunately, it takes two steps back.

The pricetag of this bill is too high, and it violates an important principle we need to honor. It includes new provisions that were not in the bills we passed, and that has to stop. That is why I offered an amendment, along with Senator ENSIGN and Senator MCCAIN, to the ethics bill earlier this year that would clarify that earmarks added in conference were subject to rule XXVIII of the standing rules of the Senate, which prohibits what we call out-of-scope matter from being added to our bills in conference and which can only be waived by 67 votes. Further, the amendment we offered would have created a 60-vote point of order against earmarks added in conference. If this point of order was sustained, the provisions would be taken out of the bill.

Even the liberal Los Angeles Times editorial board this weekend made their support for such a rule known. In a weekend editorial entitled "The Value of Congressional Pork," the L.A. Times said such a rule was a worthy proposal that would make it harder for lawmakers to insert last-minute goodies during reconciliation of Senate and House bills. This is just plain good Government.

Unfortunately, the clarification to rule XXVIII was eliminated from the final bill, even though it was unanimously accepted here on the floor in January. Even worse, the majority leader is now saying the 60-vote point of order against what we call airdropped earmarks should only apply to appropriations bills. This is very disappointing. There is absolutely no rea-

son why we should restrict authorization earmarks. They can be as wasteful, as misguided and, I am afraid, as corrupting as appropriations earmarks. Authorization earmarks can be traded for bribes as easily as appropriations earmarks.

After checking with the Senate Parliamentarian, I understand there is some confusion over the definition of earmarks for this particular rule. The rule says it applies to provisions that provide a level of funding to a specific project. What could be clearer? All the projects I read about earlier fit that definition, regardless of whether they are appropriations or authorizations. If people want to parse these terms and say authorizations are not actual funding, then I am afraid we are not being completely honest.

We all know how the Corps of Engineers works. We pass WRDA bills that tell the Corps what projects to do, and then their annual appropriations bills provide money to complete these projects. But without an authorization in WRDA, the projects will not go forward. Authorizations are important, and we should be as open and as transparent about them as we are for appropriations.

I intended to raise a point of order today against these new provisions under rule XLIV which was part of the ethics bill, but I understand the unanimous consent agreement we are operating under prohibits me from doing so. In a minute I am going to ask for unanimous consent to be allowed to make this point of order against the provision, and if I am allowed to do that and the Chair rules that the point of order is acceptable under the rule, then, of course, I would urge my colleagues to sustain this point of order so we can take these provisions out. But before I do this, I would like to ask how much time I have remaining of my 20 minutes.

The PRESIDING OFFICER. The Senator has 11½ minutes remaining.

Mr. DEMINT. I would like to reserve the remainder of my time but yield 5 minutes to my colleague, Senator MCCASKILL.

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

The Senator from Missouri is recognized.

Mrs. MCCASKILL. Mr. President, I appreciate the Senator yielding me some time. This is a unique bill in many ways. It is unique because there is a different set of rules when it comes to the water projects bill and the water resources development in this country for the Army Corps of Engineers. I believe as a former auditor we should be allowing the Army Corps of Engineers to direct funding based on a cost-benefit analysis. A cost-benefit analysis would allow the prioritization of projects based on the best value for our dollar.

The law requires, unlike any other place in our Government—it was explained to me when I got here the law

requires that Congress direct this spending. I am uncomfortable with that. This is the only place this year that my name is listed on a specific funding request for Missouri, and I am not comfortable with that. I understand it is a reality this law requires, that if Congress is not directing this funding, there is no funding. I believe very much we should reform the way we fund the Army Corps of Engineers projects. I believe it should be driven by a cost-benefit analysis.

It is hard to understand why in this area, unlike any other area, not only are we in a position to decide level of funding, we are going to decide every single project. Now, since this is so unique, it is even more important that we have complete transparency. Even though I was uncomfortable with requesting specific funding, I understood the unique nature of this particular bill, but I was comforted by the fact that I believed all the projects were going to have a public airing, that they were going to be included in either the House bill or the Senate bill, and that there were not going to be any projects that were put into the authorization bill through the conference process. Unfortunately, that happened. That would bring me to the point of having to vote no on this bill because I believe very strongly in the principle that whatever we include must be included in either the deliberations of the House or the Senate.

This isn't about the projects and the merit of the projects. I am sure they are all very meritorious. In fact, painfully for me, one of them is in Missouri. This isn't about the projects; this is about the process. This isn't about Democrats and this isn't about Republicans. This is about a bad habit. This is about getting into the habit of directing authorization or spending in a conference report instead of under the bright lights of the Senate floor, the House Floor or committee work. We need to stop putting projects in conference reports that were not in the bill. Some people will say it doesn't matter; we have a backlog of all these projects. Well, if it doesn't matter, why do we need to do it? If it does matter, it ought to be important enough to be in one bill or the other.

I believe we need to reform not only the way we fund the Corps of Engineers, to give more deference to their discretion based on cost-benefit analysis, and I believe we need to stop the bad habit of always putting projects in a conference report without the full affirmation and public airing that the House and Senate deliberations provide.

I yield the floor.

Mr. DEMINT. Mr. President, I appreciate the remarks of my colleague. I would like to confirm what she has said. I take no issue with the authority of the Senate to designate spending, particularly in authorization bills. While this practice has certainly been abused, particularly in our appropriations bills over the years, my point

today is not to suggest that our committee and the floor of the Senate do not have the right to authorize money for particular projects, but I believe, as Senator McCASKILL has said and made clear, that in the debate on the Senate floor, it seemed we unanimously agreed these projects should be brought to the floor of the Senate and that if someone wanted to question them, we could have those amendments, and we could ultimately vote on the whole package. But it seemed clear we all agreed that new earmarks should not be added in conference and then for that conference bill to come back without any chance of amending it. That is not the type of business we talked about in the whole ethics debate. So my issue is not with our ability to earmark or even the practice of authorization bills designating spending but that they are added in conference when we all agreed that if it was not added in either the Senate or the House bill, it could not be added in conference.

For that reason, I ask unanimous consent that I be allowed to raise a point of order under rule XLIV.

Mrs. BOXER. I object. Mr. President, reserving the right to object, let me say this. For 7 years, we waited for flood control and then we saw Katrina. For 7 years, we have waited for environmental restoration. For 7 years, we have waited for navigation improvements. For 7 years, we have waited, and the bottom line is, every single project in this bill has a letter attached to it saying who asked for it, whether it was added in conference, added in the first bill, the second or the third.

I would urge that we get on with this today, and I object to the unanimous consent request that we slow this thing down.

The PRESIDING OFFICER. Objection is noted.

The Senator from South Carolina is recognized.

Mr. DEMINT. Mr. President, I would like to suggest that one of the reasons New Orleans was not prepared for Katrina is we have so many problems with our infrastructure in the way we politically meddle with the priorities of States, particularly with the Corps of Engineers that has a backlog of billions of dollars over many years. We refuse to clear out those backlogs so the Corps can focus on that which needs to be done, such as the levees in New Orleans. Instead, year after year, we add one earmark after another, until the Corps has no focus at all on what they are doing, and we are trying to direct from Washington what our water projects should be.

The fact that we have plussed this bill up from \$14 billion to over \$23 billion, a 66-percent increase since this bill left the Senate floor, says we have to have some shame. We have to have some honor in this body. If we are going to do this, let's do it in a way that we all said we would, and that is to bring these to the floor so we can de-

bate and vote on them instead of adding them in and trying to slip them by in a conference bill.

I am very disappointed in this body, particularly after all the grand debate about ethics reform, the disclosure of earmarks, the fact that none would be added in secret. Over the last few weeks, we have pretty much backtracked on everything we have talked about, to the point where even liberal publications across the country are talking about the pork we are producing in the Senate. Instead of doing the Nation's business and delegating authority to States, we are in effect weakening our ability to have a national infrastructure that is safe and works for all Americans. I am very disappointed not only that this has been done but that a Member of the Senate is not even allowed to raise a point of order against the fact that it has been done.

With that, I yield the floor.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The Senator from California is recognized.

Mrs. BOXER. Mr. President, I yield myself 4 minutes at this time.

Mr. President, it is my understanding that now I have 14 minutes remaining on my side. Senator INHOFE has how much time remaining?

The PRESIDING OFFICER. He has 22½, and the Senator has about 13½.

Mrs. BOXER. And Senator FEINGOLD retains 20 minutes.

The PRESIDING OFFICER. That is correct.

Mrs. BOXER. If he doesn't take that 20 minutes, Senator INHOFE and I will share that time.

I am sorry that Senator DEMINT has left the floor, which oftentimes happens after a Senator speaks. But I have to say that when I said we need to do these Katrina-related fixes, his answer was that the reason we had a problem with Katrina in the first place is the Corps didn't do a good job, and I think certainly the Corps didn't live up to our expectations. But what Senator DEMINT doesn't mention is that in this bill before us, because of the hard work of Senator FEINGOLD and others, we have now put into this bill an independent review process where there will be no projects going forward unless and until there is an independent report that the National Academy of Sciences will, in fact, oversee. We have gone light years from where we were before. That is why we have so much strong support for the bill. The Audubon Society supports the bill, along with the Clean Water Fund, the Conservancy of Southwest Florida, the American Shore and Beach Preservation Society, the National Water Resources Association, and on and on and on. The fact is, if we had allowed the DeMint request to go forward, we would be back to square one. We cannot afford that. It has been 7 long years.

Again, the health of our communities is at stake. The safety of our families

is at stake. I could talk about Sacramento. Finally, we have language in the authorization to move forward with the proper flood control for the community of Sacramento. Mr. President, 300,000 people live there. It is the home of our State, the capital of our State. We finally reached agreement. These are not agreements that come from the top down; they come from local government up. I think it is important, as colleagues come to the floor to in a way demean this process, to understand if they demean the process, they are demeaning their own communities. In Oklahoma, or in California, or Georgia—I see Senator ISAKSON here. He and Senator BAUCUS were invaluable to Senator INHOFE and me in doing all of this.

The fact is these projects and these ideas and these needs come up from local governments. As a matter of fact, homeowners' associations find themselves faced with dangerous circumstances because a river is rising and there have not been the needed improvements. Senator INHOFE and I share a commitment to shoring up our infrastructure, including water resources, and I think when we look at all of the things that come before us—and we are so torn in half here, Democrat versus Republican—here we have an opportunity to move forward in a bipartisan fashion. As Senator INHOFE would say in his way, because he has been hammering at this, this is one step of a very important process. We have added these independent reviews so that we have checks and balances all the way through.

I will retain the remainder of my time. I thank the Chair.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized.

Mr. INHOFE. Mr. President, it is my understanding that we have 22 minutes remaining.

The PRESIDING OFFICER. That is correct.

Mr. INHOFE. Mr. President, I yield 7 minutes to the Senator from Georgia.

Mr. ISAKSON. I thank the Senator from Oklahoma and Chairman BOXER and Subcommittee Chairman BAUCUS for their outstanding work on the WRDA bill. I urge my colleagues to support the conference report and point out the critical need for the infrastructure we have in this country.

Historically, every 2 years we have passed the WRDA bill. Now we have gone 7 years without that. What happened in the last 7 years? We have had significant droughts, we have had Katrina, and we have had other great tragedies. It is about time that we came back to the floor and passed a comprehensive bill.

I know there has been criticism of the amount of the bill. I saw a CBO score of about \$23 billion. I remind my colleagues that this is an authorization, No. 1. No. 2, it is 7 years in the making, not 2. No. 3, we have had significant tragedies and have significant threats in our own States that need to be addressed and need to be prioritized.

I will take my own State as an example. I represent a State with a major metropolitan area, Atlanta. That city has 5 million people whose water source is Lake Lanier and the Chattahoochee River. We don't have aquifers in the north to draw from, only the surface water that we retain. Through the leadership of a visionary Governor a few years ago, we passed the Metro North Georgia Water Planning District to take the consolidated area of north Georgia and put it into a singular planning district for water purposes, management of storm water, to see if we could maximize the return we get on the investment we make in the most precious thing we have, our water.

This legislation has money for conveyance systems. Local water authorities joined together with a regional plan to cooperate and build a solid water infrastructure.

Secondly, the Big Creek Water Management and Restoration Program is in here, which I started 9 years ago with the city of Roswell, which was developed to manage storm water, its runoff, and control water better in a major urban area. It was cited by the EPA as one of the most outstanding projects of its type in America.

Also in here is a very visionary agreement between the Governor of Georgia and the Governor of South Carolina, who signed a bistate water compact for the construction of a port to be operated jointly by the State of Georgia and the State of South Carolina in Jasper County, SC, on the Savannah River. The Ports of Charleston and Savannah are two of the major ports on the east coast of the United States. With this planned agreement and the funding that pays for the study put up by those States, and the study authorized in this legislation, these two States will set a historic precedent to reach out together and form partnerships so as to make the maximum use of the port capabilities and facilities of our States on the Atlantic Coast.

A lot of work has gone into this legislation. Senator INHOFE has worked tirelessly, as has Chairman BOXER, but I want to mention the ones who don't get much credit: Mike Quiello and Caroline McLean, on my own staff; Angie Giancarlo; Let Mon Lee; Jeff Rosato; Ken Kopocis; Tyler Rushforth; Paul Wilkins; and Jo-Ellen Darcy, all who spent countless hours to make this legislation come to pass.

I thank the ranking member for the time. I commit my vote to passage of the conference report and ask my colleagues to join me and show a significant vote for the WRDA conference committee report.

I yield back my time.

Mr. INHOFE. Mr. President, first, let me thank the Senator from Georgia. Working on these authorization committees is not easy. We have a lot of hearings and a lot of expertise, people looking, studying to see what is deserv-

ing to be authorized. I can tell you that the Senator from Georgia—I don't know of a member on the committee who has worked harder, or maybe even as hard as the Senator from Georgia. So I thank him for coming here today and making his statement.

I know my good friend from South Carolina, Senator DEMINT, would not intentionally misrepresent anything, but when he says once it is authorized, it is just like spending, that isn't true. I know he hasn't thought that through or he would not make that statement. We have a backlog, which has already been talked about several times here—a backlog of some \$32 billion of Corps projects that have been authorized but haven't been done. That speaks for itself. They are out there. How can you say that—by the way, it is worthwhile saying or some people might say: Why are you authorizing more if they haven't even done those? Maybe some of them are no longer necessary. I will give you a couple examples. In Oklahoma, we have a channel that goes all the way to Muskogee, OK, or the Port of Katusa. A lot of people don't think of us as being navigable in Oklahoma, but we are. It is a short distance that is 9 feet, where the choke is. So we have had it authorized for a long period of time to make that a 12-foot channel. It would make a huge difference. It hasn't been authorized.

The Passaic River in New Jersey has a flood control tunnel up there that was authorized at \$1.2 billion back in 1990. That wasn't last year or the year before. So far, no money has come in there.

Mr. President, I was disappointed in the way time was handled here. Let me make a few comments and then perhaps see if anybody else comes down who needs to be heard.

Right now, let me first redeem myself. We have a lot of people talking about this. I know a lot of people are watching, saying we are going to find out who the conservatives are. There are a lot of "born-again" conservatives I have heard so far, who are not conservative but are opposing an authorization bill. I say that, redeeming myself, in that—every organization, including Human Events and the American Conservative Union, says I am not No. 2 or No. 3, Mr. President, I am No. 1. Did you know that I am the No. 1 most conservative Member of the Senate?

I am here to tell you something that is very unpopular because nobody is going to understand it after I explain it to you. I will get right into it. I am going to tell you what authorization is. I hope some Members are listening, but I fear they are not. I think minds are made up. By the way, this bill will pass by an overwhelming majority. No question about that. In a way, we are wasting a lot of time right now. But I think it is important that at least somebody says something that has to be said: What is authorization all about?

The background of authorization goes all the way back to 1816. In 1816,

our permanent committees were put together. We didn't have committees prior to that. So the responsibilities of authorizing and appropriating were put into these 11 committees in accordance with jurisdiction.

By 1867, 51 years later, the Senate created the Appropriations Committee. The Appropriations Committee had the idea that there was to be separate authorizing language with the appropriations. They were going to actually spend the money. Somebody else was going to do the authorization.

In 1899, it was seen that they had kind of moved together, so the Appropriations Committee was actually legislating on appropriation bills.

In 1922, a major change took place. In 1922, after the Accounting Act of 1921, the Senate changed the rules. They established not only that the Senators were going to be appropriating and not authorizing on the appropriations bills, but that is when the current rule XVI came into effect. It had been there for a different purpose. Rule XVI says if the appropriators appropriate something that is not authorized, it is going to take a 60-vote point of order. That is huge. That was very clear in 1922. They said we want to make it virtually impossible for the appropriators, without going through any authorization, to unilaterally say we ought to have all these projects; we don't care if they are worthwhile or not. That is what happened.

Then, slowly, since that time it has been going back to the appropriators getting more and more power. They have been diminishing the power of the authorizers.

Put up the military chart.

I am on another committee.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. There is 12 minutes 30 seconds remaining.

Mr. INHOFE. Mr. President, the Armed Services Committee is an authorization committee. Let me tell you why the process of authorizing is important. I could use almost any example I want to, but I will use missile defense.

Right now, there are very few people around since 9/11 who don't know that there are monsters out there who will send a missile into the United States. We now have a missile defense system we are still developing. There are three phases: the boost phase, the midcourse phase, and the terminal phase.

In the boost phase, quite frankly, we do not have anything that will knock down a missile. We are working on two systems: one, a kinetic energy booster, and the other is an airborne laser system. The airborne laser system is going to be great for us, but we are not there yet.

Midcourse—we all have heard about the AEGIS system. I believe there are 16 AEGIS ships right now. They have the capability of knocking down a missile during the midcourse phase. We also have ground-based systems. We

know we need this redundancy because we don't know from where these missiles are going to be fired. We all know the President has been trying to get a location in Eastern Europe and up around the old Soviet Union, and it has been very difficult. What we ultimately have to have is a way of knocking these missiles down from anyplace in midcourse. We have two systems. An appropriator might look at that and say: I know where we can save money. We don't need two midcourse systems; one is enough. But that is not right because the expertise in the authorizing committees says we have to have that coverage.

Lastly, the terminal phase. We know about the THAAD system, the PAC-3, the Patriot Capability-3 advanced system. One may say they are redundant, but they are not.

Here is the point I am trying to make. The reason we know, in the Senate Armed Services Committee, it is important we have these systems is because we are staffed with a lot of really smart people. They are specialists in this area of national defense. I could have used the F-22 versus the F-35 or any other system we have, but the point is that the Armed Services Committee is an authorizing committee which is staffed with experts. So is the Environment and Public Works Committee. We have people who are experts in certain areas. The committee authorizes projects for the future.

If we take away the Senate Armed Services Committee and the committee is no longer able to authorize, then we are going to have appropriators sitting around waiting for somebody to come up with what they want. Maybe it is a contractor they know who has a system and they will go ahead and use that system, but they wouldn't have the expertise.

I am not bashing appropriators. That is a very important part of the process. But they have to have some kind of a discipline in their spending. There is no discipline.

Let me mention something else that would be very unpopular. I said this on the floor during the Transportation reauthorization bill, which, at the time the Republicans were in the majority, I chaired the committee Senator BOXER now chairs. At that time, a lot of people were trying to latch on to items that were wrong so they could use them to demagog. Remember the famous bridge to nowhere? Actually, it would have been more accurate to say it is a bridge to nobody because the bridge actually went someplace where they couldn't get except by barge traffic and they could never develop that area.

One of the few things that works well in Government, in my estimation, is the way we do the Transportation reauthorization. Everyone pays at the pump, and then the money comes into the highway trust fund. Then we establish criteria.

Senator BOXER will remember that we had some 30 criteria we used with

the Transportation reauthorization bill. One of the criteria was, What do the people at home want? In the case of the bridge to nowhere, the 100 projects the State of Alaska said they wanted to do with their tax dollars, it was No. 5 from the top. We, in our infinite wisdom in Washington, say we are smarter than the dumb people out in the States. We said: Even though this is what you want or have to have, you can't have it because we have this infinite wisdom in Washington.

I use these examples only because the authorizing system does work. We are supposed to pass this water resources development reauthorization every 2 years. If we had done that every 2 years, we would not be faced with what we are faced today. We would not be looking at \$21 billion. It averages out about \$3 billion, if my math serves me correctly. We tried to get a bill in 2002, and we were not able to do it. We tried in 2004, and we were not able to do it. We tried in 2006, and that didn't work, either. In fact, we did our job; we just ran out of time, as I recall. Now it is 2007. If we don't do it this time, it is going to be another year, and it is going to mean the appropriators are going to go ahead and do these projects without going through the right authorizing process.

I have to say it, and I say it in all sincerity to my good conservative friends: This is not money we are spending; it is authorizing projects as to what meets certain criteria. If we look at some of the problems we are having right now—Hurricane Katrina, that was not foreseen and that was a wake-up call. It could happen anywhere. It was an infrastructure need. The collapse of the bridge in Minneapolis, that was a bridge on an interstate. In Oklahoma, on I-40, we have a bridge built with the same technology at the same time, and right now chunks of concrete are dropping off that bridge and falling down below. We have, in my State of Oklahoma, the worst bridge situation. I am not proud of this fact, but it is true. We have more deteriorating bridges than any other State. These are projects we need to be doing.

I am ranked as the No. 1 most conservative politician, but I have always been a big spender in two areas: One, defend America—we need to defend America; no one else is going to do that for us—and No. 2, infrastructure. That is what we have talked about today.

We went through the long, involved Transportation reauthorization. Mr. President, I am embarrassed to tell you, as sizable as that Transportation reauthorization bill was, if we were able to spend all the money that was authorized, it would not even maintain the current system we have today.

Let me mention one other point. Where were my conservative friends in 2000 when we passed this huge, open-ended bill called the Everglades Restoration Act? It didn't have any Corps

of Engineers report. It did not have a Chief's report. It was open-ended, and the vote was 99 to 1. Guess who the one was. It was me. Where were my conservative friends at that time? That was huge.

In retrospect, I was right and the other 99 were wrong. They might argue with me on that point. But, nonetheless, in the current bill, there are now some reports in the Everglades, so we are doing it the right way with this bill.

I reserve the remainder of my time in case somebody else wishes to speak, but I have to say, in case I run out of time, I have a letter from the Assistant Secretary of the Army, Civil Works, Secretary Woodley, and the arguments they use as to why they would recommend the President veto this bill are not right.

Frankly, I am really disappointed. If we are going to pass this bill—and it is going to be passed by a veto-proof margin—if the President vetoes it, he knows it is going to be overridden, and I have to question why he would veto it. Again, we are reauthorizing. We are not appropriating one nickel with this bill.

I retain the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mrs. BOXER. Mr. President, I yield 6 minutes to Senator LANDRIEU of Louisiana.

The PRESIDING OFFICER. The Senator from Louisiana.

Ms. LANDRIEU. Mr. President, I wish to follow up on the comments of the good Senator from Oklahoma, who I believe made some very appropriate and strong arguments for this bill.

There are some reasons to vote against the bill, I guess, but I wouldn't say one of them is because you are a conservative. The Senator from Oklahoma is absolutely correct, this is a conservative approach to infrastructure. This is the right approach. This is about investments. Whether one is representing the State of California, which tends to be sometimes more liberal on issues, or representing a State such as Oklahoma, which tends to be more conservative, this is the right vote.

My colleagues can vote against this bill because they don't think it has enough Corps reforms. Senator FEINGOLD's position, although I disagree with it, is a legitimate position. He just believes the Corps should have more reforms. Actually, I agree with a lot of what he says. But we couldn't get a majority of Senators to go along with his proposal. We had to drop it or sacrifice the whole bill. I did not think it was worth sacrificing the whole bill. We have some reforms, and I am committed and others are committed to continuing to work to reform the Corps, to streamline the Corps, to force them to stop wasting so much money and time. I am committed to do that in the future.

But right now, we have wetlands to save and levees to build. The Senator

from Oklahoma is exactly correct. This is a chart that shows the civil works as a percentage of the gross domestic product since 1929. There is a crisis in America. We are down below half a percentage point relative to gross domestic product. We are spending less today than we did in 1929.

I know nobody believes this information, but this is not a chart that came from MARY LANDRIEU'S office; this is a chart from the Corps of Engineers.

We can see in the runup to the wars, World War I and World War II, how this bolted up because we had to make some of these investments. But look at the precipitous slide, Mr. President. I say this because the Senator is correct. The National Chamber of Commerce—not a bastion of liberalism—is supporting this bill. The Manufacturers of America—not a bastion of liberalism—sent out a letter supporting this bill. Why? Because business cannot operate without ports and navigation and flood control. Agriculture cannot operate if every year their fields get flooded.

I don't know how to explain this anymore. This is not porkbarrel, runaway spending. This is critical investments, and it has been 7 years since this bill has passed.

Senator BOXER didn't run up a big tab. She has worked her heart out with Senator INHOFE to get a bill passed in 7 months that should have passed 7 years ago.

As to the argument from the good Senator from South Carolina—and I know somebody has to come to the floor and read talking points from some organization about this bill, but I wish to say something about South Carolina, Louisiana, Florida, and Texas. This chart shows the hurricanes that have hit since 1955. I don't know how many more Katrinas, I don't know how many more Ritas, I don't know how many more Hugos we need. But these are the tracks of the storms. We have 300 million people who live in the United States. I am just going to take a wild guess that 50 percent of them live in the Northeast and the South because I know the interior West is very lightly populated, so I would imagine the gravity of the population is where we are looking now.

How many more storms have to hit before we pass a water bill? How many more homes have to be flooded? We lost 275,000 in Louisiana and Mississippi last year. Two years ago today, Rita slammed into south Louisiana and east Texas. I focus so much on my State, and, of course, I represent Louisiana, but I picked up the Houston Chronicle this morning, front page, big headline: People in south Texas still waiting for help from the Federal Government for homes destroyed 2 years ago.

This bill is not going to solve every problem. It is not going to build every levee. But we better get about raising this chart up a little bit or I don't know what our manufacturers and businesses are going to do. You can buy

anything you want on the Internet, but every now and then you have to ship it. You can purchase it with a mouse click, but that product has to get on a ship, it has to get on a truck, it has to get on a barge. It has to go somewhere. If we don't start building levees and protecting our people from these storms—and Lord help us if there is another terrorist attack—I just don't know what we are going to do. So there is some urgency about this situation.

I will say in my final minutes that I hope the President will not veto this bill. I hope he will reconsider his position and look at the vote, the overwhelming vote in the House—and I think we are going to have an overwhelming vote in the Senate—and say: I thought about vetoing this bill, but I decided not to because the arguments have been good.

Mr. President, I would ask unanimous consent for 30 more seconds.

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

Ms. LANDRIEU. So I hope the President will reconsider this number, the lowest investment since 1929. I hope he will look at the hurricane maps, and then I hope he will look at the land loss in Louisiana.

I would like to just end with this. We have lost more than twice the amount of land in just the last storm—these red dots represent significant land loss—that if an enemy came and took this land away from us, we would declare World War III. But it is not an enemy, it is ourselves.

So let us pass the WRDA bill.

I thank the chairman and the ranking member for their extraordinary leadership. There are many good reasons to pass this bill, and I hope we can get a good vote in just a few minutes.

Mr. CARDIN. Mr. President, I rise in support of the conference report on the Water Resources Development Act of 2007. The bill that is before us today contains key Corps reform measures. It helps move America forward in addressing a lengthy backlog of critical water infrastructure projects, and it authorizes essential ecosystem restoration efforts.

This bill contains a number of provisions that are vital to Maryland—from Cumberland in western Maryland to the great cities of Baltimore and Washington and down to tiny Smith Island, which sits in the Chesapeake Bay.

Like so many other projects contained in this bill, the Cumberland effort will have multiple benefits. Increased public safety will come from the flood control provisions. The project also serves historic and community restoration efforts, including the rewatering of the National Park Service's Chesapeake and Ohio Canal and the reconstruction of the historic turning basin there.

For the first time, the Army Corps will supplement the Environmental Protection Agency's effort to repair and improve wastewater treatment facilities to benefit the Chesapeake Bay.

The Corps will be able to support sewage treatment upgrades such as the one at Blue Plains, which serves customers in the District of Columbia, northern Virginia, and Maryland.

The new EPA permit for Blue Plains requires that the nitrogen load from the plant be reduced by more than 4 million pounds annually. This will be the largest single nitrogen reduction project in the bay watershed in a decade.

The Port of Baltimore is one of the largest ports on the east coast. It is a vital engine of economic activity, contributing \$2 billion to the State's economy and employing 18,000 Marylanders directly and tens of thousands more indirectly. WRDA 2007 extends the authorization for the 50-foot dredging of the Baltimore Harbor and Channels. The dredging that is authorized in this bill is essential to the economy of Baltimore and the entire region. But it produces millions of tons of dredge materials annually. In this bill, that sediment is being put to beneficial reuse. The Corps is literally rebuilding an island in the Chesapeake.

Poplar Island once was home to residents and hunting lodges. It had nearly vanished, the victim of rising sea level and unrelenting erosion. Since this project's authorization in 1996, however, the Corps has restored over 1,100 acres of remote island habitat. Poplar Island has risen, phoenix-like, from the waters of the Chesapeake Bay. Five hundred and seventy acres of upland habitat and an additional 570 acres of wetland habitat are being created.

Today, even as the project continues, the island is once again home to migratory shore birds, mammals, and reptiles. It even serves as a nesting area for Maryland's famous terrapins. The expansion of authorized in the bill will build upon this success. It will add an additional 575 acres, about half upland and half wetlands, to the restored island.

The Poplar Island expansion project authorized in this bill is important to the Port of Baltimore and to the ecological health of the Chesapeake Bay. But it is also a model for the Nation, showing us how Corps projects can be engines of economic success while at the same time serving beneficial ecological functions.

Smith Island is a remote inhabited island in the Chesapeake Bay on the Maryland-Virginia border. It has lost over 3,300 acres of wetlands, threatening the people who live there and degrading the Chesapeake Bay in the process. This bill authorizes the construction of 2 miles of breakwaters to protect over 2,100 acres of wetlands and underwater grass beds.

WRDA 2007 is unlike any earlier WRDA bill. It contains Corps reform measures, ecological restoration projects, and environmental infrastructure projects. These provisions represent the future of the Corps of Engineers. It is the reason I support this legislation. I urge my colleagues to join me.

Mr. DOMENICI. Mr. President, I believe that the passage of this bill is long overdue and I commend Senator BOXER and Senator INHOFE for their efforts to pass this bill.

There are numerous projects in this bill that are important to each state. I would like to take a few moments and highlight what this bill means to New Mexico and our environment.

I would like to point out that the New Mexico related projects in this bill were included, at my request, in the WRDA bill we passed in 2006. So the content in this bill should not be a surprise to any of us and I hope that we can get this bill signed by the President quickly.

One of the most critical New Mexico projects contained in this year's WRDA bill involves New Mexico's Bosque. I have long envisioned the rehabilitation and restoration of the Bosque. In fact, I have introduced legislation in this Congress that would do just that. This bill will allow us to implement this vision that concerns this long neglected treasure of the Southwest.

The Albuquerque metropolitan area is the largest concentration of people in New Mexico. It is also the home to the irreplaceable riparian forest which runs through the heart of the city and surrounding towns that is the Bosque. It is the largest continuous cottonwood forest in the Southwest, and one of the last of its kind in the world.

Unfortunately, mismanagement, neglect, and the effects of upstream development have severely degraded the Bosque. As a result, public access is problematical and crucial habitat for scores of species is threatened.

Yet the Middle Rio Grande Bosque remains one of the most biologically diverse ecosystems in the Southwest. My goal is to restore the Bosque and create a space that is open and attractive to the public. I want to ensure that this extraordinary corridor of the Southwestern desert is preserved for generations to come—not only for generations of humans, but for the diverse plant and animal species that reside in the Bosque as well.

The rehabilitation of this ecosystem leads to greater protection for threatened and endangered species; it means more migratory birds, healthier habitat for fish, and greater numbers of towering cottonwood trees. This project can increase the quality of life for a city while assuring the health and stability of an entire ecosystem. Where trash is now strewn, paths and trails will run. Where jetty jacks and discarded rubble lie, cottonwoods will grow. The dead trees and underbrush that threaten devastating fire will be replaced by healthy groves of trees. Schoolchildren will be able to study and maybe catch sight of a bald eagle. The chance to help build a dynamic public space like this does not come around often, and I would like to see Congress embrace that chance on this occasion.

Having grown up along the Rio Grande in Albuquerque, the Bosque is

something I treasure, and I lament the degradation that has occurred. Because of this, I have been involved in Bosque restoration since 1991, and I commend the efforts of groups like the Bosque Coalition for the work they have done, and will continue to do, along the river.

Another project that is of great importance to New Mexico is the Southwest Valley Flood Control Project. New Mexico is a desert State prone to flash flooding during our monsoon season. In order to protect our cities we must take proactive steps to ensure that communities are prepared in the event of flooding. The Southwest Valley is one such area that is subject to flooding from rainfall runoff. Due to unfavorable topography, flood waters pond in low lying developed areas and cannot drain by gravity flow to the Rio Grande River. This project resolves this problem and calls for the construction of detention basins and a pumping station in Albuquerque for flood control in the Southwest Valley.

This legislation also has a significant impact on our environment. The Rio Grande Environmental Management Program authorizes the Corps to address environmental restoration and management on the Rio Grande and its tributaries through planning, design and construction of habitat rehabilitation and enhancement projects and a long term river data acquisition and management program. This simple provision establishes a continuing authority for addressing environmental restoration and management on the Rio Grande and its tributaries within the state of New Mexico. This project consists of two main components. The first component consists of planning, design and construction of small habitat rehabilitation and enhancement projects and the second component calls for a long term river data acquisition and management program. The impacts that this project will have on New Mexico will be tremendous.

Another program outlined in this year's WRDA bill provides authority to the Corps to study, adopt, and construct emergency streambank and shoreline protection works for protection of public highways and bridges, and other public works, and nonprofit public services such as churches, hospitals, and schools. This program provides authority for the Corps to carry out ecosystem restoration and protection projects if the project will improve environmental quality, is in the public interest, and is cost effective. This is a worthy initiative that will benefit the environment throughout the United States.

I urge my fellow Senators to help further enhance and protect our environment through passage of this legislation. I believe that each State stands to benefit from this bill.

Mr. LEVIN. Mr. President, I am proud to support this legislation today, which is so important for our Nation's water infrastructure. We need to repair

and upgrade our waterways because so many of our businesses—and millions of jobs—depend on them. The bill would also help restore aquatic ecosystems and habitats, and it includes several provisions that are important for Michigan and the Great Lakes.

I wish to express my thanks to the chair and ranking member of the Environment and Public Works Committee, Senators BOXER and INHOFE, for their work on this bill. I also want to thank them for including a number of important provisions for the Great Lakes, one of the world's greatest natural resources. The Michigan and Great Lakes projects that I had requested, and which were included in the Senate bill, were retained in the conference report. Additionally, other important projects included in the House WRDA bill that I asked to be included in the conference report were retained.

I am also pleased that a provision that I added as an amendment to the Senate WRDA bill was retained in the conference report. This provision would expedite the operation and maintenance, including dredging, of the Great Lakes commercial navigation channels and infrastructure. This is a key provision because the Great Lakes are in the midst of a crisis: Freighters are getting stuck in shipping channels, other ships are carrying reduced loads, and some shipments have simply ceased altogether. This WRDA provision would work to address the very serious dredging backlog in the Great Lakes, which has been exacerbated by historically low water levels. I am also thankful that the bill includes a Sense of the Congress that states that the Corps' budget for dredging should be developed by using all available economic data rather than focusing on a single metric such as the amount of cargo being moved. I worked with the Senate bill managers to address this problem when WRDA was being debated on the Senate floor. At that time, the bill managers agreed to work with me to address this problem in the conference committee, and indeed they did. And for that, I am grateful.

Also of vital importance for the Great Lakes navigation system is a provision in the conference report that modifies the authorization to construct a second Poe-sized lock at Sault Ste. Marie, so that it will be constructed at full Federal expense for a total cost of \$341,714,000. Two-thirds of the carrying capacity of the U.S. Great Lakes fleet is currently limited to the one large lock, the Poe lock. If the Poe lock should fail, shipping between Lake Superior and Lake Huron would essentially cease, and the steel industry, coal-reliant industries, and agricultural industries dependent on farm exports would be severely harmed. This authorization to waive the non-Federal cost-share requirement is an important step for ensuring the viability of the Great Lakes shipping infrastructure.

Another important provision for the health of the Great Lakes that was retained in the bill is a provision that authorizes the completion of the dispersal barrier to prevent invasive species, such as the Asian carp, from moving between the Mississippi River watershed and the Great Lakes. Further, the bill directs the Corps to operate both barriers I and II at full Federal expense and provides credit to those States that provided funds to begin construction of barrier II. The bill also directs the Corps to conduct a feasibility study on other ways to prevent the spread of invasives between the Great Lakes and Mississippi River.

The bill also retains a Senate WRDA provision that I have been working on for many years: the improvement of Michigan's water and sewage infrastructure. An authorization of \$35 million is included in the WRDA conference report for a statewide environmental infrastructure project to correct combined sewer overflows, which is a major source of pollution in the Great Lakes and other waterbodies in Michigan. Combined sewer overflows carry both stormwater and sewage, and these can be discharged into streams, rivers, and lakes during periods of heavy rains. The \$35 million provision in WRDA authorizes the Army Corps to partner with communities throughout Michigan to improve their sewer infrastructure. These improvements would not only benefit communities but would also help protect our precious water resources.

As the recent tragic collapse of a Minnesota bridge has made all too clear, the repair and modernization of this Nation's infrastructure needs to be a much higher priority. Just as roads and bridges need urgent repairs, we cannot wait further for authorizing important water projects that protect lives and property, support commerce and industry, and preserve and restore our environmental resources. We have waited 7 years for this bill. Now is the time to pass this bill, and it should not be held up by a Presidential veto, which I am confident the Congress would override.

While these important provisions, as well as several others that I have not mentioned, provide the authorization for addressing the dredging backlog in the Great Lakes, restoring the environmental integrity of our waters, and providing critical flood protection projects, the appropriations needed to make these provisions a reality are down the road. The next critical step is to appropriate the actual funding for these necessary projects.

• Mr. McCAIN. Mr. President, I would like to express my strong opposition to the conference report on the Water Resources Development Act of 2007. The legislation being considered today far exceeds the already outrageous spending that was approved in both the House- and Senate-passed bills and would drastically increase the backlog of Army Corps of Engineers construc-

tion projects while doing nothing to modernize the system for funding these projects. I wonder, did we learn nothing from Hurricane Katrina?

In August of 2005, this Nation witnessed a horrible national disaster. When Hurricane Katrina hit, it brought with it destruction and tragedy beyond compare, more so than our Nation had seen in decades. Almost 2 years later, the gulf coast region is still trying to rebuild, and there is a long road ahead. I thought that we had learned a few lessons from this tragedy, but as our Nation continues to dedicate significant resources to the reconstruction effort, we are now being asked to quickly approve a conference report that only perpetuates the problems with both the funding and management of the Corps of Engineers.

During Senate consideration of this bill, Senator FEINGOLD offered an amendment that I was pleased to co-sponsor that would have established a system to give clarity to the process used for funding Corps projects. Of course, that amendment was not adopted. It is unacceptable to me that this Congress isn't interested in how best to allocate our limited Corps resources or how taxpayer dollars would be used most effectively. My question is, What is wrong with having some concept of what our Nation's priorities are for waterworks projects? Why are we rejecting policies to help us identify where the greatest infrastructure needs are? Are people worried that showing the American people how their money is really being spent may result in their pet project being moved down the list for funding?

Today's practice, as illustrated again by this legislation, allows a Member of Congress to get a project authorized and funded without having any idea of how that project affects the overall infrastructure of our Nation's waterways—or whether it is even needed. There is already a \$58 billion backlog in Corps projects, and the bill before us increases that backlog by an additional \$23.2 billion according to the Congressional Budget Office. That is a 40-percent increase in the size of the existing backlog. Yet consider how much funding the Corps receives annually on average—\$2 billion. Anyone can do the math and realize that we are perpetuating a significant problem. But that won't stop so many of my colleagues from congratulating themselves on passage of this bill—a bill the White House intends to veto.

I find it particularly ironic that just before the August recess this body claimed to be turning a new page and taking significant steps toward ending the process of secret earmarks and porkbarrel politics when it passed the Honest Leadership and Open Government Act of 2007. This bill is beyond more of the same with over 900 projects, up from 600 projects in both the Senate and the House passed bills. As stated in a recent letter from the Director of OMB and Assistant Sec-

retary of the Army for Civil Works, "Because the conference version of H.R. 1495 significantly exceeds the cost of either the House or Senate bill and contains other unacceptable provisions discussed below, the President will veto the bill." I applaud the President's vow to veto this bill.

While the bill before us today includes an "independent" review process in name, as Senator FEINGOLD and I have pushed for during debate on the last two Senate-passed bills, the conference report provision does not promote true independent review at all. Senator FEINGOLD and I championed language that would have established a process by which the planning and design of Corps projects could be reviewed by a panel of experts. As stated by an editorial in the Washington Post on August 6, 2007, entitled "Watered Down," "The Corps has a long history of overly rosy environmental and economic analysis of such projects, tailored to the political needs of its funders in Congress. Review of Corps projects by independent experts would deter such behavior, which threatens not only the federal budget but public safety. The Senate version of the legislation was very tough on this point." I will ask to have the editorial printed in the RECORD immediately following my remarks.

The legislation before us drastically dilutes the Senate-passed provision and gives the Corps undue influence over this panel. The review process will actually be housed within the Corps rather than outside the agency as the Senate bill required, and the Corps' Chief of Engineers is also given significant authority to decide the timing of review, the projects to be reviewed, and whether to implement a review panel's recommendations. This new system will only compound the problems with an agency that has brought about countless mismanaged and incredibly expensive construction and maintenance projects.

I believe this conference report is fundamentally flawed in many ways, not the least of which is its cost. As stated by the Tax Payers for Common Sense, "In High School Civics students learn that conference committees are where lawmakers hash out the differences between House and Senate bills. But in the case of WRDA (H.R. 1495), the Corps of Engineers water projects bill, a \$14 billion Senate bill met a \$15 billion house and ballooned into a whopping \$21 billion monster. . . . The ultimate price tag will be far higher because of numerous policy changes that are intended to shift costs from who benefits onto the federal taxpayer. For these reasons, the President did the right thing by promising to veto the bill if it gets to his desk. . . . Lawmakers should start over again and come back with a fiscally responsible bill that includes stronger policy reforms for independent peer review of costly, controversial, or critical projects, modernized economic guidance and creates a system to prioritize

limited federal funding. All these proposals will save taxpayers in the long term."

Mr. President, it is time that we end this process of blind spending, throwing money at projects that may or may not benefit the larger good. It is time for us to take a post-Katrina look at the world and learn from our experiences over the past years instead of being content with business as usual. Shouldn't we be doing all that we can to reform the Corps and ensure that the most urgent projects are being funded and constructed? Or are we more content with needless earmarks—too often at the expense of projects that are of most need?

I urge my colleagues to oppose this conference report.

Mr. President, I ask to have the editorial to which I referred printed in the RECORD.

The article follows.

[From the Washington Post, Aug. 6, 2007]

WATERED DOWN

ANOTHER PORK-LADEN BILL FOR THE ARMY CORPS OF ENGINEERS CONTAINS MODEST CHECKS ON FUTURE PROJECTS

When Last we checked, the Water Resources Development Act was a \$14 billion bill larded with pork-barrel projects. Now it is a \$21 billion bill, having taken on still more pork in a House-Senate conference committee, and it appears headed for passage. One small factor in the bill's growth was the addition, during the closed-door conference, of tens of millions of dollars' worth of pet projects not previously debated in either chamber. Interestingly enough, Congress has also just passed an ethics bill that was arguably designed, in part, to prevent this sort of thing. But that legislation has not yet taken effect.

Of greater concern are the bill's provisions for independent review of proposed dams, levees and other projects to be built by the U.S. Army Corps of Engineers. The Corps has a long history of overly rosy environmental and economic analysis of such projects, tailored to the political needs of its funders in Congress. Review of Corps projects by independent experts would deter such behavior, which threatens not only the federal budget but public safety.

The Senate version of the legislation was very tough on this point. It would have required peer review of projects costing \$40 million or more and permitted state governors, federal agencies and the general public to initiate mandatory peer reviews of other projects. It would have created a separate federal office to oversee the reviews, and it stated explicitly that federal courts did not have to defer to the Corps' reasoning when the agency decided to reject the findings of an independent panel. But, after negotiations between the Senate and the House, which favored a nearly toothless process, the final bill leaves out much of the Senate language: It raises the minimum dollar amount slightly, to \$45 million, and says that only governors, not federal agencies or public interest groups, can call for mandatory peer review. The Corps can waive review of smaller projects where it sees no environmental issues. Inexplicably, the peer review law expires in seven years.

The good news is that the bill requires the Corps to assign the reviews to the respected National Academy of Sciences; it also wisely permits reviewers to consider a wide range of issues. President Bush has understandably threatened a veto because of the bill's cost,

but there are more than enough votes to override. Imperfect as it is, this bill is likely to become law. Supporters of the compromise, such as Sen. Barbara Boxer (D-Calif.), chairman of the Environment and Public Works Committee, say that their tough oversight will make it work, a promise that will itself be tested in the months ahead.●

Mr. KYL. Mr. President, although I supported the Senate-passed version of the Water Resources Development Act of 2007, I cannot support the conference version of WRDA because it significantly exceeds the costs of both the Senate and House-passed bills and includes many projects outside the Army Corps of Engineers' traditional responsibilities. I am not alone in my opposition. Indeed, the Director of the Office of Management and Budget and the Assistant Secretary of the Army have indicated to Congress that the President will veto the bill in its current form.

The conference reported version of WRDA would cost approximately \$21 billion, which is about \$7 billion more than the Senate and House-passed versions. The \$21 billion "compromise" reached in conference is not a fiscally responsible bill and, therefore, should not pass.

The conference version also inappropriately contains many projects outside the Corps' primary missions of navigation, flood damage reduction, and ecosystem restoration, such as environmental infrastructure projects. These environmental infrastructure projects divert vital resources away from the Corps' primary responsibilities, and add to the backlog of Corps projects. This is especially troubling since according to the Congressional Research Service the Corps' backlog of authorized projects is currently estimated to be 800 totaling nearly \$38 billion to \$60 billion.

I do recognize that the conference version of WRDA contains a number of important projects, some of which are located in my home state of Arizona. I would like to thank the Environment and Public Works Committee for including many of the projects I requested in the bill. It is important to note, however, that because of the backlog of Corps projects and concerns relating to WRDA's costs, I limited the requests I made. The same cannot be said for the conference version of WRDA. Consequently, I cannot support the bill in its current form.

Mr. DURBIN. Mr. President, I rise today in support of the Water Resources Development Act of 2007. We have waited a long time for this bill, almost 7 years.

I thank Chairman BOXER and Ranking Member INHOFE for their hard work on this legislation and getting this bill through a conference and here before us today.

The bill authorizes navigation, ecosystem restoration, and flood and storm damage reduction projects all over the country. Most significantly for Illinois, the bill will increase lock capacity and improve the ecosystem of

the Upper Mississippi and Illinois Rivers.

The Mississippi River is the backbone of our waterway transportation system and transports \$12 billion worth of products each year, including over 1 billion bushels of grain to ports around the world. This efficient river transportation is vital to Illinois. Shipping via barge keeps exports competitive and reduces transportation costs. That is good for producers and consumers. More than half of Illinois' annual corn crop and 75 percent of all U.S. soybean exports travel via the Upper Mississippi and Illinois Rivers.

There are huge cost and environmental benefits to shipping by barge as well. Barges operate at 10 percent of the cost of trucks and 40 percent of the cost of trains. They release much less carbon monoxide, nitrous oxide, and hydrocarbons, and use much less fuel to operate.

But the system of locks and dams along the Upper Mississippi that make travel possible are in desperate need of modernization. The current system was built 70 years ago and needs to be updated to account for modern barging. Many of the older locks are only 600 feet in length, while most current barge tows using the waterway are twice as long. That means these goods take twice as long to get down river and into the marketplace. The conference report before us today authorizes replacing and upgrading many of the locks and dams along the Mississippi.

The legislation authorizes \$2.2 billion for replacing and upgrading locks and dams and another \$1.7 billion for ecosystem restoration along the river.

As we have seen in the tragedy that occurred along Minnesota's 35W Bridge, our country's infrastructure is aging and overburdened.

The projects included in the bill are sorely needed to shore up our waterway system, a vital component of our national infrastructure.

Unfortunately, the President has threatened to veto the WRDA bill. This bill is years overdue, and a veto by this Administration will mean yet another delay for important projects in Illinois and across the country.

The WRDA conference report passed the House this August by a vote of 380-40. And when the Senate originally considered the bill earlier this year, there were only four dissenting votes.

The bill will be sent to the President with broad bipartisan support from both the House and the Senate, and he should reconsider his threat to veto this bill.

I encourage all of my colleagues to support this bill and yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. INHOFE. Mr. President, I yield myself such time as I may consume.

Mrs. BOXER. Will my friend yield just on the time issue?

It is my understanding that Senator FEINGOLD has yielded us 20 minutes, so

I ask unanimous consent that Senator INHOFE get an additional 10 minutes and I get an additional 10 minutes.

The PRESIDING OFFICER (Mrs. STABENOW). Without objection, it is so ordered.

Mr. INHOFE. Madam President, let me say to my good friend from Louisiana that I do agree with her. I hope the President doesn't veto this bill, but whether he does or doesn't, it won't make any difference. The outcome is going to be the same. We are going to have this bill. But let me give him the assurance that the place to start using his veto is when we start spending money in places we shouldn't spend money and not on this authorization.

I am going to make sure everybody understands, even though I have made a number of statements here in support of this authorization bill, it doesn't mean I am going to support everything on it. There will be things, when it comes up to appropriations time, that I will be down here leading the opposition and asking the President to veto some of these things. But you have to have discipline in some way. There has to be some kind of a guideline, some kind of criteria used.

Let me for a minute talk parochially about my State of Oklahoma. These are things that are in here for my State but things that should be in here. These are things the Government should be doing.

Lake Arcadia is a good example. The city of Edmond is the fastest growing city in Oklahoma. Because of a set of circumstances, they were being billed and have been billed for years now for water they were not even using. All that is corrected in here. In the event this bill should not pass, those people of the city of Edmond, OK, are going to have to come up with money to pay for something they never got.

Lake Texoma—the same situation. The Red River Chloride Control Project in this bill clarifies the operation and maintenance of Oklahoma chloride control projects at the Red River. This is critically important to our farmers in southern Oklahoma.

We have Ottawa County's Tar Creek. The most devastating Superfund site in America that has been addressed now for 25, 26 years is Tar Creek in northern Oklahoma, which goes into southern Kansas, and nothing has been done. We have spent millions and millions of dollars, until 4½ years ago, when I became chairman of this committee, with the help of the Democrats, Senator BOXER included, we were able to actually get in there and do something. We have some of the projects that are necessary to ultimately take care of that devastating thing in northern Oklahoma.

Now, I spent several years—three terms—being mayor of a major city in Oklahoma—Tulsa, OK. In Tulsa, OK, one of the biggest problems we had—and I daresay if you were to talk to any mayor in America they would say the same thing—the biggest problem in my city was not prostitution or crime in

the streets; it was unfunded mandates. So we had the Federal Government coming along telling us what to do and mandating that certain things be done, and some of my poorer communities in Oklahoma were just not able to do it. Let me just give a couple of examples.

All of these towns and cities in Oklahoma I have been in and I have seen different things the Federal Government has come in and told them to do and not funded them. They are projects in Ada, Norman, Wilburton, Weatherford, Bethany, Woodward, Langley, Durant, Midwest City—that project in Midwest City is a water infrastructure type of project—Ardmore, Guymon, OK, out in the panhandle. I was out there during the last recess, and they were having a very serious problem with wastewater treatment. This would resolve that problem. Altus, OK; Chickasha, OK; Goodwell, OK; Bartlesville, Konawa, Mustang, and Alva. And when you stop and you think about all these things, these are things that—it should not be their responsibility. They do not have the capability of doing it. They are all things that came from the Federal government. Here I am, the No. 1 most conservative Member, saying Government does have a function. The major function I have always said is defending America and its infrastructure.

Let me mention a couple of things, if I could, Madam President.

I have a letter here from the Department of the Army, the Assistant Secretary of Civil Works, which is the Corps of Engineers, and they say the Corps already has an enormous backlog of ongoing projects that will require future appropriations of some \$38 billion. Well, I use that in my argument as to why this is necessary. There is a reason for the backlog. At the time, they were authorized, but then circumstances changed. Some of these projects don't need to be done and will never be done.

By the way, when you talk about the amount of money that is going to be authorized, you don't know, first of all, how much of that \$21 billion or \$23 billion—maybe half of it—will ultimately be spent. We don't know. Some may be spent next year, some 10 years from now. It is just authorizing, just saying that at this snapshot in time, these are things which need to be done in America, these are legitimate, these meet the criteria. So that argument is no good.

He says that adding excessive new authorizations to this backlog is unaffordable and unnecessary. This sentence implies it is inadvisable to authorize new projects until all current authorized projects are completed, and nothing could be further from the truth. Certainly providing adequate hurricane protection in New Orleans is a higher priority than some of the already authorized projects, but we didn't know it at the time these were authorized. That is why this is important.

It said in this letter that the bill will include numerous authorizations that

are outside of and inappropriate for the mission of the Corps of Engineers, and so forth. Well, the conference report does not include authorization of surface transportation projects for the Corps of Engineers. That isn't something we do.

So you look at the arguments they have, and it gets right back to the argument that the attack here, as I said, going all the way back to 1816, is on the authorization process. The only discipline we have in spending in this body is to have an authorization process.

Again, I will repeat, there is going to be some of these that are authorized that I would feel in my heart should not be appropriated, and I will fight against their appropriation. That is where the battle should be fought, and I think it is going to be.

I don't want to question anyone's sincerity in their opposition, but I think there are a lot of people who will go home and have a press release saying: I voted against spending some \$23 billion. Nothing could be further from the truth. You oppose the authorization system and you oppose discipline in spending.

Madam President, I reserve the remainder of my time.

Mrs. BOXER. Madam President, could you tell us how much time remains between Senator INHOFE and myself?

The PRESIDING OFFICER. The Senator from Oklahoma has 6 minutes, and the Senator from California has 13 minutes.

Mrs. BOXER. Madam President, let me say as we wind down that I think this committee, of which I am so proud to be the chairman, and I am so pleased to work with Senator INHOFE on these infrastructure issues, has done its work. I think we have done our job.

Now, of course, you can always find something that somebody doesn't like in a bill, but the fact is, as Senator INHOFE explained with a most instructive set of charts—and I thank him so much for going back through the history of the difference between appropriations and authorizations—this is an important step and a necessary step in the process but by no means the last step.

He talked about the appropriations process, and I talked about the process now that Senator FEINGOLD and Senator MCCAIN got added to this bill. Although they are still not happy with everything we have done, it creates an independent review. So we will have independent review, we will have appropriations. Therefore, this is a very necessary first step after these projects have come up really from our constituents, from our homeowners, from our city councils, from our boards of supervisors, from our mayors and governors, et cetera. So I believe we have put together a bill that meets our communities' needs, and I think we have done it in the very best way we can. We have complied with the new ethics rules.

By the way, I ask unanimous consent to have printed in the RECORD a letter dated today from Majority Leader REID and the Rules Committee chair, Senator FEINSTEIN, replying to Senator DEMINT on the issue of whether the Senate rule XLIV point of order applies to authorization bills.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,
OFFICE OF THE MAJORITY LEADER,
Washington, DC, September 24, 2007.

Sen. JIM DEMINT,
U.S. Senate,
Washington, DC.

DEAR SENATOR DEMINT: Thank you for your letter last Thursday regarding the earmark reform provisions in Public Law 110-81, the Honest Leadership and Open Government Act of 2007. This law, which passed the House by a vote of 411-8 and the Senate by a vote of 83-14, has been hailed by independent congressional reform advocates as “far-reaching reform” and “landmark legislation.” According to *Democracy 21* President Fred Wertheimer, “this Congress has passed fundamental government integrity reforms to respond to the worst congressional corruption scandals in thirty years.”

The new law (and procedures adopted by Senate committees in anticipation of the law’s enactment) has already improved public awareness of earmarking activity—activity that had been obscured from public view even as the number of earmarks exploded during Republican control of Congress over the last decade. For the first time, earmarks and the identity of their sponsors are fully disclosed on the Internet before legislation comes to the Senate floor, and there is a meaningful process to curb the inclusion of dead-of-night spending in conference reports.

Your letter of September 20 challenges an anticipated ruling by the Senate Parliamentarian regarding the scope of the new point of order in Rule XLIV. But you fail to acknowledge that the ruling you now claim to be “saddened” by is compelled by key definitions in two amendments you sponsored during Senate floor debate last January, both of which were incorporated into the final bill essentially word-for-word. Further, the anticipated ruling is grounded on sound policy reasons involving the distinction between mere authorizations and actual spending provisions—a distinction that you and Senator Coburn openly discussed during floor debate on your amendments.

At the outset, we note that many of the new rules in Pub. L. 110-81 apply to authorizing bills as well as spending bills. For example, the newly strengthened Rule XXVIII, which permits “surgical” points of order against out-of-scope matter in a conference report, applies to all types of conference reports, including authorizing bills and appropriations bills. The Rule XXVIII point of order maintains the longstanding definition of out-of-scope matter.

Similarly, the disclosure requirements in new Rule XLIV apply to legislative items that merely authorize spending, as well as those that actually spend money. Moreover, disclosure is required for items in committee reports as well as in legislative text. Information about such items, including the identity of the members who sponsored them, must be posted on a public Internet website 48 hours before a bill is considered on the Senate floor.

The new point of order in Rule XLIV, however, applies to actual spending rather than to mere authorizations. This new point of order is extraordinary because, for the first

time, Senate rules prohibit conferees from including in a conference report matter plainly within the scope of the conference. The anticipated interpretation by the Parliamentarian is compelled by the plain language of amendments that you yourself sponsored during Senate debate on the ethics bill.

Amendment No. 11, which you successfully offered and the relevant part of which was included word-for-word in the final law, requires public disclosure not only of certain items “providing” funding but also items “authorizing or recommending” funding. Thus, the explicit language requires disclosure of items in appropriations bills, authorizing bills, and even report language accompanying bills.

But Amendment No. 98, which you co-sponsored with Senators Ensign and McCain and which was adopted by unanimous consent, contains a completely different definition of items that would be subject to a point of order if included in a conference report. This definition, unlike the definition in Amendment No. 11, makes no reference to authorizations; instead, it describes an item “containing a specific level of funding for any specific account, specific program, specific project, or specific activity, when no such specific funding was provided for” in either the House or Senate bill. Further, a provision in that amendment made clear that it only applied to appropriations conference reports—if a point of order was sustained, “any modification of total amounts appropriated necessary to reflect the deletion of the matter struck from the conference report shall be made” (emphasis added). The definition in Amendment No. 98 was incorporated essentially word-for-word into Public Law 110-81.

The inclusion of the word “authorizing” in Amendment No. 11 and the absence of that word—along with the trigger of “specific funding” and reference to “amounts appropriated”—in Amendment No. 98 compel the Parliamentarian’s ruling that authorizations are subject to disclosure but not subject to the new point of order in Rule XLIV. An authorization bill does not contain “specific funding” and it does not “appropriate” any amounts; it is merely permission for possible funding in the future. An analysis by the Congressional Research Service confirms this interpretation:

In summary . . . both the originally-passed rule (Section 102) and the new Rule XLIV, paragraph 8, would seem to apply to provisions providing appropriations and direct spending only, generally to provisions that provide some form of spending authority. Neither rule would seem to apply to provisions simply authorizing or reauthorizing a program, project, or activity, without providing any funding.

Memo from the Congressional Research Service to Majority Leader Reid, September 11, 2007.

The remarks of you and your co-sponsors during the Senate floor debate on S. 1 also reflect this understanding. In arguing for earmark reform you spoke about “spending” and “appropriations” bills. For example, you said: “And if we put that money in an appropriations bill designated just for them, it is an earmark. That is a Federal earmark.” (Cong. Rec. 8417, Jan. 11, 2007). You urged that Congress “show the American people that we were going to spend their money in an honest way.” (Id. at 8416). You said you were “trying to let the American people know how we are spending their money.” (Id. at S417). And you made the point that “in the appropriations bills there were 12,852 earmarks.” (Id. at S426). (Emphases added in each case.)

In your floor colloquy with Senator Coburn, he repeatedly emphasized that your

shared concern was with “appropriations bills” and “spending.” (See id. at 425-427). In fact, Senator Coburn was very explicit in identifying the difference between an authorizing bill and an appropriations bill and stated flatly: “you don’t have an earmark if it is authorized” (Id. at S42); “Items authorized are not earmarks” (Id. at S427).

Similarly, in Senator Ensign and McCain’s comments regarding Amendment No. 98, they spoke about federal spending and appropriations bills, not authorizing bills—“We should scrutinize how Federal dollars are spent”; “We must ensure that taxpayers’ dollars are being spent wisely”; “The growth in earmarked funding in appropriations bills during the past 12 years has been staggering.” (Id. at S 741, emphases added). Nothing in the floor debate on S. 1 reflects an intent to subject authorizing language in conference reports to the point of order under Rule XLIV. Quite the opposite—the plain language of the amendments and the floor debate on earmarks was focused on spending and appropriations bills. The sentiments you now express simply do not square with relevant legislative history.

There are sound policy reasons for the distinction between authorizations and spending provisions under Rule XLIV. The availability of a surgical point of order against a conference report represents an exception to the long-standing parliamentary principle that a conference report may not be amended. Since conference reports must be adopted in identical form by both houses of Congress, endless amendment of conference reports would disrupt the orderly resolution of legislative disagreements. In order to instill needed discipline in the legislative process, the new law creates two exceptions to that principle: the surgical point of order against out-of-scope material under Rule XXVIII and the point of order against new spending items in conference reports under Rule XLIV. But extension of the Rule XLIV point of order to authorizing language in conference reports is unwarranted and would thwart finality in the legislative process.

Stronger safeguards are appropriate when Congress actually spends taxpayer money, whether in appropriations bills or in other bills which directly affect the federal budget. But when Congress passes an authorizing bill, it is simply expressing a goal. For instance, spending for disadvantaged students under Title I of the No Child Left Behind Act was authorized at \$25 billion in FY07, but only \$12.8 billion in funding was actually appropriated. The pending Water Resources Development bill authorizes billions of dollars for water projects, but the actual funding of those projects will occur through the appropriations process. In fact, tens of billions of dollars worth of water resources projects have been authorized over the years, but have not yet been funded through an appropriations bill. Each of the spending decisions in the appropriations bills will be subject to the discipline that the new Senate rules impose on such bills and may be challenged during consideration of those bills.

When earmark abuse occurs, it involves the unjustified use of taxpayer money—not the setting of authorization levels. It is appropriate to require full disclosure of all items that involve specific member-requested projects, including authorizations, but only those items that actually spend taxpayer money should be subject to the extraordinary procedure of allowing a point of order to strike a provision that is within the scope of conference from a conference report.

Despite your ongoing campaign to discredit the Honest Leadership and Open Government Act, we remain confident its passage was a major accomplishment. 83 Senators and 411 House members voted for the

final bill because they recognized it for what it is: the most sweeping ethics reforms in years and a huge step forward toward restoring the confidence of the American people in their government.

Sincerely,

HARRY REID,
Senate, Majority Leader.
DIANNE FEINSTEIN,
Chair, Senate Rules Committee.

Mrs. BOXER. So, Madam President, we have complied in full with the Ethics Committee, and we worked with the Parliamentarian every step of the way to make sure we were in total concert with that new law because we are respectful of it. We have letters from every Senator. We have a transparent process here. Everyone who asked for a project put their name on the line, and we made sure there was no pecuniary interest of a Member or their family.

So this is an important day for our country. We have all said this in different ways, but we are authorizing projects our communities need to help protect millions of people in our Nation from catastrophic flooding. It also will help restore the great wetlands, estuaries, and rivers of our Nation, places where wildlife thrive and that our families enjoy today. We want to make sure they enjoy them in the future—the hunting, the fishing, the boating, the camping, the outdoor industries.

By the way, those outdoor industries are a very important part of our economy. We call it the recreation economy. Without these projects, they simply won't be able to thrive.

WRDA makes other important contributions. It authorizes projects for our communities that they need to increase their capacity at their ports, to make shipping easier, safer, and more efficient. It literally keeps America's economy moving. You cannot have a great country if you don't keep up with the infrastructure needs. We saw what happened when a bridge collapses, and we are dealing with that in the committee as well.

Look what happens if we don't keep up with our water projects. We are not going to be able to move our ships. I know there are, for example, in California so many ports, but in many cases a lot of silt builds up and they can't move those ships through. So we need to do that. These are our gateways to the world. Our manufactured goods, such as computer chips, agricultural goods, grains, wines, and fruits, pass through our ports and harbors to be sold around the world. We have \$5.5 billion worth of goods passing through our ports each day and more than 2.5 billion tons of trade moving through our ports each year. Colleagues, that volume is expected to double over the next 15 years.

That is why we say to this President: Please, please sign this bill. Why do we have to fight over every single thing? The fact is, you can't have a great economy, the greatest economy in the world, if we can't keep our goods moving. And we need to create thousands

of new jobs right here in America. The port economy is responsible for approximately 5 million jobs—and “jobs” is your middle name, Madam President. So this bill will keep jobs being created and keep goods moving. WRDA is essential for goods movement.

I mentioned recreation. Maybe some people don't know this, but the Corps of Engineers is the largest provider of outdoor recreation, operating more than 2,500 recreation areas at 463 projects and leasing an additional 1,800 sites to State or local parks and recreation authorities or private interests. At these projects around the country, the Corps hosts 360 million visitors a year at its lakes, beaches, and other areas. One in ten Americans—25 million people—visits a Corps project at least once a year, and this generates 600,000 jobs related to all of this movement.

So, colleagues, we can all agree that public health and safety, economic growth, and environmental protection are important goals, and this bill helps to achieve them.

Finally, I wish to say a word of thanks to leader HARRY REID, who has just come onto the floor to make a statement of his own. I know Senator INHOFE and I spoke to Senator REID many, many times, and I know it is difficult for him because, just so the public understands, everyone who gets a bill out of his or her committee goes right to the majority leader to beg for time.

He made a commitment to me. He told me, and I remember it: When the Jewish holidays are completed, we will turn to WRDA. And that is what he did. He is a man of his word. This is so very important for the country.

Finally, let me thank the staff. First, the Democratic staff: Bettina Poirier, Ken Kopocis, Jeff Rosato, Tyler Rushforth; EPW Republican staff: Andy Wheeler, Ruth Van Mark, Angie Giancarlo, Let Mon Lee—I have gotten to know these as family; also, the staff of Senator BAUCUS: Jo-Ellen Darcy and Paul Wilkins; and staff of Senator ISAKSON: Mike Quiello.

This has been not an easy time. But when you get a bill that is supported by the U.S. Chamber of Commerce, the National Association of Manufacturers, the American Farm Bureau, and the three biggest construction labor organizations—Laborers' International, International Union of Operating Engineers, United Brotherhood of Carpenters and Joiners—when you get all those, plus a host of local people, plus a host of water people, I think we are answering a need.

Again, I thank each and every member of the staff, my dear friend Senator INHOFE for being such a good fighter for this, and all the Members of the Senate. I know we are going to have a great vote.

It is my understanding Senator INHOFE may have a closing word prior to Senator REID speaking, so I yield my time.

Mr. INHOFE. Madam President, it is my understanding I do have more time left than I will take. A quick word. I had a communication from my wife that she thought I was getting a little emotional about this, so let me end on a very positive note and say, yes, I have a presentation I make to groups, to conservative groups, talking about the history of authorizations since 1816. I gave an abbreviated edition a few minutes ago.

It is so frustrating to me to see people saying, if for some reason—it isn't going to happen. This is going to pass by a huge margin. If the President vetoes, he knows it will be overridden. But if for some reason this didn't pass, we would be right back where we were in 2002, 2004, 2006, and we would be having appropriators out there without any kind of discipline or any kind of process to go through in making those determinations.

I think it would be the wrong thing to do.

Lastly—I didn't mention this—in Oklahoma, Texas, and Arkansas, we had quite a number of floods. If it had not been for what the Corps of Engineers had already done that was previously authorized and then later on was appropriated, it would have cost us, they now say, \$5.4 billion more in damages than it did.

I hope the good conservatives will look at this and realize we have to have authorization in the process.

I yield the remainder of my time.

The PRESIDING OFFICER. The distinguished majority leader.

Mr. REID. This will be the first and last vote today.

Madam President, I have been chairman of this committee on two separate occasions, the Environment and Public Works Committee. This is a masterful piece of legislation that was put together by the two managers of this bill; the chairman, Senator BOXER, ranking member Senator INHOFE. They have been in reverse rolls. Senator INHOFE was chairman of this committee.

People complain about the Senate not working together on a bipartisan basis and perhaps that is true on a lot of occasions. But there are many occasions where we need to look at the glass being half full rather than being half empty, and here is an example of the glass being half full. This is a fine piece of legislation that is being pushed by two Senators with ideological bents that are totally different. Senator BOXER has one political philosophy, Senator INHOFE has another. But that is how things should work around here.

Being a little bit personal about this, I think people recognize that Senator ENSIGN and I work very well together. We are not political soulmates, but we are friends and we work together. That is what has been accomplished. We don't have political soulmates, but they work together, giving and taking, and legislation is the art of compromise, consensus building. That is

what this is. Senator BOXER didn't get all she wanted. Senator INHOFE didn't get all he wanted. But they got something good for this country.

I want the record spread with the fact that this is an extremely important piece of legislation that literally could not have been accomplished—not only with what they did in committee—they got it passed on the floor—frankly, without the persistence they have had. Anytime I tried to turn away from it, they would head me in the right direction. I am glad we are here. This bill deserves a big vote. This is one of the finest pieces of legislation this body has passed all year.

The PRESIDING OFFICER. All time has expired.

Mrs. BOXER. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second? There appears to be a sufficient second. The question is on agreeing to the conference report. The yeas and nays have been ordered.

The clerk will call the roll.

The assistant journal clerk called the roll.

Mr. DURBIN. I announce that the Senator from Delaware (Mr. BIDEN), the Senator from Connecticut (Mr. DODD), the Senator from Massachusetts (Mr. KERRY), and the Senator from Illinois (Mr. OBAMA) are necessarily absent.

I further announce that, if present and voting, the Senator from Massachusetts (Mr. KERRY) would vote "yea."

Mr. LOTT. The following Senators are necessarily absent: the Senator from Kansas (Mr. BROWNBACK), the Senator from Arizona (Mr. MCCAIN), and the Senator from Oregon (Mr. SMITH).

The PRESIDING OFFICER (Mr. SANDERS). Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 81, nays 12, as follows:

[Rollcall Vote No. 347 Leg.]

YEAS—81

Akaka	Domenici	Menendez
Alexander	Dorgan	Mikulski
Barrasso	Durbin	Murkowski
Baucus	Feinstein	Murray
Bayh	Graham	Nelson (FL)
Bennett	Grassley	Nelson (NE)
Bingaman	Hagel	Pryor
Bond	Harkin	Reed
Boxer	Hatch	Reid
Brown	Hutchison	Roberts
Bunning	Inhofe	Rockefeller
Byrd	Inouye	Salazar
Cantwell	Isakson	Sanders
Cardin	Johnson	Schumer
Carper	Kennedy	Shelby
Casey	Klobuchar	Snowe
Chambliss	Kohl	Specter
Clinton	Landrieu	Stabenow
Cochran	Lautenberg	Stevens
Coleman	Leahy	Tester
Collins	Levin	Thune
Conrad	Lieberman	Vitter
Corker	Lincoln	Voinovich
Cornyn	Lott	Warner
Craig	Lugar	Webb
Crapo	Martinez	Whitehouse
Dole	McConnell	Wyden

NAYS—12

Allard	Ensign	Kyl
Burr	Enzi	McCaskill
Coburn	Feingold	Sessions
DeMint	Gregg	Sununu

NOT VOTING—7

Biden	Kerry	Smith
Brownback	McCain	
Dodd	Obama	

The conference report was agreed to. Mrs. BOXER. Mr. President, I move to reconsider the vote.

Mr. INHOFE. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The Senator from Louisiana is recognized.

Ms. LANDRIEU. Mr. President, as we conclude this historic vote, I thank colleagues on both sides of the aisle and briefly will put a few names into the RECORD. I know we are moving to another bill. I wish to thank Senator BOXER, Senator INHOFE, and Senator REID, for living up to his commitment.

For the RECORD, there were several people on my staff who worked so hard over the last 7 years: Herman "Bubba" Gesser, Allen Richey, Paul Rainwater, Kathleen Strottman, Jason Matthews, Jason Schendle, Stephanie Leger, Robert Bailey, Jennifer Lancaster, Tanner Jackson, Mark Tiner, Lauren Jardell, Elaine Kimbrell and Lucia Marker-Moore.

That is how long this bill has been going on. I have literally had 12 people in and out of the Projects Department working on this bill.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

• Mr. KERRY. Mr. President, I was necessarily absent from the vote today on the conference report of the Water Resources Development Act. Had I been present, I would have supported the conference report because it authorizes a number of essential flood control, navigation and ecosystem projects in Massachusetts and around the Nation. We have a responsibility to safeguard our environment, and this legislation will help ensure that future generations will be able to take full advantage of all that nature offers in Massachusetts.

The conference report directs the Army Corps of Engineers to study the Gateway region of Lawrence to determine whether to fill abandoned channels along the Merrimack and Spicket Rivers. Filling the channels will allow for the site to be redeveloped safely and stop chemical leakage into the Merrimack River. It also requires the Army Corps to conduct a navigation study of the Merrimack River in Haverhill to determine whether the agency should proceed with dredging to improve navigation.

The conference report modifies the coordinates of the Federal navigation channels in the Mystic River in Medford and the Island End River in Chelsea. The modifications will support waterfront development by increasing access to the channels.

It also directs the Army Corps of Engineers to study Woods Hole, the East Basin of Cape Cod Canal in Sandwich, and Oak Bluffs Harbor to determine whether the Army Corps should proceed with dredging in those areas to improve navigation. It modifies the coordinates of the federal navigation channels in Chatham's Aunt Lydia's Cove and Falmouth Harbor. These modifications will support waterfront development by increasing access to the channels.

An earlier Army Corps of Engineers restoration plan for Milford Pond recommends that the pond be dredged. The conference report authorizes the Army Corps of Engineers to assist the community in removing the excess sediment.

Finally, the conference report directs the Army Corps to prepare an environmental restoration report on Mill Pond in Littleton. This report is an essential step before the Army Corps can assist the community in removing excess sediment and restoring the pond.

Much good will come from the provisions I have described here, all of which I worked to include in the final version of the Water Resources Development Act. However, we must recognize that our work to improve Corps of Engineers project planning is not done. Corps project planning must account for climate change, and Corps projects should use nonstructural approaches whenever practicable to help protect the natural systems that can buffer the increased floods, storms, storm surges, and droughts that we will see as the Earth's temperature continues to rise. The safety and well-being of communities across the country are at stake.

Many of my colleagues have already expressed their support for this important change. In May of this year, 51 Senators voted for a bipartisan climate change amendment to the Water Resources Development Act that I offered along with Senators COLLINS, FEINGOLD, SANDERS, CARPER, REED, BIDEN, WHITEHOUSE, CANTWELL, SNOWE and NELSON. Unfortunately, we needed 60 votes to sustain the amendment.

I remain deeply committed to ensuring that the Corps, and all of our federal agencies, plan for the future climate that we know will be upon us, and I urge my colleagues to join me in this fight.

It is clear that climate change is real and that its affects must be factored into our public policy. It is equally clear that climate change will have very significant consequences for the safety and welfare of the American people, and people across the globe.

The basic facts are these: At both poles and in nearly all points in between, the temperature of the Earth's surface is heating up at a frightening and potentially catastrophic rate. Temperatures have already increased about .8 degrees Centigrade, about 1.4 degrees Fahrenheit. Even if we could stop all greenhouse gas emissions

today, the current levels of carbon dioxide in the atmosphere almost certainly will produce additional temperature increases. Realistic projections of future warming range from 2 to 11.5° F.

These are the findings of scientists and governments from across the globe, as set forth in the most recent report of the IPCC, the Intergovernmental Panel on Climate Change. That report was written by some 600 scientists and reviewed by 600 experts. It was then edited by officials from 154 governments. The IPCC report concludes that it is "unequivocal that Earth's climate is warming as it is now evident from the observations of increases in global averages of air and ocean temperatures, widespread melting of snows and ice, and rising global mean sea level."

Scientists expect that the earth's increased temperatures will cause an increase in extreme weather events, including more powerful storms, more frequent floods, and extended droughts. These changes threaten the health and safety of individuals and communities around the globe. These changes also pose a significant threat to the economy, and will put added pressure on water resources, increasing competition among agricultural, municipal, industrial, and ecological uses.

The United States is extremely vulnerable to these threats. Coastal communities and habitats, especially along the gulf and Atlantic coasts, will be stressed by increasing sea level and more intense storms, both of which can lead to greater storm surges and flooding. In the West, there will be more flooding in the winter and early spring followed by more water shortages during the summer. The Great Lakes and major river systems are expected to have lower water levels, exacerbating existing challenges for managing water quality, navigation, recreation, hydropower generation, and water transfers. The Southwestern United States is already in the midst of a drought that is projected to continue in the 21st century and may cause the area to transition to a more arid climate.

The Corps of Engineers stands on the front lines of all of these threats to our water resources. They are our first responders in the fight against global warming. Hurricane and flood protection for New Orleans, levees along the Mississippi and Missouri Rivers, levees in Sacramento, CA, and ports up and down our coasts, east and west are just a few of the many hundreds of Corps projects that will feel the strain, impact, and consequences of global climate change.

Corps planning currently does not take climate change into account. To the contrary, the Corps' current planning guidelines are explicitly based on the existence of a stable and unchanging climate, and on the assumption that flooding is not affected by climate trends or cycles. Continued reliance on these outdated guidelines is like driving down the highway at 80 miles an

hour with blinders on. It is bound to lead to disaster.

The only climate change impact addressed by the Corps' guidelines is sea level rise. Under its internal planning guidelines, the Corps is supposed to take account of sea level rise when planning coastal projects. Those guidelines do not require the Corps to assess any other effects of global warming like increased hurricanes, storm surges, and flooding. The Corps' compliance even with its internal requirement to look at sea level rise is spotty at best. For example, in proposing a \$133 million dredging project for Bolinas Lagoon in northern California, the Corps said it would not address sea level rise because it was too complicated to do so.

As importantly, despite a statutory mandate to consider non structural approaches to project planning, the Corps rarely recommends such approaches. This is true even where such approaches could provide the same or better project benefits. The Corps instead relies heavily on its traditional approaches of straight jacketing rivers with levees and floodwalls. These types of projects sever critical connections between rivers and their wetlands and floodplains, and lead to significant coastal and floodplain wetland losses. These approaches have left coastal communities, like New Orleans, far more vulnerable, and have exacerbated flood damages by inducing development in high risk, flood prone areas and by increasing downstream flooding.

Nonstructural approaches should be used whenever possible as they avoid damage to healthy rivers, streams, floodplains, and wetlands that can help buffer the increased storms and flooding that we are seeing as a result of climate change. These systems protect against flooding and storm surge by acting as natural sponges and basins that absorb flood waters and act as barriers between storm surges and homes, buildings, and people. Healthy streams and wetlands also help minimize the impacts of drought by recharging groundwater supplies and filtering pollutants from drinking water. Protecting these resources also provides a host of additional benefits, including providing critical habitat for fish and wildlife, and exceptional recreational opportunities.

Hurricane Katrina showed us the tragic consequences of an intense storm running head on into a badly degraded wetlands system and faulty Corps project planning. Coastal wetlands lost to Corps projects were not available to buffer the Hurricane's storm surge before it slammed into the city. One Corps project, the Mississippi River Gulf Outlet, funneled the storm surge into the heart of New Orleans. Corps projects in New Orleans also were not designed to address the increased sea level rise or land subsidence, and were not strong enough to withstand the type of storm that sci-

entists say may become all too common.

I am committed to ensuring that future Corps planning does not repeat the mistakes of the past, and I urge my colleagues to join me in this fight as we consider future WRDA bills. Corps project planning must account for the realities of climate change, and protect the natural systems that can buffer its affects.●

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent to speak with Senator FEINGOLD in morning business for 15 minutes.

I understand the other side is going to object to a unanimous consent request. I am going to ask if you would like me to do it upfront. Is that correct?

Mr. ENSIGN. Yes.

Mrs. FEINSTEIN. I always oblige the Senator from Nevada. So if I have unanimous consent, that will be the order.

The PRESIDING OFFICER. Is there objection?

Mr. ENSIGN. Reserving the right to object, the Senator is going to ask for unanimous consent on the bill?

Mrs. FEINSTEIN. If I may finish. It is my understanding that the Senator has another commitment, and therefore I am happy to accommodate him in that regard.

The PRESIDING OFFICER. The Senator from Kentucky.

Mr. BUNNING. Mr. President, I wish to ask, you are going to ask unanimous consent on H.R. 1255 also?

Mrs. FEINSTEIN. I would be happy to do that also.

Mr. BUNNING. I will wait then.

Mrs. FEINSTEIN. I will do them both first and then both Senators can object, and then Senator FEINGOLD and I will have some time to speak, if that is agreeable.

Mr. BUNNING. Thank you very much.

UNANIMOUS CONSENT REQUEST— H.R. 1255

Mrs. FEINSTEIN. Mr. President, I ask unanimous consent that the Senate now proceed to Calendar No. 213, H.R. 1255, Presidential Records Act Amendments of 2007; that the amendment at the desk be considered and agreed to; the bill, as amended, be read three times, passed, and the motion to reconsider laid upon the table; that any statements relating thereto appear at the appropriate place in the RECORD as if read, without intervening action or debate.

The PRESIDING OFFICER. Is there objection?

Mr. BUNNING. I object.

The PRESIDING OFFICER. Objection is heard.