have someone of measured judgment, someone of impeccable credentials, and someone with a fine-tuned ear to following the rule of law.

In Judge Mukasey, when his name first surfaced, we had a consensus nominee. He was referred to as someone who would get swift confirmation. He was further referred to as someone who had not only the judicial experience but also had significant experience in dealing with cases relating specifically to issues of terrorism. He has 15 years of experience as a Federal judge in the Southern District of New York. During that time he presided over several national security cases, in which cases he demonstrated his ability to faithfully adjudicate difficult issues of law and fact.

It seems to me somewhat unfair to require the nominee for Attorney General to now jump through hoops that even the Senate itself has not been willing to tackle head on, on the issue of waterboarding. I believe that is a bit of a red herring. I think at the end of the day, when it is all said and done, it is time we move forward on the confirmation of this good man, a good man who now has had the vote of confidence from the Judiciary Committee; that his nomination be brought to the floor so we can give the United States an Attorney General, someone at the head of the Justice Department, someone we desperately need at this point in history.

There is no question that I believe it is time, after 48 days of his nomination being pending as of today, that the Senate take up this nominee and move it swiftly forward. Judge Mukasey has answered all the questions that have been presented to him. He has answered them to the best of his ability. He has not been able to answer questions that are in the nature of hypotheticals. He has not been able to answer questions that are in the nature of things that may be a part of classified programs that are not available to him at this point in time and that might, in fact, not be the kinds of questions any other nominee to be Attorney General could answer in the course of his nomination.

In writing to members of the Judiciary Committee, Judge Mukasey wrote:

> Some of you told me that you hoped and expected that I would exercise my independent judgment when providing advice to the President, regardless of whether that advice was what the President wanted to hear. I told you that it would be irresponsible for me to do anything less.

He went on to say that if he was confirmed, he would review any course of interrogation techniques currently used by the U.S. Government and determine whether any technique would be unlawful and advise the President accordingly. He committed that to the President, to the Congress, and to the American people.

I take him at his word. This is a respected man. This is a respected judge. He has a track record. This is not a Johnny-come-lately. His nomination should be confirmed. I urge my colleagues to vote in favor of the nomination of Judge Mukasey to fill the vacancy of Attorney General which has been open for much too long and this good man may begin his service to our country at this very important post at this very important juncture.

OVERRIDING THE WRDA VETO

Mr. MARTINEZ. Mr. President, I want to touch on another subject that is terribly important to the State of Florida. It has to do with the Water Resources Development Act which for a long time has been pending before the Congress, and which is so long overdue. When this matter comes to a vote, I will vote to override the President's veto, primarily because in this bill there is nearly $2 billion for the long overdue and critically important work of restoring Florida's Everglades. This is a bipartisan project. This is a project of unique cooperation between the State and Federal Government.

The history of Florida's Everglades is fascinating. About 100 years ago it was decided that man could conquer all and, in fact, the Army Corps of Engineers should endeavor, through many projects, to drain the Everglades so they could be utilized for farming and that the water would be moved out. So a series of canals was dug and all sorts of efforts were put in place to drain the swamp, to drain the Everglades.

Now we find ourselves a century later understanding that these well-intended Floridians of those days were terribly misguided. The Everglades is a jewel to the State of Florida; it is a jewel to the Nation. It is an environmental masterpiece, the wildlife, between the plants and animal life, but also it is an essential water resource for the people of Florida.

Some years ago, under the leadership of my predecessor in office, Senator GRAHAM, who had been Governor of Florida, and many other Floridians, working in partnership with Governor Bush and later when Senator NELSON came to the Senate, along with Florida's Governor, they crafted this Everglades Restoration Program. For 5 years this bill has been delayed. It has meant delaying substantial Federal involvement in a multitude of necessary projects, including the Comprehensive Everglades Restoration Plan. It is the funding that has been missing. The State has done its part. The Federal Government has, so far, been absent.

I agree with the President and the distinguished Senator from New Hampshire that this bill lacks fiscal discipline. It seeks to spend too much on programs that have little need or reason for Federal support. But I also have to recognize that the longer we wait for the Federal Government to meet its Everglades commitment, the more expensive the cost and the more damage that will be irreversible to this fantastic ecosystem. In the past 5 years the cost of the Indian River Lagoon project alone has increased by more than $100 million. Seven years ago, the State of Florida and the Federal Government entered into an agreement:

> to restore, preserve and protect the South Florida ecosystem while providing for other water-related needs of the region. . . .

Since that time, the State of Florida has invested more than $3 billion in this effort; but the Federal Government, originally intended to be an equal partner in the restoration, has yet to meet its obligations—spending only a fraction of Florida's investments on preplanning efforts.

The Everglades belong to Florida, but they are a national treasure. The Federal Government has committed to restore the Everglades and it is high time they follow through on this commitment. What exists today is more than 2 million protected acres of what was once deemed worthless swampland slated for development. Indeed, development did occur and road construction has almost irreversibly impeded the natural cleansing flows of the Everglades. But because of the work of the State of Florida and numerous environmental organizations, we are reversing the damage of development. Once on a path to destruction, the Everglades now teems with wildlife, endangered and rare species, and contributes greatly to south Florida's environmental health. But the work is far from complete. A substantial portion of the work lies ahead.

No single bill Congress approves will have as much positive impact on Florida's environment as this one. It is, in fact, more than an environmental project. It is also a water project. Over the last several weeks, we have been hearing reports about the scarcity of water around Atlanta, where several million Americans reside. It has come to the point that Florida, Georgia, and Alabama had to have a serious conversation with the Department of Interior about water flows from the river that flows from Georgia all the way into Alabama and Florida. In Florida it is the Chattahoochee River.

The serious nature of that problem can also be reconciled with the serious problem we would see in south Florida if our water supply were impeded. This is not only an environmental project, it is also a water resources project. It is about the water that is necessary to sustain life and to sustain the people, the several million people who live in south Florida.

I believe it would be a very important moment for us to override the veto, to move forward with the Everglades Restoration, the Indian River Lagoon, the Picayune Strand—these are very important projects—and a score of other projects around the State of Florida, all related to our environment that is such an important part of the Comprehensive Everglades Restoration. But more than that, it is part of Florida's future and part of the legacy we leave our children.

I yield the floor.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized.

Mr. GREGG. Mr. President, are we in morning business?

The PRESIDING OFFICER. We are.

PAY-GO

Mr. GREGG. Mr. President, this morning, while I was working out in the gym, on the air came one of my friends, a gentleman with whom I enjoy serving, who has a great sense of humor—Senator SCHUMER from New York. He was being interviewed by the CNBC team, which is a great and enjoyable team to watch: Mark Haines and Becky Quick and others—David Faber. He said the Democratic Party had been disciplined because they had used pay-go as a way to control spending here in the Congress.

I almost fell off the treadmill, because that statement is so outrageous that it could only be made by somebody from New York who sees things in big pictures, sees the forest but misses the trees. The statement represents, or implies, that pay-go is a fiscally disciplining event around here when just the opposite is what has occurred. Pay-go has become a term of art which has a nice name, and which is thrown out by some of my colleagues on the other side of the aisle as their representation of fiscal discipline, but in fact it has become a mechanism for spending money at an outrageous rate in entitlement and mandatory accounts.

I don't call it pay-go anymore, I call it ''Swiss-cheese-go.'' The record is now pretty clear. Since this Congress came into being under the control of the other party, with the representation that pay-go was going to be used to discipline spending around here, there have been 13 major incidences—these don't count the minor ones—major incidences of pay-go being waived, manipulated, or manhandled so that it didn't apply to spending.

Items which should have not been allowed to occur, spending initiatives which should have been subject to the pay-go rules have been ignored, manipulated, or gimmicked so that pay-go did not apply on these 13 incidents, which now total $143 billion—billion—in new spending.

So when Senator SCHUMER spoke on CNBC this morning—I think he was being asked by Mark Haines—Mark Haines said to him: Will pay-go survive? Senator SCHUMER said: Sure, it will survive. We are committed to this type of fiscal discipline.

What Mark Haines should have asked is: What happened to pay-go? Why have so many holes been put in the process? Why has the Democratic leadership allowed it to be waived, manipulated, and gimmicked so that $143 billion of spending, which should have applied to pay-go, which should have had pay-go applied to it, has simply been allowed to pass?

Well, it is very simple. Pay-go was never meant to discipline spending. It is a fraud to represent that pay-go is used to discipline spending. Honestly, if we as a Congress had to sign financial statements the way we make people sign financial statements in the corporate world as a result of the Enron case—you know, the heads of our various corporations have to actually sign their statements, and they are subject to criminal penalty if they are inaccurate.

If we were forced to sign a fiscal statement that said we were using pay-go to discipline spending, we would all go to jail because if we signed that statement we would be defrauding the American people at a level that would make Enron look like a little exercise.

Now, $143 billion of fraud has occurred under the alleged pay-go rules because pay-go, which should have applied, has not been applied. But this is just the first step in the exercise of profligate spending around here. This is one of the more ingenious ones because under the name of pay-go, we are representing that we are controlling spending, when, in fact, using pay-go, we are actually spending $143 billion.

There is the second step, which is the discretionary side. This is all entitlement spending, of course. Now, $23 billion is being spent over what the President requested this year. We hear from the other side of the aisle: Well, it is only $23 billion. It is being spent on good causes. Everything gets spent on a good cause around here.

Then in the Labor-HHS bill, which represents $11 billion of that $23 billion, obviously many good causes are listed. But what people fail to mention is, first, $23 billion is a lot of money. In fact, there are something like 30 States in this country which could operate their entire budgets on $11 billion; $23 billion would probably be the budget of almost every State in this country.

But this builds the baseline. This $23 billion is not the end of the number we are spending, it is the beginning of the number of the add-ons. When you take it out to 5 years, the baseline jumps by $133 billion. If we take it out to 10 years, that is $313 billion—billion—of additional spending.

So this is not just $23 billion of new spending that is being spent above what the President believes is necessary in order to operate the Government, it represents $313 billion of spending over 10 years. That is a big number. That is a massive number. You could do a lot with that amount of money. You could cut a lot of taxes, for example. You could eliminate the double tax on people who are married, which is going to go back up in 2010, if you did not spend this money.

You could give higher tuition tax credits to people trying to get their college degrees if you did not spend this money. You could extend the capital gains and dividends tax rates, which disproportionately benefits senior citizens, especially the dividends tax rate if you did not spend this money.

This is real money. Real money—$23 billion this year totals $313 billion over a 10-year period. So you take this $313 billion and you attach it to the swiss-cheese-go attack here of $143 billion. You are up to half a trillion dollars, half a trillion dollars that this Congress has spent in 10 months. They have only been in charge for 10 months—half a trillion dollars.

Multiply that out. My goodness, you are up to $2 trillion over the term of this Congress, theoretically. Now, $2 trillion, that is even real money by Democratic terms. I think colleagues on the other side of the aisle would even agree that $2 trillion is a lot of money.

Now, that might be a bit of hyperbole, but the half a trillion dollars is not. That is how much this Congress has cost the American people in the first 10 months in office, while they have been living under the fiscal discipline of pay-go, while they go on TV shows and say: We are disciplined because we believe in pay-go.

As a result of that, we get half a trillion dollars of new spending.

Well, that is a lot. We have a bill on the floor right now that regrettably follows on with this exercise in excess and profligateness. The farm bill alone has $34 billion of gimmicks in it to try to avoid budget discipline, $34 billion of gimmicks. That is huge. I think it adds four new major subsidy programs for new crops, including asparagus and camellia—I do not even know what that is—and a variety of other crops; creates or authorizes programs which study or work to alleviate stress on farmers; adds Chinese gardens in places; does a little gimmick which is even creative by the creativeness of this place, creates a new standard of creativeness where they now are taking entitlement spending and freeing up entitlement spending by giving tax credits.

In other words, they create a new tax credit, and the purpose of that tax credit is to pay for items which historically have been paid for by entitlement spending under the farm bill, mandatory spending. Since they no longer have to pay for that with mandatory spending, they have created an extra $3 billion they could spend on new farm programs.

So the farm bill itself is a continuation of this exercise in making the concept of pay-go superfluous. And, certainly, the claims that pay-go applies around here are fraudulent. It is about time, hopefully, people start paying attention.

When you are up to half a trillion dollars of new spending in 10 months, much of which has been done outside of the budget window, so that the budget rules have not been allowed to apply to it, that gets to serious money. It gets to a serious lack of fiscal discipline.

I hope we would change this course, but we do not appear to be changing