Without objection, it is so ordered.

Mr. REID. Mr. President, I ask consent that all other elements of the previous order remain in effect.

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

Mr. REID. Mr. President, the effect of this consent agreement is that the rollcall vote will occur at 9:55. We will proceed then to the water resources bill. Since this is a very bipartisan bill, I hope cloture is invoked on the motion and shortly thereafter we can proceed to the bill so the managers, Senators BOXER and INHOFE, can work toward completing that action.

MEASURES PLACED ON THE CALENDAR—S. 1348 AND H.R. 2080

Mr. REID. Mr. President, I understand there are two bills at the desk due for a second reading.

The PRESIDING OFFICER. Without objection, the clerk will report the bills en bloc for the second time.

The legislative clerk read as follows:

A bill (S. 1348) to provide for comprehensive immigration reform and for other purposes.

A bill (H.R. 2080) to amend the District of Columbia Home Rule Act to conform the District charter to revisions made by the Council of the District of Columbia relating to public education.

Mr. REID. Mr. President, I object to any further proceedings on these matters.

The PRESIDING OFFICER. Objection is heard.

The bills will be placed on the calendar en bloc.

JUDICIAL NOMINEES

Mr. REID. Mr. President, I am concerned about comments made by a Republican Senator yesterday suggesting that I have made a commitment that the Senate will confirm a specific number of judges in this Congress.

Senator MCCONNELL and I have a lot of private conversations on a lot of different subjects. Senator MCCONNELL has told me that the number of judges confirmed and the way judges are handled in this Congress is very important to him. If that, in fact, is the case, that it is important to him, it is important to me, and I have told him that.

The only way this Senate is going to run well is if the Republican leader and the Democratic leader have an understanding as to how things should proceed. There are certain things I feel strongly about. He knows what they are. I feel that he understands how I feel about those things. And I think the converse is true: If I think something is important, he thinks it is important.

I reiterate, he believes the way judges are handled in this Congress is important to him. It is important to me. It is important to both of us for a number of reasons.

He and I are both lawyers, and we both revere the Federal judiciary. We have worked with present members of the Supreme Court to work on increasing their pay. We have worked with them on a number of issues that are important to the administration of justice in this country. The Federal judiciary, really, is the third branch of our Federal Government, and it is entitled to great respect.

Senator MCCONNELL and I believe that the process for considering judicial nominees has become too partisan over the years. The way the Republican-controlled Senate treated President Clinton's judicial nominees was wrong. And, of course, Republicans have their grievances about the way Republican nominees have been handled. We could weigh them and say: You treated us worse than we treated you, and vice versa, but that does not solve the problem. In this regard, there is no need we look back to yesterday. We should focus on today and tomorrow, and that is what I intend to do.

I do agree, without any reservation, with Senator MCCONNELL that we should work to improve the confirmation process for a number of reasons, part of which is selfish; that is, I understand how the Senate works. Everyone is contemplating the election a year from this November. We are going to have a new President. It may be a Democrat, it may be a Republican. Those elections may tilt the balance of this Senate so that Democrats have more than just the one-vote majority we have now. But, Mr. President, I have been around here a long time. You never know what is going to happen in an election. We may find ourselves in the minority.

So I think one reason we should put all this stuff behind us is we want to handle the judges the same way, no matter who is President or who is in control of the Senate. The House has nothing to do with judges as far as confirmation.

I told Senator MCCONNELL we would work hard to process judicial nominees in due course and in good faith, and I will continue to do that. To Senator MCCONNELL, due course would mean 15 to 17 circuit court confirmations in this Congress because that is the historical average for Presidents during the last 2 years a President is in office. I cannot commit to a specific number. We should measure quality, not quantity. There is no reason we cannot confirm 15 nominees if, in fact, they are seen to be, on both sides, mainstream, capable, experienced nominees who are the product of bipartisan cooperation. But we should not confirm nominees who are out of the mainstream, who are unacceptable, for example, to home State senators.

Now, I say, Mr. President, I think we started off this year in a good light. The President decided not to resubmit names he knew were problematic, and I say publicly, as I have said to Senator MCCONNELL privately, that showed good faith. I appreciate that.

We have confirmed three circuit court nominees in this Congress, including Debra Livingston of New York yesterday. There is a hearing for Judge Southwick that starts in 20 minutes. He is from Mississippi. That has been a seat which has been very difficult to fill. We have been through at least two nominees that I know of. I would hope this hearing goes well.

I will continue to work in good faith. We presently have pending two judges on the appellate level. We have a number of district court judges, but we will focus today on circuit court judges—Mississippi, Southwick, whom I just talked about, and one who was sent up late last month from Texas. We are going to make sure we work to move these as quickly as possible. But I do not have a specific numerical goal, other than the outline the Republican leader has given. The Senate should fulfill its constitutional duty with care and confirm nominees who deserve a lifetime appointment to the Federal bench.

Finally, let me say something about the two who are responsible for this Judiciary Committee, Senators LEAHY and SPECTER. It is no secret—it has already been written about—that Senator LEAHY and Senator HATCH, when they were running this committee, had a difficult relationship. It did not work out well. It has also been written about—and very clear—that the relationship between Senator SPECTER and Senator LEAHY is one of respect. They have done a lot of work together, good work together, and they get along extremely well, including with their work on judges.

I do not want the situation on the floor today to show any disrespect to the two men running that committee, LEAHY and SPECTER. They are doing the best they can. But I would hope that—in the Senate, PAT LEAHY has been here a lot longer than I have. He has a distinguished career—the only Democratic Senator ever elected from the State of Vermont. He had a distinguished career as a prosecutor before he came here. He has a wonderful family. I care a great deal about him, and I have worked very closely with him over these many years, trying to help when I could with the work he has in the Judiciary Committee. And I will continue to do that. So I can only say positive things about Senator LEAHY and Senator SPECTER as a result of what they are doing in that committee.

I do want the record to reflect that—maybe it was a misunderstanding of one of the Senators on the other side of the aisle to say I was not living up to my word in not moving forward on judges. At least that is what I was told he said. If that is the case, I am sure he did not understand all the facts. The record should be very clear that I am going to do everything I can as the majority leader, working with Senator LEAHY, to move these judges as quickly as we can. If, in fact, there are problems that arise during the confirmation process, I cannot make myself the Committee of the Judiciary. I am only

one Senator. I am not a member of that committee. That will be up to Senators LEAHY and SPECTER to run as they see fit and to bring the nominations forward. I will do what I can, working with Senator LEAHY, to expedite the judicial process, but I do not want to interfere with their work other than to say what I have said. I hope people understand the relationship Senator MCCONNELL and I have as to how the Senate runs is extremely important. There are times, I can tell my colleagues without any reservation, when I wish I were the Speaker of the House. The Speaker of the House doesn't have to worry about the minority; they run over everybody. That is the way it is set up. But here, the Founding Fathers those many years ago when they came up with this unique experiment called the Congress, a bicameral legislature, these wise men set up this situation so that one House, if you are in control—if one party is in control, they can do anything they want, and in the other House—the Senate—if one party is in control, they can do some things they want but not everything, because the minority has tremendous power in the Senate. I know. I have been in the minority quite a bit.

So I want the RECORD to reflect I will continue to work with Senator MCCONNELL to move these judges as quickly as we can, and I hope this statement reflects my position on judges. I will do my very best, and if any problems arise regarding judges and people don't understand my position, if I haven't explained it clearly enough today, I will try to do so again if any questions arise.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Republican leader is recognized.

JUDICIAL NOMINEES

Mr. MCCONNELL. Mr. President, seeing the occupant of the Chair and realizing he is new to the Senate and learning the process here, I think the majority leader had it right. One thing that is important for everyone to remember is that in the Senate, if you are here for a while, sooner or later the shoe is on the other foot. The position you are in today is the position your adversary may be in very soon in the future. So the precedents we set in the Senate are extremely important.

The majority leader and I, as he indicated this morning, talked about this issue at the beginning of the session and we agreed that the process of confirming circuit court judges had become entirely too contentious, and it was largely a waste of time to try to cast blame as to who was most at fault in that situation developing. To the maximum extent possible, we agreed we wanted to have a clean, fresh start that would honor the traditions of the Senate.

A good way to look at it is to look at the last three Presidents. Each of them in the last 2 years of their tenure in office had a Senate controlled by the opposition party. So the question is, how did the opposition party in the Senate treat the President on circuit court nominees? Looking at the statistics, President Bush, 41; President Clinton and President Bush, 43; and we will see how he comes out, President Bush, President Clinton, and President Reagan, there were an average of 17 circuit court judges confirmed in similar situations.

The majority leader, in one of our discussions on the floor back in February, said:

> This is not our last circuit court judge, but the first of a significant number who can at least meet the standards of Congresses similarly situated as ours.

That was an accurate public reflection by the majority leader back in February of the numerous conversations he and I have had, both publicly and privately, about the standard we ought to achieve here in this Congress. I think that is a standard that can still be met. Three circuit judges have been confirmed this year—a little slower process than frankly I had thought, particularly since we are in the early part of the Congress where presumably it would be more easily done than later. The majority leader was entirely correct, and I commend him, for referring to the gesture the President made at the beginning of this Congress about not resubmitting four or five highly contentious nominees that it is clear the new Democratic majority, as well as the Democratic minority in the past, did not want to see confirmed. The President took those off the table, sent up new nominees, and most of them are completely without controversy. One of them will have a hearing beginning at 10 o'clock this morning, and how that turns out and how that individual is treated will tell us a lot about where we are going to be able to go from here to achieve the standard the majority leader referred to that he and I wish to meet for this Congress.

I thank my friend from Nevada for his observations. I agree with them. I think they accurately reflect our mutual desire here to have this Congress do no worse than the last three Congresses—this Senate—in the last 2 years with Presidents of the opposite party. It is a standard that can be met. It is a standard that should be met.

One day, in spite of the best efforts of people like myself, there will be a Democratic President. One of the things we know around here is that precedents established and lessons learned are hard to undo. So I say to our good friends on the other side, heed the advice of the majority leader. It is in your best interests for us to have a less contentious and more successful treatment of circuit judges during this Congress.

Mr. President, I yield the floor.

ORDER OF PROCEDURE

Mr. REID. Mr. President, how much time is left prior to the vote?

The PRESIDING OFFICER. There is 5 minutes remaining prior to the vote.

Mr. REID. I ask that the time be divided equally between Senators BOXER and INHOFE, and that the vote occur immediately after their statements.

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

RESERVATION OF LEADER TIME

The PRESIDING OFFICER. Under the previous order, the leadership time is reserved.

WATER RESOURCES DEVELOPMENT ACT OF 2007—MOTION TO PROCEED

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of the motion to proceed to H.R. 1495, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed 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.

The PRESIDING OFFICER. Under the previous order, the time until 9:55 a.m. shall be equally divided and controlled between the chair and the ranking member of the Environmental and Public Works Committee.

Mrs. BOXER. Mr. President, Senator INHOFE and I wish to be heard for 3 minutes each, if we could have the vote at the end of that. We ask unanimous consent to please accommodate us so we would have the vote 6 minutes from now and divide the time for 3 minutes each.

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

Mrs. BOXER. Mr. President, will you tell me when my 3 minutes has expired so I can then yield the remainder to my friend?

The PRESIDING OFFICER. The Senator will be informed.

Mrs. BOXER. Mr. President, around here we have a lot of tough issues. We have a lot of disagreements. We try to work together. I have to say on this bill, this Water Resources Development Act, we have a bill that is the product of major bipartisan cooperation. Senator INHOFE and I are very proud of the work that has been done on both sides of the aisle. We have had tremendous help from our committee. The chair and ranking member of the subcommittee that oversees this, Chairman BAUCUS and Ranking Member ISAKSON, have been extraordinarily helpful, and all colleagues have as well.

It is rare to have a bill that is supported by the National Association of Manufacturers and the Laborers Union, the American Farm Bureau and the Carpenters Union, the National Waterways Conference, the Associated General Contractors, and the Operating