

opinions fully and promptly available to the public. This presumption furthers the interests of Executive Branch transparency, thereby contributing to accountability and effective government, and promoting public confidence in the legality of government action." This presumption did not exist in the Bush administration; David Barron was responsible for establishing it as OLC policy. Given Barron's impressive record and his shift of OLC toward more transparency, it simply is wrong to oppose his nomination because a classified OLC opinion on drone strikes has not been made public yet, a decision that was not even his to make.

Since the OLC opinions on Anwar al-Awlaki that Professor Barron wrote seem to have become the issue holding up this nomination, let me close with a reminder of the specific plotting Awlaki was involved in before he was killed in 2011.

True, Awlaki was a dual U.S.-Yemeni citizen, but he served as chief of external operations for Al Qaeda in the Arabian Peninsula, AQAP. In that position, he planned and directed attacks against the United States, making him an imminent and continuing threat.

Awlaki played a significant operational role in AQAP. In 2010, the United States designated Awlaki a "Specially Designated Global Terrorist" for "supporting acts of terrorism and for acting for or on behalf of AQAP."

Awlaki publicly urged attacks against U.S. persons and interests worldwide. He worked with another American named Samir Khan to publish AQAP's Inspire Magazine to encourage terrorist attacks against innocent men, women, and children in the United States and elsewhere. As a reminder, Inspire Magazine provided the Tsarnaev brothers in Boston with the instructions for making the bomb they used at the Boston Marathon last year.

Let me offer just a few examples of Awlaki's direct involvement in terrorist operations:

Christmas Day Attack—In December 2009, Awlaki directed operative Umar Faruk Abdulmutallab, who attempted to detonate an explosive device aboard a Northwest Airlines flight to Detroit on Christmas Day. Awlaki instructed Abdulmutallab to detonate the device while over U.S. airspace to maximize casualties.

Fort Hood Attack—Fort Hood shooter Nidal Hasan attended al-Awlaki's sermons in Virginia and corresponded at least 18 times with him through email. After the attack, Awlaki posted on his blog praising Hasan's actions and calling him his "student and brother."

Times Square Bombing Attempt—Faisal Shahzad, who pleaded guilty to the 2010 Times Square car bombing attempt, told interrogators in early 2010 that he was "inspired by" Awlaki and communicated with him.

Package Bomb Plot—In October 2010, Awlaki had a direct role in supervising

and directing AQAP's failed attempt to bring down two U.S. cargo aircraft by detonating explosives concealed inside two packages mailed to Chicago-area synagogues.

In sum, there is no doubt that Awlaki was chief of external operations for Al Qaeda in the Arabian Peninsula, AQAP, and a continuing and imminent threat to the United States.

David Barron's legal analysis of whether the United States can target Awlaki is cogent, careful legal analysis and reflects the kind of consideration of due process that we should applaud, not punish.

Barron certainly should not be disqualified because he was the head of OLC when that targeting decision—a targeting decision Barron did not advocate for—was being contemplated and analyzed by the Obama administration.

Let me conclude by saying this: David Barron is an impressive lawyer and scholar with a strong record. Nobody doubts that. Distinguished lawyers on both sides of the aisle have endorsed him wholeheartedly.

The reason for this is simple: His qualifications are first rate, and he has under his belt many years of commendable scholarship and service to this nation.

Simply put, he will be an outstanding jurist for the people of the First Circuit, and I very much hope my colleagues will support him.

WRRDA CONFERENCE REPORT

ECOSYSTEM RESILIENCY

Mr. WHITEHOUSE. Madam President, I am joined by the chair and ranking member of the Environment and Public Works Committee to discuss a provision of the Water Resources Reform and Development Act conference report, which we will vote on shortly in the Senate. I thank them for their leadership on this important legislation, and rise with them today to discuss one of its provisions.

Section 4014 of the conference report, Ocean and Coastal Resiliency, creates a new Army Corps authority to address ocean and coastal ecosystem resiliency.

Subject to appropriations, this authority requires the Army Corps of Engineers to work with the heads of other Federal agencies, like the National Oceanic and Atmospheric Administration and the Fish and Wildlife Service, State governors and other State officials, and nonprofit organizations, to conduct a study identifying projects in coastal zones to enhance ocean and coastal ecosystem resiliency. State and local leaders often have the best information about the changing conditions of their oceans and coastal zones, and participation by them in the Army Corps' study process is intended to ensure the most effective resiliency projects are identified in the study.

In Rhode Island there are numerous entities, from our Coastal Zone Management Agency to our National Estu-

ary Program, the University of Rhode Island, and Save the Bay that would bring important information and expertise to the process for identifying coastal resiliency projects in Rhode Island. In other States I know there will be similar interest.

Subject to appropriations, the study and project list will be updated every 5 years, to ensure that best available science and policies are informing project identification and selection.

When funding is provided for this program through the appropriations process, the Army Corps may carry out identified projects in accordance with the criteria for existing Corps Continuing Authority Program authorities.

Mrs. BOXER. I thank Senator WHITEHOUSE. As chair of the conference committee for WRRDA, a committee on which the Senator from Rhode Island and Senator VITTER also served, I agree with the Senator's understanding of section 4014. Like Rhode Island, California also has strong leadership on coastal and oceans issues and will benefit from increased collaboration with the Corps of Engineers on coastal and ocean resiliency issues.

Mr. VITTER. I share Chairman BOXER's and Senator WHITEHOUSE's understanding of section 4014, and will address subsection (d) of that provision, "Request for Projects." Subsection (d) is an important provision because it requires approval by the governor or chief executive officer of a State before the Corps can carry out any project identified under this section.

Mr. WHITEHOUSE. The conference committee's deliberations were informed by a legal analysis prepared by the Corps of Engineers Counsel regarding the interpretation of Section 4014.

I ask unanimous consent that the legal analysis prepared by Scott Murphy, Senior Counsel for Project Agreements and Reports in the Office of the Chief Counsel of the U.S. Army Corps of Engineers Headquarters, which describes how the Corps would implement this provision, be printed in the RECORD at the end of this colloquy.

The legal analysis, dated May 8, 2014, states that Section 4014 authorizes "an independent coastal zone resiliency study and follow-on construction authority for projects to the extent they satisfy criteria for projects carried out under four named CAP authorities." In other words, Section 4014 relies on the terms and conditions of four pre-existing authorities but it is not limited by the authorized levels in those authorities.

Mrs. BOXER. The Army Corps was clear that when a project is identified in the study associated with Section 4014, it may be carried out in accordance with the criteria for one of the four existing CAPs referenced in the section, but it will be not funded through or authorized by those CAP authorities. Section 4014 provides its

own funding authorization, and accordingly any project authorized by Section 4014 would be funded by appropriations for that authority.

Mr. WHITEHOUSE. I thank the chairman. I look forward to supporting this program in the future and during the appropriations process.

Resiliency is important in our estuaries, bays, and barrier islands, because we cannot just restore things the way they were and expect to reap the benefits. These systems are changing too much. Resiliency requires planning for future threats from extreme weather, from rising sea levels and warming temperatures, from development pressure, and from pollution. Coastal ecosystems act as filters, improving water quality so we can swim and fish off our docks; they act as barriers protecting property and lives from storms and storm surges; and they provide habitat for commercially valuable fish, shellfish, and other wildlife.

Coastal ecosystems support coastal economies, and I will continue looking for avenues to support restoration and research in this area.

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

LEGAL ANALYSIS—MAY 8, 2014

I've looked at the language and agree that it authorizes an independent coastal zone resiliency study and follow-on construction authority for projects to the extent they satisfy criteria for projects carried out under four named CAP authorities. Like other free standing study and construction authorities, I'd expect us to carry projects following the study to the extent they were separately funded. In other words, to the extent the language cites to CAP authorities, I would read that language as requiring merely that we apply the same rules for those projects for purposes of implementing projects (requiring agreement, cost sharing, etc.) following this study, but not as an actual direct expansion of those particular CAP program authorities themselves that might thereby subject our implementation of coastal zone resiliency projects after the study somehow subject to the Corps discretionary use of its overall CAP funding.

N. SCOTT MURPHY,
*Senior Counsel for
Project Agreements
and Reports Office
of the Chief Counsel
Headquarters, U.S.
Army Corps of Engi-
neers.*

PORT AND HARBOR MAINTENANCE

Mrs. BOXER. Madam President, I am joined by the ranking member of the Environment and Public Works Committee to discuss a provision of the Water Resources Reform and Development Act conference report, which we will vote on shortly in the Senate.

Title II, subtitle B includes a number of important provisions related to port and harbor maintenance. In addition to setting annual spending goals for funds from the harbor maintenance trust fund, HMTF, and providing a set-aside for spending on emerging ports, the section now authorizes new expanded uses of the HMTF. The expanded use authority, which includes dredging of

berths and disposal of contaminated dredge material, is limited to those ports that collect more HMTF taxes than they receive in HMTF spending.

I also want to note that these new uses are prioritized for the ports that collect much larger amounts of the HMTF fees than they receive in return because the many industries that pay these fees to access American ports deserve to have some of those funds used to improve the facilities they depend on for movement of goods.

These ports have unmet needs that shippers into these ports expect to be addressed. In my home State, we have two large ports—Los Angeles and Long Beach. These two ports collect over a quarter of all revenue for the HMTF, but because of the natural conditions at these ports, they require little to almost no traditional dredging to maintain the federally authorized channels. They do have needs related to berth dredging and disposal of some contaminated sediments.

These expanded use authorities are new and separate from the traditional uses of the HMTF. These new, expanded uses are not limited to the traditional HMTF focus—dredging of the Federal navigation channel. Instead, these are designed to meet additional maintenance needs beyond traditional cost-shared dredging projects.

Specifically, the conference agreement authorizes dredging of berths that are accessible to a Federal navigation channel and that benefit commercial navigation at the harbor. This permits expenditure of HMTF revenues for maintenance of non-Federal berthing areas to a depth required to access the federally authorized channel. The conference agreement does not place any other restriction on the use of these funds; therefore, these funds are eligible for maintenance dredging of berths to any depths necessary to access the federally authorized navigation channel as long as the berth is in a harbor that is accessible to a Federal navigation channel and the dredging benefits commercial navigation.

The conference report also authorizes dredging and disposal of contaminated sediments if such activities provide a benefit to commercial navigation and affect navigation of a Federal navigation project or are located in a berth that is accessible to a Federal navigation project. This provision will enable the HMTF to fund the disposal of legacy-contaminated sediment and sediment unsuitable for open water disposal that affect navigation at a Federal navigation project. This could include a range of cost-effective contaminated sediment removal and disposal activities as long as they provide a benefit to commercial navigation. No limitation beyond the benefit to commercial navigation and the linkage to a Federal navigation project is included.

Mr. VITTER. I thank Senator BOXER for the discussion of expanded uses of the HMTF. I agree with her under-

standing of the berth dredging and contaminated sediment disposal eligibilities, which are important to many of our Nation's major commercial ports. Expanding the uses of the HMTF is critical to those ports that are major contributors to the HMTF, yet receive minimal expenditures; therefore, the conference agreement establishes specific criteria for use of this authority. I look forward to working with the Senator more in the future on the implementation of the HMTF provisions in this conference report, including the expanded use provision we are discussing as well as increased expenditures of harbor maintenance trust fund revenues and prioritization of dredging at other key ports, such as the Port of New Orleans.

Mrs. BOXER. I thank Senator VITTER for that response. It is important that we are clear on how these new authorities should be implemented.

I also want to highlight how these authorities will benefit my home State of California. In the case of the Port of Los Angeles, the main channels and turning basins are authorized to at least 53-foot depth and have been recently dredged to such depths. Most adjacent container berths were also federally authorized at 53 feet and have been dredged to that depth. As shoaling/siltation occurs, maintenance dredging must be performed in order to keep adequate depth for the large container ships. The new expanded use for berth dredging will permit the maintenance dredging of these berth areas, down to the federally authorized depth.

This new use for disposal of contaminated sediment is also important for the Port of Los Angeles because legacy sediment contamination from the Consolidated Slip at the port will migrate during storm events down the Dominguez Channel and into the newly deepened Federal turning basin and main channel. This new expanded use will now allow the HMTF to fund the removal of this sediment.

I am glad that the conference agreement could address this important need for California ports as well as many other ports around the country. I am also very pleased with all of the other important reforms to the harbor maintenance trust fund included in the conference report. The proper and full maintenance of our nation's ports is of vital importance as we seek to compete in the global economy. The HMTF provisions and other important elements in the WRRDA 2014 help support American jobs, while maintaining America's ability to compete in the global economy.

DAM OPTIMIZATION

Mr. CORNYN. Madam President, I am joined by the chair and ranking member of the Environment and Public Works Committee to discuss section 1046 of the Water Resources Reform and Development Act conference report, which we will vote on shortly in the Senate. I would like to thank the chair and ranking member for their

leadership on this important legislation and rise with them today to discuss the provision and address my concerns about the effects on Army Corps of Engineers' reservoirs in Texas.

It is important to remember that the long-term reliability of the Corps' multipurpose reservoirs remains a critical economic issue for many regions of our country. Cities, water districts, businesses, and other users depend on these reservoirs both for hydropower generation and to meet their larger water supply needs. That is especially true in arid States such as Texas.

Indeed, the reservoirs have helped our States—and many others—to mitigate the effects of serious droughts. For that matter, Texas suffered the most intense drought in recorded State history just a few years ago, and water levels at a number of reservoirs remain dangerously low. Statewide, reservoirs are only at 64 percent of their capacity, according to the Texas Water Development Board.

As one of America's fastest growing States, water supply management is becoming more and more important to individual Texans and their communities. Thankfully, local and State leaders have worked hard to devise effective strategies.

Similar to other States, Texas has very specific laws on water rights and environmental flows. Since 2007, we have had a legal process that provides for a basin-specific scientific assessment, a formal review, and then recommendations by interested stakeholders. The State government oversees this process by working with stakeholders to balance environmental flow needs with other public interests, such as water needs.

It is crucial to understand that the water stored in these reservoirs belongs to Texas and has been allocated to users in accordance with Federal and State law. It is also crucial to understand that the non-Federal sponsors of the reservoirs pay for storage, operations, and maintenance. Any changes to the operations that affect the authorized purposes of the reservoirs should never be made without their involvement.

Section 1046(a) in the conference report requires the Corps to update its operations of reservoirs report, and to include a plan for reviewing the operations of individual projects, including a detailed schedule for future reviews of project operations. In carrying out these reviews, the Corps must coordinate with the appropriate Federal, State, and local agencies, along with any public and private entities that could be affected.

Going forward, during the deliberations over a project-specific review, the Secretary must carefully weigh the use of limited Federal operations and maintenance funding and may accept funds from other agencies or non-Federal entities if necessary.

Furthermore, the Secretary must ensure that all recommendations offered

at the conclusion of the review, one, do not impinge on State water rights; two, are consistent with State water plans, and, three, do not affect any authority of a State to manage water resources within that State.

The language is explicit: It does not change the authorized purpose of any Corps dam or reservoir, and the Secretary may only carry out recommendations and activities pursuant to existing law. Let me repeat: There is no new authority to modify reservoir operations granted to the Corps of Engineers.

Of course, the Secretary has always had the authority to review the operations of these reservoirs and to improve their efficiency. As they undertake these reviews and carry out activities, this conference report language is clear that all authorized project purposes are maintained.

Mr. VITTER. Madam President, I would like to thank my friend from Texas, Senator CORNYN. As the top Senate Republican member of the conference committee for WRRDA, I agree with his understanding and interpretation of the language in section 1046(a) of the WRRDA conference report. Multipurpose dams and reservoirs in Texas are crucial to the well-being and economic viability of Texas, particularly in areas that have experienced severe droughts over the past several years. This provision is explicit in that the Secretary shall coordinate with appropriate Federal, State, and local agencies, as well as public and private entities that may be affected by those reviews and activities. This provision also prohibits any changes to the authorized purposes of any Corps dam or reservoir and only allows the Secretary to carry out recommendations or activities pursuant to existing law. As the Corps implements this provision, I will work with my colleague from Texas to monitor the Corps' activities and ensure there are no adverse effects to dams and reservoirs in his State.

Mrs. BOXER. Madam President, I thank Ranking Member VITTER and Senator CORNYN for the discussion of section 1046(a) in the WRRDA conference report. I agree with their understanding and interpretation of this section and wish to address the importance of this provision. In my home State, which is currently facing a historic drought, it is critical that the Corps examine its reservoir operations to increase flexibility so that it can better meet all of the State's water needs, including agriculture, municipal uses, and the environment. Unfortunately, in California, the Corps does not look often enough at how it can better operate its reservoirs to meet multiple needs. This provision does not change the authorized purpose of any reservoir and paragraph (6), "Effects of subsection," makes this clear. The provision simply creates a more transparent process under existing law so that Congress and local communities can work with the Corps to improve

management of Federal reservoirs that provide important benefits to local communities.

ACF AND ACT RIVER SYSTEMS

Mr. SESSIONS. Madam President, I am joined by the chair and ranking member of the Environment and Public Works Committee to discuss section 1051 of the Water Resources Reform and Development Act—WRRDA—conference report, which we will vote on shortly in the Senate. I thank the chair and ranking member for their leadership on this bipartisan and important legislation. I rise today to discuss a provision within the legislation pertaining to a long-running regional dispute in the Southeastern United States over the U.S. Army Corps of Engineers' operations within the Apalachicola-Chattoohatchee-Flint, ACF and Alabama-Coosa-Tallapoosa, ACT, river systems. At the heart of the conflict are concerns from downstream stakeholders about the amount of water withdrawals—and the legal authority for those withdrawals—from Lake Allatoona and Lake Lanier.

A similar provision was included in the Senate-passed version of this bill, S. 601, which was reported favorably out of the Environment and Public Works Committee after careful consideration. Part of that consideration was a July 22, 2013, hearing focused on this dispute among the Army Corps and other stakeholders in the region. That hearing examined issues related to the withdrawal of water from Lake Allatoona and Lake Lanier; the authorized purposes of those two reservoirs; the Corps' actions in light of the 1958 Water Supply Act; the legislative history of the reservoirs; and the Corps' management of water storage contracts in the river systems.

While it highlighted a number of concerns related to Army Corps of Engineers authority under the Water Supply Act, the hearing brought to light a point of agreement that all stakeholders share. The best way to resolve the conflict is through a negotiated interstate water compact.

Section 1051 highlights Congress's concerns with the Corps' actions under the Water Supply Act related to the allocation of storage at Corps projects to local water supply without congressional approval. While it notes these concerns, it urges the agreed-upon best resolution to the conflict: an interstate water compact negotiated by the Governors of Georgia, Alabama, and Florida. The provision adds that the committees of jurisdiction should consider further legislation on the issue absent such an agreement.

Mr. VITTER. I thank my friend from Alabama, Senator SESSIONS, for his work on the WRRDA conference report and on this long-running dispute in the Southeastern United States. As the top Republican on the Committee on Environment and Public Works and the lead Republican Senate conferee on the conference committee for WRRDA, I agree with his understanding and interpretation of the language in section 1051 of

the WRRDA conference report. Senator SESSIONS' work through the development of the Senate version of this bill to investigate and document this conflict provided useful clarity throughout the conference committee's deliberations. As we await the development of a water compact that is satisfactory to Georgia, Alabama, and Florida, I will work with my friend from Alabama to continue oversight of the Corps' implementation of the Water Supply Act.

Mr. MCCAIN. Madam President, today the Senate is considering the conference agreement for the Water Resources Reform and Development Act of 2014, WRRDA. This bill contains roughly \$12.3 billion in additional authorized spending for a variety of water projects that fall under the jurisdiction of the U.S. Army Corps of Engineers civil works division. This bill supports the construction and maintenance of many of our Nation's dams, levees, harbors, ports, and river ways to name a few.

For being such an important bill, the American people may wonder why the last time Congress passed a WRDA law was 7 years ago in 2007.

The reason is that it took Congress 7 straight years to finally respond to public pressure demanding Army Corps reform. As my colleagues know, the Corps has long been criticized by government auditors, taxpayer watchdogs and environmental groups for employing highly questionable economic models and environmental studies to justify its construction projects. A large number of Army Corps projects have been pegged as government boondoggles flush with waste, fraud, and abuse due to cost-overruns and cut-corner construction. Perhaps the best known example is the flooding of New Orleans during the Hurricane Katrina disaster that was traced back to substandard Corps levees, poor planning, and gutted coastal wetlands. Years later an independent study by the American Society of Engineers commissioned by the Corps concluded that, "a large portion of the destruction from Hurricane Katrina was caused by . . . engineering and engineering-policy failures made over many years at almost all levels of responsibility."

But as much as the Corps' bad management practices are to blame, the truth is that we in Congress are not without fault. For decades, Congress has used each WRDA bill to pile on construction project on top of construction project as a way for members to "bring home the bacon" in their States. Layers of these pork projects have created a \$60 billion construction backlog, and the Army Corps simply can not complete them all with their \$2 billion annual construction appropriation. Cutting corners and cooking their books is simply one way they bend to political priorities set by Congress.

I appreciate that the conference agreement implements some modest Corps reforms, particularly addressing the agency's \$60 billion construction

backlog. This bill requires the the Army Corps to "de-authorize" up to \$18 billion in Corps projects, most of which have never received construction funding to begin with. This is a step in the right direction, but unfortunately this bill's "savings" are washed away by the \$12 billion in new authorized spending included in this bill. Additionally, the conference agreement makes it impossible to de-authorize \$28 billion in projects that were authorized in the 2007 WRDA law—a bill that was vetoed by President Bush for containing too much government waste but was subsequently overridden by Congress.

This bill also falls short by not giving the Army Corps clear parameters on what projects should be treated as national priorities. The conferees even eliminated a law that requires the Corps to send their most costly and controversial projects to undergo an "Independent Peer Review" process. All of this means there will be less transparency and oversight into the Corps decision making process. So I am sorry to say I must question the veracity of "reform" in this conference agreement.

I worry that ultimately this WRRDA conference agreement means that Army Corps projects of lower-priority will continue to supersede projects that address serious, life-threatening issues across the Nation and in my home State of Arizona. This lack of prioritization with Corps projects comes at a real cost to the American taxpayer. Take for example the Rio de Flag Flood Control Project in Flagstaff, AZ. The Army Corps knows that a single large flood event along the Rio de Flag River could easily wipe out the city's downtown area and Northern Arizona University, affecting half their population and causing \$93 million in economic damage. After undergoing the appropriate feasibility studies, Congress authorized \$24 million in 2000 to construct a 1.6-mile flood water channel and a detention basin to redirect the water away from the community. For 14 years, this project—again, just 1.6 miles—has languished partially because of the Corps' \$60 billion construction backlog. The Corps spends less than \$3 million a year on Rio de Flag while Congress plays favorites with other projects on their plate. This approach of funding Army Corps projects piecemeal over the years has inflated the total estimated cost of Rio de Flag from \$24 million to \$101.5 million.

Rio de Flag is a serious public safety project and yet it is behind schedule and way over budget. In fact, the only completed portion of the project is a 4,000-foot levee, which is cracked due to shoddy construction by an Army Corps contractor. I am told that the Army Corps recently ordered the contractor to repair the broken levee, of course at the added expense of the American taxpayer and the City of Flagstaff. Now the project faces more delays because the Army Corps has been slowly drag-

ging out its "updated economic analysis" for Rio De Flag for the past 3 years, leaving the city unnecessarily vulnerable to disaster and causing the project's price tag to rise even higher.

I have a longstanding practice of abstaining from legislating projects to WRDA bills out of principle that each project should be prioritized based on national need, but it's hard to argue that Flagstaff isn't one of these national priorities, or that the current practice of piling on Army Corps projects isn't contributing to the mismanagement across the entire agency. Ultimately, this conference agreement does little to change the Corps' culture of bad decisions that affect Rio de Flag and similar projects. Congress will not be blameless if a flood event larger than what Flagstaff occasionally sees inundates the city, destroys property, or claims innocent lives.

I appreciate the need to pass a WRDA bill after 7 years, but I am concerned that this bill is just a new coat of paint on the same broken system. I urge my colleagues to oppose this conference agreement.

Mr. NELSON. Madam President, I am here to speak in support of the conference report for the Water Resources Reform and Development Act or WRRDA. I congratulate Senator BOXER and Senator VITTER for their combined leadership and their working together to send this bill to the President's desk. The last time Congress passed a WRDA bill was in 2007.

Gridlock and controversy over earmarks have delayed action on the WRRDA bill. This inaction puts our ports, beaches, and massive environmental restoration projects, like the Everglades, in jeopardy.

I support WRRDA because it moves forward with port construction, new flood protection, navigation, and environmental restoration projects, while instituting a number of reforms to the Army Corps of Engineers.

Our ports provide good jobs and are critical the economy, facilitating trade and commerce. These projects have been vetted, studied, and recommended by the Army Corps. Now, it is time for Congress to do its part and pass the WRRDA bill.

The WRRDA bill means good news for Florida's beaches, waterways, ports, and the Everglades. Not only does Florida have nine projects with a chief's report that are ready to go, but we also have several coastal communities anxiously waiting for the reauthorization of beach nourishment programs.

The WRRDA bill extends the authorization for beach renourishment projects so that the Corps can continue repairing and restoring Florida's coastlines. The WRRDA bill authorizes a 3-year extension of coastal storm damage projects which are scheduled to expire in the next 5 years. This means that the Treasure Island project in Pinellas County will now be authorized through 2022. In addition, it creates a

process by which projects can be extended by up to 15 years with the help of Federal funds. Strengthening the coastline by replenishing eroding sand will help defend against sea-level rise and storm surge.

Congress made a promise 14 years ago to restore the Everglades, and WRRDA puts us on the path to finally fulfill the promise of Everglades restoration. The Everglades are a national treasure, and together, Congress and President Harry Truman recognized it when they dedicated Everglades National Park back in 1947. But it took another major act of Congress to fund Everglades restoration to repair and restore the natural sheet flow of water into the park and into Florida Bay.

The original Everglades Restoration legislation, also known as the Comprehensive Everglades Restoration Plan, or CERP, was the result of years of work and study, was authorized in 2000 and was written with the intent of frequent WRDA bills.

However, only one WRDA bill has been enacted since—in 2007. The first era of Everglades restoration is underway. We have been able to fund construction and make significant progress on three major projects, build a bridge over the Tamiami Trail, create jobs, and provide fresh water for urban and agricultural water supply.

As we restore the Everglades, we create jobs and improve the water quality for a critical habitat. In fact, a Mather Economics study found that restoring the Everglades will result in the creation of over 440,000 jobs in sectors like real estate, tourism, fishing, and agriculture—many of those permanent jobs. This study also concluded that there is a \$4 return on investment for every dollar spent restoring the Everglades.

This bill contains four new project authorizations that are part of the Comprehensive Everglades Restoration Plan. For example, the C-43 Reservoir near La Belle, FL, will help store water during the rainy season along the Caloosahatchee River and protect our coastal areas from too much freshwater, which can drastically disrupt the delicate salinity balance in the Caloosahatchee Estuary. In addition, the C-111 Spreader Canal will redirect water into Everglades National Park that will eventually make its way down to benefit Florida Bay.

The first era of Everglades restoration projects, including the Indian River Lagoon and the Picayune Strand, increase water quality and preserve the natural areas to reverse the draining and bulldozing that happened decades ago. This is one of the last areas of the State where the Florida panther has the land it needs to roam and hunt. In addition, Picayune Strand restores habitat and ecological connections that will directly affect the Florida Panthers National Wildlife Refuge, the Belle Meade State Conservation and Recreation Lands Project Area, and the Fakahatchee Strand State Preserve.

All of this works toward the goal of moving water through the historic River of Grass. But progress has been delayed because the second era of projects has been waiting for the WRDA bill for several years. I know Florida is not alone with this type of complaint. The lack of project authorizations has caused delays and significant cost overruns for too long. For this very reason, I have introduced a bill called the Everglades for the Next Generation Act. This legislation provides a programmatic authorization for 5 years for all projects associated with the Comprehensive Everglades Restoration Plan. It authorizes projects that the Army Corps has completed the planning, engineering, and design work for and allows the Corps to expedite the process on other projects that would provide greater ecosystem or water supply benefits when done sooner.

The WRRDA bill updates our ports and makes them more economically competitive. WRRDA authorizes a number of projects for ports in Florida and other States. These authorizations are a crucial step forward for the improvements our ports need to attract more ships and cargo and take full advantage of the Panama Canal expansion. For example, WRRDA authorizes \$600.9 million for a project to deepen Jacksonville Harbor. This will economically transform Jacksonville into a major port that can receive big ships from Asia through an expanded Panama Canal. Projects for Port Canaveral and the Port of Palm Beach that will create new jobs were also included in WRRDA. Overall, I am very pleased that the WRRDA bill accomplishes so much for ports in Florida. Improving and updating our ports will be an economic boon for the country that will create new jobs and opportunities for people across the country.

Mr. President, it is clear that without the WRRDA bill, Florida is in trouble. It is important not just to Florida but for this entire Nation. I urge my colleagues to support the bill.

Mr. LEVIN. Madam President, I will support this legislation to strengthen our Nation's water infrastructure. For Michigan, the Water Resources Reform and Development Act, WRRDA, means that harbors, channels, breakwaters, and locks in the Great Lakes will be better maintained; Federal assistance for wastewater system upgrades will be more flexible and affordable; and the Great Lakes fishery will be better protected from destructive invasive species. Surrounded by water on all but one side, Michigan is a water state and our waters fuel our economy, create jobs, offer a vast array of recreational opportunities, and provide drinking water to millions. I am pleased this bill will help protect our waters and improve their navigability.

The report makes progress on increasing funding for harbor maintenance, with the goal of aligning revenues collected in the harbor maintenance

trust fund with those expended for this purpose. Over 5 years have passed since I led a bipartisan and multiregional group of Senators to call to the attention of the Senate Environment and Public Works Committee the imbalance in collections and spending for harbor maintenance. I am pleased the committee worked with us to reduce this disparity. This conference report aims to increase spending on harbor maintenance so that it is more in line with the fees collected for maintaining our Nation's navigation infrastructure. I am also pleased the Great Lakes navigation system is prioritized for the increased funds through a specific set-aside of 10 percent. Also, Great Lakes projects are eligible for other types of prioritized funds, which will position us to compete for this additional assistance.

The conference report authorizes the Great Lakes as a single navigational system, recognizing the interconnectedness of its 140 harbor projects. During Senate consideration of the water resources bill, I entered into a colloquy with Chairman BOXER to discuss the system's interdependence. I am pleased the conference committee included this Great Lakes authorization, as it should help allow all of our harbors—both large and small—to be recognized for Federal assistance.

While the harbor maintenance provisions in the report are good, we will still need to continue to fight for appropriations and ensure that budget requests reflect the true needs of the Great Lakes Navigation System. This vital transportation network carries about 130 million tons of critical commodities to supply raw materials to our manufacturing sector, power homes and businesses, build roads and bridges, and provide food for people around the world. Surely it should be maintained so that it can carry these critical commodities effectively and efficiently.

In addition to carrying millions of tons of goods, the Great Lakes also boast a \$7 billion fishery. To protect this significant resource, destructive invasive species need to be kept out of the lakes. I am pleased the conferees retained an important provision I worked with my colleagues to include in the Senate bill, an authorization for the Corps of Engineers to implement emergency measures to prevent invasive species, including the destructive Asian carp, from dispersing into the Great Lakes. This authorization makes clear that such emergency authority can be implemented at any hydrologic connection between the Great Lakes and Mississippi River basins which will provide important flexibility to the Corps to respond to emergencies.

Our Nation's economy, health, and well-being depend on a strong water infrastructure. WRRDA makes progress in authorizing programs to strengthen our navigation systems, flood control, drinking water and wastewater systems, and natural resources. We now

need to make sure that appropriations are provided for these improvements to be made real.

Mr. DURBIN. Madam President, today the Senate will act to make major improvements to our water infrastructure for commercial and recreational navigation while protecting and maintaining many environmental treasures for future generations.

The Water Resources Reform and Development Act—which the House passed 412 to 4—is one of the few bipartisan accomplishments of this Congress. I wish there were more.

Nevertheless, I would like to thank Chairman BARBARA BOXER and Senator VITTER of the Senate Environment and Public Works Committee and Chairman BILL SHUSTER and Congressman NICK RAHALL on the House side for their hard work in getting this bill to us today.

I would also like to thank my Illinois delegation colleagues on both sides of the Capitol and on both sides of the aisle for their assistance in advancing Illinois priorities in this bill.

I am pleased that in the final bill there are many provisions that will benefit our home State.

It was just a little over a year ago that we dealt with a major drought in the Midwest that caused record low water levels on the Mississippi River and threatened to disrupt the crucial transport of millions of dollars in goods and commodities on the river.

After the initial threat had passed, thanks to better-than-expected rainfall and quick action by the Army Corps of Engineers at the behest of Congress, Representative BILL ENYART and I introduced the Mississippi River Navigation Sustainment Act. The major provisions of this measure are included in the bill we will pass today.

These provisions will improve water level and river forecasting abilities along the Mississippi and give the Corps greater flexibility to respond to low water events that threaten navigation. The bill also authorizes the Corps to conduct, for the first time, a study of the entire Mississippi River Basin—which spans 40 percent of the continental United States—to determine how we can better manage the system during extreme weather. Finally, we create an environmental management program for the middle Mississippi—recognizing the importance of preserving and restoring fish and wildlife habitats while undertaking important navigation improvements.

River commerce in America's heartland depends on the system of locks and dams on the Mississippi and Illinois Rivers.

I was pleased to work with my colleagues in the 2007 reauthorization of the Water Resources Development Act to authorize modernization and expansion of the locks on these important Illinois waterways.

These improvements make commerce more efficient and guard against catastrophic failures of current locks and

dams as most of them reach 80 or so years old. At the same time, with current project delivery schedules and the tight Federal budget, these improvements are not expected to be realized until 2090 by some estimates.

With that in mind, Senator MARK KIRK and I, along with our colleagues Representatives CHERI BUSTOS and RODNEY DAVIS in the House, introduced the Water Infrastructure Now Public Private Partnership Act or WIN-P3. A version of our proposal is included in the final conference report.

It includes a pilot program that would decentralize project planning, design, and construction from the Corps and provide an opportunity for private financing to come to the table. We are hopeful that it will speed project delivery of nationally significant water infrastructure projects like the locks and dams on the Mississippi and Illinois Rivers.

Along with the economic and recreational benefits of the Mississippi River comes the annual threat of devastating floods for many Illinois communities.

In Illinois' Metro East region the community has stepped up to improve flood protection after their levees were decertified. They have taxed themselves to help pay for this improved protection and have endured a long and often frustrating partnership with the Army Corps.

My hope is that the provisions we secured in this bill will go a long way to improving their situation.

The bill would combine several separately authorized levee projects into one. That means that the money Congress appropriates for these projects will be more flexible and can be used where it is most needed.

Additionally, the bill would allow the Metro East levee projects to qualify for work-in-kind credit with the Army Corps. This will help make the work the locals are doing go farther towards the completion of the final levels of protection.

The conference report will also allow much needed restoration of the Chicago shoreline along Lake Michigan to continue. The project was facing delay as it got closer to hitting its original authorization cap. This bill increased that authorization.

I would like to thank again all those who worked on this bill. I look forward to this bipartisan accomplishment being soon signed into law by President Obama.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. ISAKSON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

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

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

EXECUTIVE SESSION

NOMINATION OF DAVID JEREMIAH BARRON TO BE UNITED STATES CIRCUIT JUDGE FOR THE FIRST CIRCUIT

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination, which the clerk will report.

The assistant legislative clerk read the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit.

The PRESIDING OFFICER. The question is, Will the Senate advise and consent to the nomination of David Jeremiah Barron, of Massachusetts, to be United States Circuit Judge for the First Circuit?

Mr. ISAKSON. Madam President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from Arkansas (Mr. BOOZMAN) and the Senator from Indiana (Mr. COATS).

Further, if present and voting, the Senator from Arkansas (Mr. BOOZMAN) would have voted "nay."

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

The result was announced—yeas 53, nays 45, as follows:

[Rollcall Vote No. 162 Ex.]

YEAS—53

| | | |
|------------|--------------|-------------|
| Baldwin | Harkin | Pryor |
| Begich | Heinrich | Reed |
| Bennet | Heitkamp | Reid |
| Blumenthal | Hirono | Rockefeller |
| Booker | Johnson (SD) | Sanders |
| Boxer | Kaine | Schatz |
| Brown | King | Schumer |
| Cantwell | Klobuchar | Shaheen |
| Cardin | Leahy | Stabenow |
| Carper | Levin | Tester |
| Casey | Markey | Udall (CO) |
| Coons | McCaskill | Udall (NM) |
| Donnelly | Menendez | Walsh |
| Durbin | Merkley | Warner |
| Feinstein | Mikulski | Warren |
| Franken | Murphy | Whitehouse |
| Gillibrand | Murray | Wyden |
| Hagan | Nelson | |

NAYS—45

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|-----------|----------|--------------|
| Alexander | Cruz | Johnson (WI) |
| Ayotte | Enzi | Kirk |
| Barrasso | Fischer | Landrieu |
| Blunt | Flake | Lee |
| Burr | Graham | Manchin |
| Chambliss | Grassley | McCain |
| Coburn | Hatch | McConnell |
| Cochran | Heller | Moran |
| Collins | Hoeven | Murkowski |
| Corker | Inhofe | Paul |
| Cornyn | Isakson | Portman |
| Crapo | Johanns | Risch |