

certainly understand that and Mr. Bolton understands that.

We have a long way to go, but this was a tremendous step forward. We may disagree on a lot of issues dealing with the policy in Iraq, but the one point on which we agree—both Democrats and Republicans—is that the troops must have everything they need and more, and we are going to make sure that is the case.

The Republican leader and I agree, and I have spoken with the Speaker of the House at 5 o'clock today, and she agrees with me, that we are going to finish this bill and this conference report prior to our leaving for the Memorial Day recess. Everyone should rest assured we are going to do that. I hope we can do that without causing a lot of discomfort to Senators and Members of the House if we finish this bill at a reasonable time a week from Thursday or Friday, but if we can't, we are going no place until we finish this legislation and it gets to the President's desk.

The PRESIDING OFFICER. The Senator from California.

CONCLUSION OF WRDA

Mrs. BOXER. Mr. President, I want to take less than a minute to tell colleagues where we are. I thank the majority leader for his assistance on the WRDA bill. Our understanding is that we have a managers' package with several amendments. There may be only one or two that are contentious. Our goal for tomorrow, once we complete the Iraq votes, is to go to the managers' package without the contentious one or two amendments in it. By the way, I don't think any of them are contentious, but one Senator is saying they are.

We will adopt that managers' package hopefully by a voice vote, and then if it is necessary to have a recorded vote on these one or two additional amendments, we will do that and then move to final passage of WRDA, something we can be very proud of after 7 long years of not having a bill.

I thank my colleagues in advance for their cooperation.

To the Senator who may have a problem with one or two of these amendments, please take another hard look because they are noncontroversial, and I hope that Senator can join with us. We can finish this bill tomorrow in the very early afternoon or the late morning, and both sides can be very proud.

Again, this is a bill that is endorsed by just about everyone in the country.

I say to my colleagues, our intention is to conclude this bill tomorrow. Senator INHOFE and I are very strongly interested in concluding it tomorrow. The bipartisan members of the committee are very strongly interested.

I yield the floor, and 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. WARNER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. REID. Objection.

The PRESIDING OFFICER. Objection is heard. The clerk will continue with the call of the roll.

The assistant legislative clerk continued with the call of the roll.

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

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

WATER RESOURCES DEVELOPMENT ACT—Continued

WARNER AMENDMENT NO. 1134

Mr. WARNER. Mr. President, I ask unanimous consent that the Senate return to consideration of H.R. 1495.

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

Mr. WARNER. Mr. President, I think we have just seen an extraordinary chapter of how two leaders can come together and structure a procedure by which this Senate can go forward and achieve its objectives. I am totally supportive of the procedure enunciated by our two distinguished leaders because I strongly support the need for getting this appropriations legislation through and on to the President's desk so that we can fund adequately our Armed Forces, particularly those engaged in Iraq and Afghanistan.

The leadership further decided that those Senators who wish to address the conferees could do so by adding amendments to this bill. My understanding is that there are two amendments that have been filed on the other side of the aisle: one by Mr. FEINGOLD and another by Mr. LEVIN. And in consultation with the distinguished Republican leader, I now file an amendment on this side of the aisle, although I am hopeful my amendment would not be viewed purely as a Republican amendment but that it could be a vehicle by which we can reach some level, hopefully a significant level, of bipartisan consensus on the several principles I have enunciated in this amendment.

Throughout the course of this debate on Iraq, since the President's announcement of a new strategy on January 10 of this year, there have been groups of Republicans and Democrats that have voiced our concerns about the strategies being employed in Iraq, and we continue to do so by virtue of this process now decided upon by the leadership whereby amendments to this bill can be brought up, which amendments reflect the sentiments of those who are sponsoring them.

At the present time, my amendment is sponsored by my principal cosponsor, the Senator from Maine, Ms. COLLINS, although I have been in consultation with a number of other Senators on this side of the aisle, as well as Senators on the other side of the aisle.

Given the brevity of the time today, since Senators have returned from

their constituencies largely this morning, and the fact that we have been trying to work out the procedure just adopted by the Senate by the two leaders, it has not been possible for me to isolate a fixed set of cosponsors. Nevertheless, I do know of a number, certainly on this side, and I am hopeful on the other side, and now that this amendment is filed tonight, it is my expectation and hope that Senators will be adding their names as cosponsors. I urge that be done at the earliest opportunity because, as I understand it, and the leadership will subsequently address, I think, the Senate tonight respecting the legislative program tomorrow as to when my amendment, with such cosponsors that are able to add their names, and the two amendments pending from the other side—and I believe a fourth that is to be brought up by our distinguished Republican leader sometime this evening—will be debated, voted upon, and subject to a cloture motion.

Let me now turn to addressing the specifics of this amendment at this time. This amendment, in its preamble, has the following: We entitle it the "President's Strategy In Iraq." Section 1. Findings regarding progress in Iraq, the establishment of benchmarks to measure that progress, and reports to the Congress.

The recitation in the first section of this amendment is a series of statements factually describing the situation as we, the sponsors of this amendment, feel have taken place, largely since January 10 of this year. Foremost among those obligations is, of course, our recognition of the enormity of the sacrifice of the men and women of the Armed Forces and their families and others who have taken an active role in carrying out our strategies in Iraq, not just since January 10 of this year but prior thereto, in the regrettably long period of time that this conflict in Iraq has persisted.

Following those statements, we then go to section 2, which is entitled, "Conditioning of Future United States Strategy in Iraq on the Iraqi Government's Record of Performance on its Benchmarks."

In General. The United States strategy in Iraq, hereafter, shall be conditioned on the Iraqi government meeting benchmarks as told to Members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the Iraqi Government's commitments to the United States, and to the international community, including . . .

For example, benchmarks—and I shall read but several. First and foremost:

Forming a Constitutional Review Committee and then completing the Constitutional review;

Enacting and implementing legislation on de-baathification;

Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of

Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner.

Enacting and implementing legislation on procedures to form semi-autonomous regions;

Enacting and implementing legislation establishing an Independent High Electoral Commission; provincial elections law; provincial council authorities; and a date for provincial elections.

I shall not read further from this document. It will be a matter of record. But these benchmarks were ones put forth by the Iraqi Government, in large measure. What we are doing now is requiring the following:

The President shall submit reports to the Congress on how the sovereign government of Iraq is, or is not, achieving progress towards accomplishing the aforementioned benchmarks, and shall advise the Congress on how that assessment requires, or does not require, changes to the strategy announced on January 10, 2007.

Reports Required.

(1) The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress towards meeting these benchmarks is, or is not, being achieved.

(2) The President, having consulted with the Secretary of State, the Secretary of Defense, the Commander, Multi-National Forces-Iraq, the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit the report to Congress.

(3) If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group, as he deems appropriate.

And, as is well documented in the Senate, and well-respected, if I may say, by the Senate—the work of the Iraq Study Group.

(4) The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria outlined above.

(5) The reporting requirement detailed in section 1227 of the National Defense Authorization Act for Fiscal Year 2006 is hereby waived from the date of the enactment of this Act through the period ending September 15, 2007.

That is put in there for the reason that we believe these reports by the President will supplant whatever reports had been required by that act. The force and effect of the requirement for those reports will pick up and continue after September of this year.

(c) Testimony before Congress.

(1) Prior to the submission of the President's second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the Administration, the United States Ambassador to Iraq and the Commander, Multi-National Forces Iraq—

That is General Petraeus—

will be made available to testify in open and closed sessions before the relevant committees of the Congress.

I will now refer to the section titled "Limitations on Availability of Funds" in this appropriations bill.

Limitation. No funds appropriated or otherwise made available for the "Economic Support Fund" and available for Iraq may be obligated or expended unless and until the President of the United States certifies in the report outlined in subsection (2)(b)(1) above and makes a further certification in the report outlined in subsection (2)(b)(4) above that Iraq is making progress in each of the benchmarks set forth in section 2 above.

To give the President a certain amount of flexibility—and this is the provision I am particularly indebted to our distinguished colleague, Ms. COLLINS of Maine, who has worked with me on it, as well as Senator COLEMAN and others who have been working with me—we provide the following:

The President may waive the requirements of this section if he submits to Congress a written certification setting forth the detailed justification for the waiver, which shall include a detailed report describing the actions being taken by the United States to bring the Iraqi government into compliance with the benchmarks set forth in section 2 above. The certification shall be submitted in unclassified form, but may include a classified annex.

We proceed to a section entitled "Redeployment of U.S. Forces from Iraq." There has been considerable publicity attached to certain actions having been taken by the Council of Representatives in Iraq—that is their basic name for their parliament—and to clarify that we have put in the following requirement:

The President of the United States, in respecting the sovereign rights of the nation of Iraq, shall direct the orderly redeployment of elements of U.S. forces from Iraq, if the components of the Iraqi government, acting in strict accordance with their respective powers given by the Iraqi Constitution, reach a consensus as recited in a resolution, directing a redeployment of U.S. forces.

Now, proceeding to another section, "Independent Assessments."

Assessment by the Comptroller General.

Not later than September 1, 2007, the Comptroller general of the United States shall submit to Congress an independent report setting forth—

(A) the status of the achievement of the benchmarks specified in section 2 above; and

(B) the Comptroller General's assessment whether or not each such benchmark has [or has not] been met.

(b) Assessment of the capabilities of Iraq Security forces.

This is a section which I worked on, now, for over 2 months, laying a foundation, with consultations with the White House senior staff, the Secretary of Defense, and indeed a private organization here, a well-respected organization, independent of any affiliation with the Government, to participate in performing this report, as well as a very senior and highly respected retired military officer who, hopefully, will be designated to head up this report.

I believed it was imperative that the Congress needed to have an independent report, and by "independent," I mean a report performed by a private

sector entity with the advice and participation of at least one senior retired military officer, and maybe others, so that we can have a report to put side by side with the periodic evaluations of the Department of Defense as to the military—professional ability, capability, training, and equipment of the Iraqi security forces. That is essential. So that is the essence of this provision which I now read.

(1) In General.—There is hereby authorized to be appropriated for the Department of Defense, \$750,000, that the Department, in turn, will commission an independent private sector entity which operates as a 501(c)(3) with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(A) The readiness of the Iraqi security forces—ISF [referred to] to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12-18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(B) The training, equipping, command, control and intelligence capabilities and logistics capacity of the ISF [Iraqi Security Forces].

(C) The likelihood that given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued supports of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A).

(2) Report.—Not later than 120 days after the enactment of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations/International Relations, and Intelligence.

Having worked on this report some 2 months now, I submitted it to colleagues in the House of Representatives. I am pleased to say that those colleagues saw fit to include that basic language on reporting and establishing this independent entity and individuals to study the Iraqi security forces. This provision which I have just read was contained in the House appropriations bill. It is my hope and expectation that it will be included by this Senate, the appropriators, in their bill such that it will emerge as part of the final conference report of the House and the Senate.

I once again thank many individuals who have worked with me and their respective staffs, who worked beginning last week on the final draft. They worked over the weekend, worked on Monday, worked today to create this document. I am hopeful a good number of our colleagues will see fit to cosponsor this document, which document and amendment will be discussed tomorrow in such brief period as outlined by the leadership. They will define it tonight, and then it will be voted upon. I send the amendment to the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from Virginia [Mr. WARNER], for himself and Ms. COLLINS, proposes an

amendment No. 1134 to the language proposed to be stricken by amendment No. 1065.

The amendment is as follows:

(Purpose: Relating to the President's strategy in Iraq)

TITLE—PRESIDENT'S STRATEGY IN IRAQ
SEC. 1. FINDINGS REGARDING PROGRESS IN IRAQ, THE ESTABLISHMENT OF BENCHMARKS TO MEASURE THAT PROGRESS, AND REPORTS TO CONGRESS.

(a) Congress makes the following findings:

(1) Over 145,000 American military personnel are currently serving in Iraq, like thousands of others since March 2003, with the bravery and professionalism consistent with the finest traditions of the United States armed forces, and are deserving of the strong support of all Americans;

(2) Many American service personnel have lost their lives, and many more have been wounded in Iraq; the American people will always honor their sacrifice and honor their families;

(3) The United States Army and Marine Corps, including their Reserve components and National Guard organizations, together with components of the other branches of the military, are performing their missions while under enormous strain from multiple, extended deployments to Iraq and Afghanistan. These deployments, and those that will follow, will have a lasting impact on future recruiting, retention, and readiness of our Nation's all volunteer force;

(4) Iraq is experiencing a deteriorating problem of sectarian and intrasectional violence based upon political distrust and cultural differences among factions of the Sunni and Shia populations;

(5) Iraqis must reach political and economic settlements in order to achieve reconciliation, for there is no military solution. The failure of the Iraqis to reach such settlements to support a truly unified government greatly contributes to the increasing violence in Iraq;

(6) The responsibility for Iraq's internal security and halting sectarian violence rests with the sovereign Government of Iraq;

(7) In December 2006, the bipartisan Iraq Study Group issued a valuable report, suggesting a comprehensive strategy that includes new and enhanced diplomatic and political efforts in Iraq and the region, and a change in the primary mission of U.S. forces in Iraq, that will enable the United States to begin to move its combat forces out of Iraq responsibly;

(8) The President said on January 10, 2007, that "I've made it clear to the Prime Minister and Iraq's other leaders that America's commitment is not open-ended" so as to dispel the contrary impression that exists;

(9) It is essential that the sovereign Government of Iraq set out measurable and achievable benchmarks and President Bush said, on January 10, 2007, that "America will change our approach to help the Iraqi government as it works to meet these benchmarks";

(10) As reported by Secretary of State Rice, Iraq's Policy Committee on National Security agreed upon a set of political, security, and economic benchmarks and an associated timeline in September 2006 that were (a) reaffirmed by Iraq's Presidency Council on October 6, 2006; (b) referenced by the Iraq Study Group; and (c) posted on the President of Iraq's Web site;

(11) On April 21, 2007, Secretary of Defense Robert Gates stated that "our [American] commitment to Iraq is long-term, but it is not a commitment to have our young men and women patrolling Iraq's streets open-endedly" and that "progress in reconciliation will be an important element of our evaluation";

(12) The President's January 10, 2007 address had three components: political, military, and economic. Given that significant time has passed since his statement, and recognizing the overall situation is ever changing, Congress must have timely reports to evaluate and execute its Constitutional oversight responsibilities.

SEC. 2. CONDITIONING OF FUTURE UNITED STATES STRATEGY IN IRAQ ON THE IRAQI GOVERNMENT'S RECORD OF PERFORMANCE ON ITS BENCHMARKS.

(a) IN GENERAL.—(1) The United States strategy in Iraq, hereafter, shall be conditioned on the Iraqi government meeting benchmarks, as told to members of Congress by the President, the Secretary of State, the Secretary of Defense, and the Chairman of the Joint Chiefs of Staff, and reflected in the Iraqi Government's commitments to the United States, and to the international community, including:

(A) Forming a Constitutional Review Committee and then completing the Constitutional review;

(B) Enacting and implementing legislation on de-Baathification;

(C) Enacting and implementing legislation to ensure the equitable distribution of hydrocarbon resources of the people of Iraq without regard to the sect or ethnicity of recipients, and enacting and implementing legislation to ensure that the energy resources of Iraq benefit Sunni Arabs, Shia Arabs, Kurds, and other Iraqi citizens in an equitable manner;

(D) Enacting and implementing legislation on procedures to form semi-autonomous regions;

(E) Enacting and implementing legislation establishing an Independent High Electoral Commission; provincial elections law; provincial council authorities; and a date for provincial elections;

(F) Enacting and implementing legislation addressing amnesty;

(G) Enacting and implementing legislation establishing a strong militia disarmament program to ensure that such security forces are accountable only to the central government and loyal to the Constitution of Iraq;

(H) Establishing supporting political, media, economic, and services committees in support of the Baghdad Security Plan;

(I) Providing three trained and ready Iraqi brigades to support Baghdad operations;

(J) Providing Iraqi commanders with all authorities to execute this plan and to make tactical and operational decisions, in consultation with U.S. commanders, without political intervention, to include the authority to pursue all extremists, including Sunni insurgents and Shiite militias;

(K) Ensuring that the Iraqi Security Forces are providing even handed enforcement of the law;

(L) Ensuring that, according to President Bush, Prime Minister Maliki said "the Baghdad security plan will not provide a safe haven for any outlaws, regardless of [their] sectarian or political affiliation";

(M) Reducing the level of sectarian violence in Iraq and eliminating militia control of local security;

(N) Establishing all of the planned joint security stations in neighborhoods across Baghdad;

(O) Increasing the number of Iraqi security forces units capable of operating independently;

(P) Ensuring that the rights of minority political parties in the Iraqi legislature are protected;

(Q) Allocating and spending \$10 billion in Iraqi revenues for reconstruction projects, including delivery of essential services, on an equitable basis; and

(R) Ensuring that Iraq's political authorities are not undermining or making false accusations against members of the ISF.

(2) The President shall submit reports to Congress on how the sovereign Government of Iraq is, or is not, achieving progress towards accomplishing the aforementioned benchmarks, and shall advise the Congress on how that assessment requires, or does not require, changes to the strategy announced on January 10, 2007.

(b) REPORTS REQUIRED.—

(1) The President shall submit an initial report, in classified and unclassified format, to the Congress, not later than July 15, 2007, assessing the status of each of the specific benchmarks established above, and declaring, in his judgment, whether satisfactory progress toward meeting these benchmarks is, or is not, being achieved.

(2) The President, having consulted with the Secretary of State, The Secretary of Defense, The Commander, Multi-National Forces-Iraq, the United States Ambassador to Iraq, and the Commander of U.S. Central Command, will prepare the report and submit the report to Congress.

(3) If the President's assessment of any of the specific benchmarks established above is unsatisfactory, the President shall include in that report a description of such revisions to the political, economic, regional, and military components of the strategy, as announced by the President on January 10, 2007. In addition, the President shall include in the report, the advisability of implementing such aspects of the bipartisan Iraq Study Group, as he deems appropriate.

(4) The President shall submit a second report to the Congress, not later than September 15, 2007, following the same procedures and criteria, outlined above.

(5) The reporting requirement detailed in Section 1227 of the National Defense Authorization Act for Fiscal Year 2006 is waived from the date of the enactment of this Act through the period ending 15 September, 2007.

(c) TESTIMONY BEFORE CONGRESS.—

(1) Prior to the submission of the President's second report on September 15, 2007, and at a time to be agreed upon by the leadership of the Congress and the Administration, the United States Ambassador to Iraq and the Commander, Multi-National Forces Iraq will be made available to testify in open and closed sessions before the relevant committees of the Congress.

SEC. 3. LIMITATIONS ON AVAILABILITY OF FUNDS

(a) LIMITATION.—No funds appropriated or otherwise made available for the "Economic Support Fund" and available for Iraq may be obligated or expended unless and until the President of the United States certifies in the report outlined in subsection (2)(b)(1) above and makes a further certification in the report outlined in subsection (2)(b)(4) above that Iraq is making progress on each of the benchmarks set forth in Section 2 above.

(b) WAIVER AUTHORITY.—The President may waive the requirements of this section if he submits to Congress a written certification setting forth a detailed justification for the waiver, which shall include a detailed report describing the actions being taken by the United States to bring the Iraqi government into compliance with the benchmarks set forth in Section 2 above. The certification shall be submitted in unclassified form, but may include a classified annex.

SEC. 4. REDEPLOYMENT OF U.S. FORCES FROM IRAQ.

(a) The President of the United States, in respecting the sovereign rights of the nation of Iraq, shall direct the orderly redeployment of elements of U.S. forces from Iraq, if

the components of the Iraqi government, acting in strict accordance with their respective powers given by the Iraqi Constitution, reach a consensus as recited in a resolution, directing a redeployment of U.S. forces.

SEC. 5. INDEPENDENT ASSESSMENTS.

(a) Assessment by the Comptroller General.

(1) Not later than September 1, 2007, the Comptroller General of the United States shall submit to Congress an independent report setting forth—

(A) the status of the achievement of the benchmarks specified in Section 2 above; and

(B) the Comptroller General's assessment whether or not each such benchmark has been met.

(b) Assessment of the Capabilities of Iraqi Security Forces.

(1) IN GENERAL.—There is hereby authorized to be appropriated for the Department of Defense, \$750,000,000, that the Department, in turn, will commission an independent, private sector entity, which operates as a 501(c)(3), with recognized credentials and expertise in military affairs, to prepare an independent report assessing the following:

(A) The readiness of the Iraqi Security Forces (ISF) to assume responsibility for maintaining the territorial integrity of Iraq, denying international terrorists a safe haven, and bringing greater security to Iraq's 18 provinces in the next 12–18 months, and bringing an end to sectarian violence to achieve national reconciliation.

(B) The training, equipping, command, control and intelligence capabilities, and logistics capacity of the ISF.

(C) The likelihood that, given the ISF's record of preparedness to date, following years of training and equipping by U.S. forces, the continued support of U.S. troops will contribute to the readiness of the ISF to fulfill the missions outlined in subparagraph (A).

(2) REPORT.—Not later than 120 days after the enactment of this Act, the designated private sector entity shall provide an unclassified report, with a classified annex, containing its findings, to the House and Senate Committees on Armed Services, Appropriations, Foreign Relations/International Relations, and Intelligence.

Mr. WARNER. Mr. President, I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. WHITEHOUSE). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

Mr. REID. Mr. President, what is the pending business now before the Senate?

The PRESIDING OFFICER. The Warner amendment No. 1134 is the pending business.

Mr. REID. Mr. President, it is my understanding we are on WRDA, then, H.R. 1495?

The PRESIDING OFFICER. That is correct.

Mr. REID. Mr. President, I ask unanimous consent that on Wednesday, May 16, when the Senate resumes consideration of H.R. 1495, the time until 10:30 a.m. be for debate prior to the votes on the motions to invoke cloture on the

following amendments: Feingold second-degree amendment No. 1098, Levin amendment No. 1097, Warner amendment No. 1134, and the Cochran amendment No. 1135, with the time equally divided and controlled between the majority and Republican leaders or their designees; that the votes occur in the order listed above; and that there be 2 minutes of debate prior to each vote, equally divided and controlled, and that each vote in this sequence after the first be limited to 10 minutes; that if cloture is not invoked, then the amendment be withdrawn; that no other amendments be in order prior to the cloture votes; and that second-degree amendments may be filed until 9:30 a.m.; further, that the mandatory quorums, as required under rule XXII, be waived with respect to the cloture motions covered under this agreement; further, that the 20 minutes immediately prior to the first vote be under the control of the majority and Republican leaders, with the time equally divided, with the majority leader controlling the final 10 minutes.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. Mr. President, I now ask unanimous consent that upon disposition of the amendments covered under this agreement, the Senate resume debate on the motion to proceed to S. 1348, comprehensive immigration legislation, with the time until 2 p.m. for debate prior to a vote on the motion to invoke cloture on the motion to proceed—Mr. President, I withdraw this aspect of the consent request at this time, and stop where I was where there was no objection.

The PRESIDING OFFICER. It is withdrawn.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, hereby move to bring to a close debate on the Feingold amendment No. 1098 to amendment No. 1097 to H.R. 1495, the Water Resources Development Act.

Russell D. Feingold, Harry Reid, Barbara Boxer, Amy Klobuchar, Sheldon Whitehouse, Ted Kennedy, Patty Murray, Richard J. Durbin, Bernard Sanders, Daniel K. Inouye, Christopher S. Dodd, Ron Wyden, John Kerry, Debbie Stabenow, Ben Cardin, Jim Webb, Charles Schumer, Tom Harkin.

CLOTURE MOTION

Mr. REID. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the

Standing Rules of the Senate, hereby move to bring to a close debate on the Levin amendment No. 1097 to H.R. 1495, the Water Resources Development Act.

Carl Levin, Harry Reid, Barbara Boxer, Amy Klobuchar, Sheldon Whitehouse, Ted Kennedy, Patty Murray, Richard J. Durbin, Jon Tester, Max Baucus, Tom Carper, Daniel K. Inouye, Ben Nelson, Ron Wyden, Debbie Stabenow, Byron L. Dorgan, Claire McCaskill.

AMENDMENT NO. 1135

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the pending amendment to the bill be set aside, and on behalf of Senator COCHRAN, I call up an amendment to the bill, which is at the desk.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will report.

The legislative clerk read as follows:

The Senator from Kentucky [Mr. MCCONNELL], for Mr. COCHRAN, Mr. WARNER, and Mr. BOND, proposes an amendment numbered 1135.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the reading of the amendment be dispensed with.

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

The amendment is as follows:

(Purpose: To express the sense of the Senate that Congress must send to the President acceptable legislation to continue funds for Operation Iraqi Freedom and Operation Enduring Freedom by not later than May 28, 2007)

At the appropriate place, insert the following:

SEC. ____ SENSE OF THE SENATE ON FUNDING FOR OPERATION IRAQI FREEDOM AND OPERATION ENDURING FREEDOM.

(a) FINDINGS.—The Senate makes the following findings:

(1) The President is the commander in chief of the United States Armed Forces.

(2) The United States Armed Forces are currently engaged in military operations in Operation Iraqi Freedom and Operation Enduring Freedom on behalf of the national security interests of the United States.

(3) The funds previously appropriated to continue military operations in Operation Iraqi Freedom and Operation Enduring Freedom are depleted.

(4) The President requested more than 100 days ago supplemental appropriations to continue funding for Operation Iraqi Freedom and Operation Enduring Freedom.

(5) Congress has not passed a supplemental appropriations bill to continue funding for Operation Iraqi Freedom and Operation Enduring Freedom in a manner that the commander in chief believes gives the United States Armed Forces and the Iraqi people the best chance to succeed at establishing a safe, stable, and sustainable democracy in Iraq.

(6) A supplemental appropriations request to fund ongoing combat operations in Operation Iraqi Freedom and Operation Enduring Freedom should remain focused on the war effort by providing the resources necessary for United States troops abroad and in the United States.

(b) SENSE OF THE SENATE.—It is the sense of the Senate that Congress should send legislation to the President providing appropriations for Operation Iraqi Freedom and Operation Enduring Freedom in a manner that the President can sign into law by not later than May 28, 2007.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I now send a cloture motion to the pending Warner amendment to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Warner amendment No. 1134 to H.R. 1495, the Water Resources Development Act of 2007.

Mitch McConnell, Judd Gregg, Richard Burr, Mike Crapo, John Cornyn, Lisa Murkowski, Susan M. Collins, John Warner, Orrin G. Hatch, Craig Thomas, Larry E. Craig, John E. Sununu, Pete V. Domenici, James M. Inhofe, Trent Lott, John Thune, Christopher S. Bond.

CLOTURE MOTION

Mr. McCONNELL. Mr. President, I send a cloture motion to the desk to the Cochran amendment.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of Rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the pending Cochran amendment No. 1135 to H.R. 1495, the Water Resources Development Act of 2007.

Mitch McConnell, John Cornyn, Pete V. Domenici, Johnny Isakson, James M. Inhofe, Craig Thomas, Trent Lott, John E. Sununu, John Thune, Thad Cochran, Christopher S. Bond, Norm Coleman, John Warner, Richard G. Lugar, Jeff Sessions, Orrin G. Hatch, Gordon H. Smith.

SECTIONS 2006, 2007, AND 2008

Mr. FEINGOLD. Mr. President, I would like to engage the distinguished chairman from California and the distinguished majority leader in a colloquy with respect to the provisions in section 2006, 2007, and 2008 (c) and (e) of the Water Resources Development Act of 2007, S.1248.

Mrs. BOXER. I would be happy to respond to the Senator from Wisconsin.

Mr. REID. I, too, am happy to engage in a colloquy with the Senator from Wisconsin.

Mr. FEINGOLD. I appreciate the efforts and success of the chairman and the Environment and Public Works Committee in reporting a Water Resources Development Act that includes many important Corps of Engineers reforms. I would simply like to clarify that it is the intent of the committee and of the majority leader that these provisions be retained through conference and enacted into law. These provisions should be the minimum reforms coming out of conference.

Mrs. BOXER. I concur that this is the committee's intent.

Mr. REID. I support the understanding reached by the chairman and the Senator from Wisconsin.

Mr. FEINGOLD. I would like to point out some of the critical elements to ensuring meaningful independent review of Corps of Engineers water resources projects that are contained in section 2007 of S.1248. Section 2007 is the same language that was adopted on the Senate floor during last summer's consideration of the Water Resources Development Act of 2006. Though the House of Representatives has an independent review provision in their bill, there are several important distinctions between the House and the Senate provisions.

The Senate provision houses responsibility for independent review in the Office of the Secretary of the Army and makes independent review mandatory for any project meeting the review triggers. The mandatory review triggers and placement of responsibility for carrying out independent reviews outside the Office of the Chief of Engineers are essential for ensuring full independence of the review process. The Senate provision gives the independent review panels the ability to review those issues deemed significant by the panel. This is essential for ensuring that all relevant study issues are examined by the panel. The House of Representatives provision gives the Chief of Engineers essentially unlimited authority to restrict the scope of a panel's review. The Senate provision places limits on the Corps' ability to ignore panel recommendations by requiring the Secretary of the Army to provide a written explanation regarding the rejection of any panel recommendations and by requiring the Corps to prove why it is appropriate to reject a panel's recommendation in any lawsuit that might be brought to challenge the project. The Senate bill does not create a new cause of action. This is essential for ensuring that the findings of an independent review panel are given appropriate consideration by the Corps of Engineers. In addition, the Senate provision establishes a critical safety assurance review of the detailed technical design of vital flood control projects. The House language does not include this essential provision.

Importantly, the Senate provision ensures that the independent review panel will review the draft study released for public comment and will have the benefit of public comment to help guide their review. The House bill in general requires that independent review be complete before there is a draft study for review. That would limit a fundamental purpose of independent review, which is to ensure review of draft studies and limit public participation in the independent review process.

I ask my colleagues to concur with the importance of retaining these critical elements of independent review contained in Section 2007.

Mrs. BOXER. I concur that these are fundamental elements of meaningful independent review and concur that it is the committee's intent to retain these elements and that we will strenuously support them in the conference.

Mr. REID. I support the understanding reached by the chairman and the Senator from Wisconsin.

Mr. FEINGOLD. Mitigation for Corps of Engineers civil works projects is another important area that must be improved. Despite the clear mitigation requirements established for water resources projects in the Water Resources Development Act of 1986, the Government Accountability Office reported in 2002 that the Corps of Engineers does not mitigate at all for almost 70 percent of its projects. To help address this problem, the Senate provision requires the Secretary to ensure that mitigation for water resources projects complies fully with the mitigation standards and policies established pursuant to section 404 of the Federal Water Pollution Control Act, 33 U.S.C. 1344. This will help protect the environment and is consistent with the fundamental principal that we will hold the Federal Government to the same environmental criteria as private enterprise.

In addition, in order to ensure that mitigation produces the same or greater ecosystem values as those lost to a water resources project, the Senate provision requires that the Corps of Engineers implement not less than in-kind mitigation. To ensure that mitigation will be effective, the Senate bill requires the preparation of detailed mitigation plans, requires that mitigation be monitored until ecological success criteria are met, and requires the Corps of Engineers to consult yearly with applicable Federal and State agencies on the status of individual mitigation efforts. The Senate provision applies the new mitigation standards to projects that the Corps of Engineers has determined must be reevaluated for other reasons. The Senate provision also requires the Corps to establish a publicly accessible mitigation tracking system.

The language of sections 2008(c) and (e) obtained bipartisan support from the Environment and Public Works Committee last Congress and was included in the Senate Water Resources Development Act of 2006.

I ask my colleagues to concur with the importance of retaining these key elements of mitigation reform contained in section 2008(c) and (e).

Mrs. BOXER. I concur that these are fundamental elements of meaningful mitigation reform and concur that it is the committee's intent to retain these elements and that we will strenuously support them in the conference.

Mr. REID. I support the understanding reached by the chairman and the Senator from Wisconsin.

Mr. FEINGOLD. Lastly, section 2006 of S. 1248 would update the Corps' woefully out-of-date Principles and Guidelines, P&G, and related planning documents by establishing a Cabinet-level interagency working group to revise the guidelines and regulations and circulars, which have not been revised since their inception in 1983. Numerous

studies have called for updating the Corps' planning guidelines to provide an increased focus on protecting and restoring the environment and to modernize and incorporate new methods and more cost-effective approaches to solving water problems. More than a decade of reports from the National Academy of Sciences, Government Accountability Office, Army inspector general, U.S. Commission on Ocean Policy, and independent experts have revealed a pattern of stunning flaws in U.S. Army Corps of Engineers project planning and implementation and urged substantial changes to the Corps' project planning process. The most recent call for revising the Corps' planning guidelines came just 2 months ago from the National Academy of Public Administration.

These flaws have increased taxpayer costs and environmental degradation with antiquated economic analysis of projects and in some cases overly structural projects. It is vital that these planning guidelines be modernized so that they no longer promote projects that destroy healthy natural ecosystems and lure development in high risk areas. It is also essential that the provision to require the Corps to adopt those revisions, subject to public comment, be retained.

The language of section 2006 obtained bipartisan support from the Environment and Public Works Committee last Congress and was included in the Senate Water Resources Development Act of 2006.

I ask my colleagues to concur with the importance of retaining these elements.

Mrs. BOXER. I concur that these are fundamental elements of meaningful reform of the Corps of Engineers planning guidelines and concur that it is the committee's intent to retain these elements and that we will strenuously support them in the conference.

Mr. REID. I support the understanding reached by the chairman and the Senator from Wisconsin.

Mr. FEINGOLD. I thank the chairman and the majority leader for engaging in this colloquy. Instituting meaningful reforms to the Corps of Engineers' planning process is essential for protecting public safety, the environment, and the taxpayers. I remain committed to ensuring that meaningful reforms are included in the next Water Resources Development Act that is enacted into law. I thank the chairman and the majority leader for their commitment as well.

MIDDLE CREEK PROJECT

Mr. REID. Mr. President, I thank Chairman BOXER and the Committee on Environment and Public Works for their hard work on S. 1248, the Water Resources Development Act of 2007 and the bill currently being considered by the Senate, H.R. 1495. The bill represents years of negotiations by her, members of the committee, and staff, and I appreciate her leadership in bringing a bill forward for this body's consideration.

Mrs. BOXER. Mr. President, I thank the leader for his comments. I appreciate the leader's continued support for this reauthorizing legislation and the authorization of the new projects for navigation, flood and coastal storm damage reduction, ecosystem restoration and environmental remediation, and water storage and water quality.

Mr. REID. Mr. President, I generally support this bill and understand that many of the projects are necessary to improve and maintain safe communities. But I am concerned about the effects of one project on Indian lands.

Both S. 1248 and H.R. 1495 include authorizing language for a flood damage reduction and environmental restoration project on Middle Creek, located in Lake County, CA. I certainly defer to the U.S. Army Corps of Engineers and the California congressional delegation as to the project's importance and the most appropriate plan to implement it, but would my friend from California describe the impact of the project on Indian lands in the area?

Mrs. BOXER. Mr. Leader, the Middle Creek Project will restore lands within the Middle Creek floodplain and study area. I believe the project will reconnect the floodplain of Middle Creek to the historic Robinson Lake wetland area by breaching the existing levee system and creating inlets that direct flows into the study area. The restoration will provide flood damage reduction by relocating residents of the Robinson Rancheria from the floodplain.

Mr. REID. Madam Chairman, I understand the Rancheria's current casino will not be affected by this project if implemented—that the Rancheria could continue, if it chooses, to operate this casino once the project is completed. Is this correct?

Mrs. BOXER. Mr. Leader, that is correct.

Mr. REID. Madam Chairman, I understand that neither the Senate nor the House bill authorizes the Secretary of the Interior to take land into trust for purposes of gaming on behalf of the Rancheria?

Mrs. BOXER. Mr. Leader, the bill under consideration would authorize the Middle Creek Project. The bill does not expressly authorize the United States to take land into trust for the Rancheria.

Mr. REID. Thank you for that clarification. Madam Chairman, in Senate Report 110-58, the committee recommends that, in exchange for the existing reservation lands that would be included in the floodplain, the Secretary of the Interior accept three parcels of land into trust for the benefit of the Rancheria. Would you describe these parcels and their location in relation to the Rancheria's current reservation boundaries?

Mrs. BOXER. Mr. President, I appreciate the interest of the Senator from Nevada in the effect of this project on the Rancheria. Since 1981, the Secretary of the Interior has held 37 acres in trust on behalf of the Rancheria.

The parcels discussed in the committee report are currently owned by the Rancheria and are very close to their current reservation boundary. Two of the three parcels are along the Clear Lake shoreline. The committee believed it was appropriate to compensate the Rancheria by allowing them to add to their reservation lands that are approximately 1 mile away from their current reservation boundary and which the tribe already owns.

Mr. REID. Mr. President, I thank my friend from California for describing the lands. While neither the House nor Senate bills would authorize the Secretary to take the transferred lands into trust as "restored lands" for the purpose of the Indian Gaming Regulatory Act, the report recommends the Secretary do so.

I understand the Rancheria can continue to operate its on-reservation casino should this project be implemented, and I do not oppose the Rancheria's right to do so because these lands are located within its traditional reservation boundary and were taken into trust before the enactment of the Indian Gaming Regulatory Act, IGRA, thus the casino was opened consistent with the requirements of IGRA. But as you know, I have long opposed off-reservation gaming, and while I understand that neither bill would authorize gaming on the transferred parcels, I do not support the committee's recommendation that the Secretary declare these parcels "restored lands." As we know, should the Secretary declare the parcels as "restored lands," the Rancheria would be allowed to conduct gaming on lands deemed outside of its reservation boundary and on lands acquired after enactment of the Indian Gaming Regulatory Act. I note that report language does not have the same legal status as legislative language.

Mrs. BOXER. Mr. President, the California delegation strongly supports the projects included in S. 1248. I hear the majority leader's concerns. Being chair of the committee, I, of course, support the language in the committee's recommendation with respect to the land transfer for the Robinson Rancheria, should the bill be enacted. While I may disagree with the leader's position as it concerns this particular project, I appreciate his comments and support for the legislation as a whole.

Mr. REID. Mr. President, I appreciate the clarifications and explanations that my friend from California has provided.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

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

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

MORNING BUSINESS

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

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

NATIONAL PEACE OFFICERS
MEMORIAL DAY

Mr. LEAHY. Mr. President, today marks the 26th year that peace officers from around the country have gathered in the Nation's Capital to participate in the National Peace Officers Memorial Day Service. Every year, Peace Officers Memorial Day offers the people of the United States, in their communities, in their State capitals, and in the Nation's Capital, the opportunity to honor and reflect on the extraordinary service and sacrifice given year after year by our police forces. I welcome the visiting peace officers and their family members who are gathered in Washington today as we honor their services and those lost this past year.

Earlier this month, the Senate passed a resolution marking today National Peace Officers Memorial Day. This is now the 11th year running that I have sponsored this resolution to honor the sacrifice and commitment of those law enforcement officers who give their lives serving their communities. Senator SPECTER, himself a former prosecutor, former chairman of the Judiciary Committee, and now our ranking member, was the lead Republican sponsor of this bipartisan measure this year. I thank the majority leader, himself a former police officer, and all Senators for their support in recognizing the sacrifices that law enforcement officers make each day for the American people.

Currently, more than 900,000 men and women who guard our communities do so at great risk. After the hijacked planes hit the World Trade Center in New York City on September 11, 2001, 72 peace officers died while trying to ensure that their fellow citizens in those buildings got to safety. That act of terrorism resulted in the highest number of peace officers ever killed in a single incident in the history of our country and is a tragic reminder of how important it is for the Congress to provide all of the resources necessary to protect officers in the line of duty.

Since the first recorded police death in 1792, there have been more than 17,900 law enforcement officers who have made the ultimate sacrifice. We are fortunate in Vermont that we rank as the State with the fewest officer deaths. With 19 deaths, however, that is, of course, 19 deaths too many.

In 2006, 145 law enforcement officers died while serving in the line of duty, below the decade-long average of 165 deaths annually and a drop from 2005 when 156 officers were killed. That is still 145 officers too many. We need to

continue our support for better equipment and the increased use of bullet-resistant vests, improved training, and advanced emergency medical care. I hope as the 110th Congress moves forward that all Senators can work together to ensure that all of our law enforcement officers and their families have the full support and the resources they need from the Federal Government.

I have been working to help make it safer on the beat for our officers. Back in 1998, Senator Campbell and I authored the Bulletproof Vest Grant Partnership Act, in part a response to the tragic Carl Drega shootout on the Vermont-New Hampshire border in which two State troopers who lacked bulletproof vests were killed. Since then, we have successfully reauthorized this program three times: In the Bulletproof Vest Partnership Grant Act of 2000, in the State Justice Institute Reauthorization Act of 2004, and most recently as part of the Violence Against Women and Department of Justice Reauthorization Act of 2005. It is now authorized at \$50 million per year through fiscal year 2009 to help State, tribal, and local jurisdictions purchase armor vests for use by law enforcement officers. Senator SPECTER and I joined together to send a letter to other Senators last week to make sure that the Bulletproof Vest Partnership Grant Program is fully funded this year. Bulletproof vests have saved the lives of thousands of officers and are a fundamental line of defense that no officer should be without. It is crucial that Congress provide the full funding authorized to the Bulletproof Vest Partnership Program. Hundreds of thousands of police officers and local jurisdictions are counting on us.

I am disappointed that not all of Congress's actions to protect and help our law enforcement officers are implemented by this administration. President Bush has repeatedly proposed drastic cuts to the bulletproof vest initiative and other grant programs that directly assist State and local law enforcement. The Bush administration has spent more than \$400 billion on a failed policy in Iraq, and yet the President continues to propose cuts in funding for programs here in the United States for first responders who protect our Nation's communities.

I will mention one other important example of a law I sponsored and helped pass in 2003, the Hometown Heroes Survivors Benefit Act. This important, bipartisan legislation reflects the belief of Congress that the families of firefighters, law enforcement officers, and other first responders should be cared for when a public safety officer dies of a heart attack or stroke in the line of duty. To date, the Department of Justice has made only two positive determinations from the more than 230 applications it has received. It is inexcusable that the Department of Justice appears to be interpreting this law as narrowly as possible and is denying and

delaying so many of these claims. Congress and the American people want to see fair and equitable treatment for the families of the brave individuals who lose their lives in the line of duty, not foot-dragging and excuses from the Justice Department.

We can all agree that the men and women in law enforcement who have sacrificed for our safety deserve our deep gratitude and respect. National Peace Officers Memorial Day recognizes real-life heroes. Our Nation's law enforcement officers deserve our commitment to provide for those who help keep us all safe. I support and respect our State and local police officers and all of our first responders and am proud to recognize their role in upholding the rule of law and keeping our Nation safe and secure.

FEDERAL CRACK COCAINE
SENTENCING POLICY

Mr. LEAHY. Mr. President, today, the U.S. Sentencing Commission took another important step in addressing the wide disparity in our Federal cocaine sentencing laws.

The Commission released its fourth report to Congress in 12 years that, once again, provides a comprehensive review of our cocaine policies, and recommendations about how those policies can be improved. Almost 3 weeks ago, the Commission recommended to Congress a change in the Sentencing Guidelines that would lower the offense level for crack offenders across the board. Both of these actions are positive steps, but real progress in this area requires congressional action.

Under current law, an offender apprehended with 5 grams of crack cocaine faces the same 5 year mandatory minimum sentence as an offender with 500 grams of powder cocaine—that is the same sentence for 100 times more powder cocaine. In 2000, the average sentence for a crack cocaine defendant was nearly 4 years longer than the average sentence for a powder cocaine defendant.

Last week, the Commission announced it will issue a guideline change that lowers the offense level for crack offenders by 2 points across the board. As a result, 75 percent of Federal crack offenders will have their sentences reduced by approximately 16 months. This change represents a step in the right direction.

For far too long, the Federal crack-powder sentencing laws have created an injustice in our Nation. Over 20 years now, Congress has silently stood by as this policy swelled our prisons, disproportionately impacted African Americans, and misdirected precious Federal resources on low-level street dealers rather than on the worst offenders—drug kingpins who bring crack into our neighborhoods. Twenty years of irresponsible policy is enough.

I hope the Commission's report and recommendations will serve as a roadmap for the 110th Congress. Americans