A good way to look at it is to look at the last three Presidents. Each of them in the last 2 years of their tenure in office had a Senate controlled by the opposition party. So the question is, how did the opposition party in the Senate treat the President on circuit court nominees? President Clinton, 11; President Bush, 41; President Clinton and President Bush, 43; and we will see how he comes out, President Bush, President Clinton, and President Reagan, there were an average of 17 circuit court judges confirmed in similar situations.

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

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

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

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

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

Mr. President, I yield the floor.

ORDER OF PROCEDURE

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

The PRESIDING OFFICER. There is 5 minutes remaining prior to the vote. Mr. REID. I ask that the time be divided equally between Senators BOXER and Inhofe, and it will occur immediately after their statements. The PRESIDING OFFICER. Without objection, it is so ordered.

RESERVATION OF LEADER TIME

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

WATER RESOURCES DEVELOPMENT ACT OF 2007—MOTION TO PROCEED

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

The Legislative clerk read as follows:

Motion to proceed to the bill (H.R. 1495) to provide for the conservation and development of water and related resources, to authorize the Secretary of the Army to construct various projects for improvements to rivers and harbors of the United States, and for other purposes.

The PRESIDING OFFICER. Under the previous order, the time until 9:35 a.m. shall be equally divided and controlled between the chair and the ranking member of the Environmental and Public Works Committee.

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

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

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

The PRESIDING OFFICER. The Senator will be informed.

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

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