

doing? We are not doing these measures; we are on a bill that the President said he is going to veto. The Export-Import Bank expires at the end of this month, which is just a few weeks from now.

The Bank creates jobs by providing loans and loan guarantees to foreign customers who purchase American exports. This year alone, the Export-Import Bank supported 165,000 American jobs—165,000 jobs. What does it cost the American taxpayer? Zero. Nothing. In fact, it makes money for our country. Over the last 10 years, the Bank has returned more than \$7 billion to the Treasury.

The majority leader should bring the Bank's reauthorization to the Senate floor for a vote before the charter expires at the end of this month, but it appears that is not going to happen. The senior Senator from Texas is already saying the Republicans have no intention of meeting that deadline. Instead, the American people will have to endure another manufactured crisis at the hands of Senate Republicans. Should we also assume the majority leader will do the same with the Federal highway program, which expires at the end of July? The Senate also faces a looming deadline for that program. It is critical that we craft a long-term solution to America's crumbling roads, highways, bridges, and rail systems.

Just a few miles from here, we have the Memorial Bridge. It is a beautiful bridge. It was built in the 1930s. The Memorial Bridge connects the Arlington National Cemetery to the Lincoln Memorial and the Mall. It is one of the busiest bridges in the whole DC area. Each day, 68,000 cars and buses cross that bridge, along with countless pedestrians and bicyclists.

Last week, Federal officials announced they will be shutting down two lanes of the bridge to repair the bridge, which is structurally deficient, which was caused by a number of problems, not the least of which is corrosion due to all of the moisture we have here. That is a problem we have with everything. And the problems, just minutes from the Capitol, are a daily reality for millions of Americans.

The Memorial Bridge is just one of the 64,000 structurally deficient bridges throughout our country. The people in Minnesota understand what this means. They had a bridge collapse, and 30-some people died as a result of that. That happened recently.

How long will we wait to fix these problems? What will it take before Republicans get serious about a solution to our crumbling highways, railroads, and bridges?

We understand. Democrats understand the urgency of the crisis facing our country, and we are ready to work with Republicans to rebuild our bridges, roads, and railway systems. We understand that investing in our surface transportation, including rail, can be a job creator and economy booster. For every \$1 billion we spend

on these roads, bridges, and rail systems, we employ 47,500 high-paying jobs and many other lesser paying jobs.

Before we left for recess a couple of weeks ago, we passed a short-term extension for the surface transportation programs. That is the 33rd time we have done that. Now that we are back in session, there appears to be no urgency from the Senate Republicans to schedule committee hearings, mark up the bill or to make the highway trust fund solvent.

Once again it seems the majority leader is content to let another vital program lapse, regardless of the harm it does or the American jobs he puts at risk.

How many more of these manufactured crises must the American people endure? How many more times would the majority leader let another vital program lapse regardless of the harm it does? It is imperative that Republicans not continue their assault on job creation in America. We should not let the Export-Import Bank or the Federal highway program expire, losing the millions of American jobs they create and sustain. It is beyond belief that on these two important legislative matters, Republicans will not help the American people with instant job creation. In the past, these two issues were never handled this way. The Export-Import Bank had three of its biggest cheerleaders: Reagan, Bush, and Bush. That is not the way it is anymore. The highway bill used to pass every 5 or 6 years, and it would be extended for 5 or 6 years. Until the Republicans changed the way the Senate operates, we used to pass these bills easily—but not now. We are having to address multiple short-term extensions each year and it seems every few months. This will be, as I indicated earlier, the 33rd short-term extension for the Federal highway program. This is not legislating. This is Republican procrastination.

#### RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER. The majority leader is recognized.

#### NATIONAL DEFENSE AUTHORIZATION ACT

Mr. McCONNELL. Mr. President, I know my good friend, the Democratic leader, is frustrated that he is no longer setting the schedule in the Senate. He seems to differ with the order of priorities that we deal with things here. Yesterday, he said debating the Defense authorization bill was “a waste of time”—a waste of time to debate the Defense authorization bill in a time of high crisis for our country.

Nevertheless, a new majority sets the agenda of the schedule these days. Today, the Senate turns to the consideration of the National Defense Authorization Act for 2016—in June, not in December, at the end of the year, in

a situation in which no amendments are allowed.

This legislation, which authorizes funds and sets out policy for our military annually, is always important, but it is especially important now, given the multitude of threats that challenge us as a nation; for instance, the aggressive rise of ISIL, Iran's ambitions for regional hegemony and its accompanying quest for nuclear weapons, and both Chinese and Russian efforts to erode American influence and assert domination over their neighbors. It is also important, given the need to start thinking about preparing our armed services for the many global threats the next President will confront the day he or she takes office.

The reality is we have left behind the era of when Americans could withdraw from conflict overseas and escape to the comfort and security provided by vast oceans and isolation. We have lost the luxury of building our forces years after a war has begun. Most important, the simple tradeoff of guns versus butter, drawing down our conventional forces, hollowing them out, and standing behind our nuclear arsenal does not suit the strategic challenges we now face. We can no longer ignore ungoverned spaces. We have left the Cold War long behind. Tradeoffs have become more difficult to accomplish, and they require greater strategic thought than the President has provided, and we have seen the resilience of the terrorist threat.

Senator McCAIN, the chairman of the Armed Services Committee, is a man with the depth of experience to understand the need to modernize, refit, and prepare our military for the threats and operations in the coming years. Thankfully, for the Senate, he is also a man with vision to craft a bill that could put us on a path to address those challenges—legislation that could help equip the next President with adequate capabilities to address threats from adversaries like Russia, China, ISIL, and Al Qaeda, not to mention the unforeseen challenges that inevitably arise. That is just the course this Defense authorization bill proposes to put us on—the correct course. I would like to commend Senator McCAIN, not just for crafting this bill but for working closely with Members of both parties to steer it through committee with overwhelming bipartisan support.

This legislation proposes to do a lot of things, but fundamentally it is premised on a commonsense idea that we should cut waste and redirect that authorized funding to where it is actually needed—such as meeting the needs of the men and women who put everything on the line—everything—to keep us safe.

In a time when missions are in imbalance with resources for a military that has already had to endure too many cuts in recent years, it just makes sense to do things such as taking on a growing bureaucracy in the Pentagon to make it more efficient and effective,

working toward reforming the way our military purchases weapons and equipment, and improving and modernizing the military retirement system in order to secure greater value and choice for servicemembers.

Overall, this bill authorizes about \$10 billion in savings for actual military needs. These authorities will allow for improvements in the training and capability of our forces, and they will help us develop new technologies to maintain superiority on the battlefield. Our constituents stand to benefit from many of the provisions in this bill as well.

For instance, Kentuckians will be glad to know this legislation would authorize a new Special Forces facility at Fort Campbell. They will also be glad to hear it will authorize construction projects and an important new medical clinic at Fort Knox—an initiative I have championed literally for years.

It is no wonder why so many Democrats joined Republicans to support this bill on the floor of the House of Representatives or why they joined Republicans in the Armed Services Committee to pass this bill on an overwhelming bipartisan basis, too, which of course is the tradition, both of that committee and of the Senate as a whole.

Now we need to keep the momentum going because this defense policy bill cannot fall hostage to partisan politics. Too much is at stake.

We just heard more partisan saber rattling from the White House yesterday, which is now threatening to block a pay raise for our troops unless Congress first agrees to spend billions more pumping up bloated bureaucracies like the IRS. That is despite the fact that the funding level in this bill is exactly—exactly—the same as what President Obama requested in his budget. Let me say that again. The funding level in this bill is exactly what President Obama requested in his budget—\$612 billion.

As I said earlier, the Democratic leader appeared to go even further, essentially saying that voting to support the men and women who protect us is now “just a waste of time.” It is just a waste of time, according to the Democratic leader, to be debating the bill about the men and women who protect us. The assumption, I guess, is his party isn’t getting its way on other partisan demands completely unrelated to the bill, so they want to punish the men and women of our military.

Look, we understand that some of our Democratic friends might be so determined to increase spending for Washington’s bureaucracies that to achieve it they would even risk support for our men and women in uniform in the face of so many global threats. I certainly don’t love every aspect of the Budget Control Act, especially the effects we have seen on the defense side in hindering our ability to modernize the force and meet the demand of current operations. But to deny brave

servicemembers the benefits they have earned putting everything on the line for each one of us, for these partisan reasons, would be profoundly unfair to our troops.

Blocking this bill is not in the national interest. So let’s skip the partisan games and start working toward commonsense reforms, as this bill proposes. Let’s work together to pass the best Defense authorization bill possible.

I urge Members of both parties who want to offer amendments to go ahead and do so and then work with the bill managers to get them moving. We have that opportunity this year because we returned to the regular order and because we are considering the NDAA at the appropriate time in the session, rather than at the very last minute with little time for thoughtful consideration of amendments, as had become the unfortunate norm under the previous majority. This positive turn is another credit to Senator McCAIN’s leadership.

Of course, no Defense authorization bill will ever be perfect, but this legislation reflects a good-faith effort to authorize programs in the political reality in which we live today. It is bipartisan reform legislation that proposes to root out waste, improve our military capabilities, support the brave Americans who protect us, and make preparations for challenges, both foreseeable and unforeseeable, in the years ahead.

#### RESERVATION OF LEADER TIME

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

#### MORNING BUSINESS

**THE PRESIDING OFFICER.** Under the previous order, the Senate will be in a period of morning business until 11 a.m., with Senators permitted to speak therein, with the time equally divided, with the majority controlling the first half and the Democrats controlling the final half.

The Senator from Wyoming.

#### FEDERAL WATER QUALITY PROTECTION ACT

**MR. BARRASSO.** Mr. President, last week, our Nation observed Memorial Day. We paid tribute to the sacrifices so many Americans have made to preserve our freedom. Also, last week, while Members were back home, the Obama administration snuck out a new rule that takes away freedom from Americans all across the country.

The Environmental Protection Agency released the final version of a new rule that will dramatically increase the agency’s power and will devastate Americans’ ability to use their own property and their own water. With this rule, President Obama’s Environ-

mental Protection Agency overreaches and ignores the American public. The rule is an attempt to change the definition of what the Clean Water Act calls waters of the United States.

There is bipartisan agreement that Washington bureaucrats have gone way beyond their authority with this new regulation. They have written this rule so broadly and with so much uncertainty that it is not clear if there are any limits on this Agency’s power.

I agree with what the chairman of the Environment and Public Works Committee has to say. He wrote it in an op-ed that appeared yesterday. Senator INHOFE, chairman of the Environment and Public Works Committee, said:

Not only does this final rule break promises EPA has made, but it claims federal powers even beyond what EPA originally proposed a year ago. This will drastically affect—for the worse—the ability of many Americans to use and enjoy their property.

This rule gives the Agency broad control over things such as any area within 4,000 feet of a navigable water or a tributary. Then, it defines tributaries to include any place where you can see an “ordinary high water mark” on what looks like—on what looks like—it was once the bank of a creek body of water—what looks like, not what is but what looks like.

Under the rule, the Environmental Protection Agency can regulate something as waters of the United States if it falls in a 100-year floodplain of a navigable water—not a navigable water but anything within a 100-year floodplain of a navigable water. The rule says the Agency has to find a “significant nexus” to navigable water.

What is a significant nexus to the EPA? Well, the Agency gets to make up its own definition. They say it includes something as simple as finding that the water provides—get this—“life cycle dependent aquatic habitat” for a species that spends part of its time in a navigable water.

All of these terms are things that Washington bureaucrats are defining for themselves. They decide for themselves that they have the authority.

Let’s say your property is within 4,000 feet of anything the Environmental Protection Agency decides is a tributary and your property has a natural pond or some standing water after heavy rain, and let’s say a bird that spends part of its life on the Colorado River decides to hang out near that natural pond or some standing water after a heavy rain that occurred on your property, under this new regulation, the Environmental Protection Agency now has the power to regulate what you do on that land.

It is bad enough that this administration has taken this extraordinary step. It is bad enough that it has tried to sneak out its rule, hoping that nobody was paying attention over the Memorial Day time at home. There are now reports that the Obama administration may have broken the law. Here