

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—\$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 first 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

is what the New York Times reported on May 18 under the headline on the front page: "Critics Hear E.P.A.'s Voice in 'Public Comments.'"

This is an article on the front page of the New York Times about the public comments that government agencies have to collect. They have to collect these comments from the public when they propose new regulations such as this one that they have done with the waters of the United States. The comment period is supposed to be an opportunity for people who might be harmed by the rules to have their say.

Well, according to this front-page article in the New York Times, the Environmental Protection Agency has twisted the public comment requirements into its own private government-funded spin machine. The article says: "In a campaign that tests the limits of federal lobbying law, the agency has orchestrated a drive to counter political opposition from Republicans and enlist public support in concert with liberal environmental groups and a grass-roots organization aligned with President Obama."

This tests the limits of Federal lobbying law. This government agency ignored the negative comments by Americans who were concerned about the law, who were hurt by the law. Then it used taxpayer dollars to lobby liberal groups to flood the Agency with positive comments. That is not me; that is what is written in the New York Times. These were the same phony, ginned-up comments it used to justify the dramatic overreach of its new regulations.

It is incredible. It is unacceptable. I believe it is illegal. The Environmental Protection Agency would rather skew public comments in its favor than acknowledge the real concerns that Americans and Members of Congress have with this destructive rule. These are the concerns of farmers, of ranchers, of hard-working families, and of small businesses all across the country.

There was an interesting column in U.S. News & World Report last Friday. The headline says: "Stop Terrorizing Main Street." The column talked about the damage that all this redtape can do to small businesses. It says:

When the EPA jumps up and yells 'boo', entrepreneurs cringe. They withdraw. They feel anxious and reconsider plans to start or expand a business. This is bad for our economy.

This is hurting our country. Well, I believe they are exactly right. That is what Washington does with the uncertainty and the overreach of rules such as this one. It is bad for the economy. It does nothing to improve the quality of our water or the quality of life.

There is universal agreement in this country that we should protect America's navigable waters. There is also bipartisan agreement on the best ways for Washington to help to do that. This is not just Republicans against President Obama. This is Republicans and Democrats working to protect Amer-

ica's waterways and President Obama working, instead, to expand the power of unelected and unaccountable bureaucrats.

Here is how the newspaper The Hill reported it last Thursday with an article with this headline: "Democrats buck Obama on water rule." The article says: "Dozens of Congressional Democrats are joining Republicans to back legislation blocking the Obama administration's new rule to redefine its jurisdiction over the nation's waterways."

Now, it is talking about my bill, a bill called the Federal Water Quality Protection Act. The bill has 30 cosponsors in the Senate—Democrats and Republicans alike. A similar bill in the House actually passed with the support of 24 Democrats and every Republican. So what does the administration have to say to the dozens of Democrats in Congress, to the 24 Democrats who voted against the administration, to the millions of Americans who are concerned about this new regulation?

Well, according to the article in The Hill, President Obama's top environmental adviser said of the Democrats who voted for this: "The only people with reason to oppose the rule are polluters." So the President believes that the 24 Democrats who voted to support it and the Democrats in the Senate who cosponsored my legislation are polluters who want to threaten our clean water. That is what the White House thinks of these Democrats in Congress. That is what the White House thinks of anyone who dares to suggest that this rule is bureaucratic overreach. That is such arrogance.

Well, there are a lot of Americans—Democrats and Republicans—who are not going to be intimidated by the Obama administration's power grab or its name-calling. The Obama administration has ignored the strong bipartisan consensus against this rule. It has once again taken its own radical approach. Instead of moving forward with a rule that fails to represent the interests of many Americans, we should act immediately to pass this bipartisan Federal Water Quality Protection Act. This legislation says yes to clean water and no to extreme bureaucracy.

It will protect America's waterways, while keeping Washington's hands off of the things that it really has no business regulating. The Environmental Protection Agency would have to consult with the States to make sure that we have the approach that works best everywhere—not just the approach that Washington likes best. They would not be able to just listen to the echo chamber of phony comments concocted by their own lobbying campaign.

Now, this bill gives certainty and clarity to farmers, to hard-working ranchers, to small business owners and their families. It makes sure that people can continue to enjoy the beautiful rivers and the lakes. They should be

preserved and protected. This bipartisan bill protects Americans from runaway bureaucracy—unaccountable, unelected. It restores Washington's attention to the traditional waters that were always the focus before.

The American people do not need more bureaucratic overreach. We do not need more redtape. Congress should act immediately to stop this outrageous regulation before it goes into effect. The Senate should take up and pass this bipartisan Federal Water Quality Protection Act.

I yield the floor.

The PRESIDING OFFICER (Mr. COTTON). The Senator from Montana.

(The remarks of Mr. DAINES pertaining to the introduction of S. 1487 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. DAINES. I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. DURBIN. 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. DURBIN. Mr. President, I ask unanimous consent to speak as in morning business.

The PRESIDING OFFICER. The Senate is in a period of morning business.

IMMIGRATION

Mr. DURBIN. Mr. President, it was 3 years ago this month in June of 2012 that President Obama established the Deferred Action for Childhood Arrivals, known as DACA, that provides temporary—underline the word "temporary"—legal status to immigrant students who arrived in the United States as children.

DACA is based on the DREAM Act, a bill I introduced 14 years ago, to give undocumented students who grow up in this country a chance to earn their citizenship. These young people have come to be known as DREAMers, and this has become a term of art that is used now across the United States to capsize the immigration dilemma we face.

While this DACA Program by President Obama has been an amazing success, more than 600,000 of these DREAMers have come forward, paid the filing fee, submitted themselves for background checks, and are now temporarily living in America, going to school and working. DACA has allowed these DREAMers to become part of our country as they strive for education in engineering, education in business—just about every profession you can think of.

This policy of giving people a chance to be part of America's future unfortunately infuriates my Republican colleagues. They have tried over and over and over again to stop the DREAMers,