

brothers are trying to buy a new government: "It's because we can make more profit, OK?"

That is what this is all about for Charles and David Koch: bigger profits, more money because \$100 billion or more isn't enough for them.

By their own admission, the Kochs will spend and spend and spend until they get the government they want—a government that lets Koch Industries do what it wants, a government whose sole goal is to make these billionaires even richer.

Unfortunately for the United States, the Supreme Court has constructed a political system that allows them to do just that. The Citizens United case, decided in January 2010, has effectively put the U.S. Government up for sale to the highest bidder, and right now the Koch brothers are the highest bidder. Right now our country has no real restrictions on how much money a billionaire or a millionaire can spend to buy the government they want. All the power is with the wealthy, and that puts middle-class Americans at a significant disadvantage.

So we can't stand idly by while the government sits on an auction block and neither should any American sit idly by. Instead, we should be working to rid the system of the Koch brothers' dark money, but this cannot and will not happen if reporters and journalists refuse to ask Charles and David Koch questions—maybe even probing questions. Otherwise no one is holding these two oil barons accountable for their nefarious actions.

Mr. President, I yield the floor.

RESERVATION OF LEADER TIME

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

PROVIDING FOR CONGRESSIONAL DISAPPROVAL OF A RULE SUBMITTED BY THE CORPS OF ENGINEERS AND THE ENVIRONMENTAL PROTECTION AGENCY

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of S.J. Res. 22, which the clerk will report.

The legislative clerk read as follows:

A joint resolution (S.J. Res. 22) providing for congressional disapproval under chapter 8 of title 5, United States Code, of the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to the definition of "waters of the United States" under the Federal Water Pollution Control Act.

The PRESIDING OFFICER. Under the previous order, the time until 12 noon will be equally divided in the usual form.

The Senator from Nevada.

Mr. HELLER. Mr. President, I thank the Chair.

Mr. INHOFE. Mr. President, will the Senator yield?

Mr. HELLER. I will yield.

Mr. INHOFE. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Nevada I be recognized, unless an intervening minority Member should come in, in which case that I be recognized after that minority Member.

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

The Senator from Nevada.

Mr. HELLER. Mr. President, I rise to speak on an issue that will impact every single one of my constituents and probably all of the constituents of my colleagues in this body; namely, the Environmental Protection Agency's and the Army Corps of Engineers' new definition for "navigable waters."

Also known as waters of the United States, this overreaching and burdensome regulation is bad for Nevada and frankly it is bad for the Nation. My home State of Nevada is one of the driest in the Nation, and the water of course is a very precious resource. The only thing more scarce than water in the Silver State is probably private property, and the implementation of this waters of the United States rule will only do more harm for both of these.

Since coming to Congress, one of my primary goals has been to promote job-creating policies that grow Nevada's economy, and the key to promoting these types of policies is to cut redtape regulations handed down by Washington bureaucrats. Unfortunately, time and time again, this administration is bound and determined to issue overly burdensome regulations that damage the economy and stifle job creation. The latest edict from Washington bureaucrats is no different.

After years of failed legislative attempts to change the scope of regulatory authority over water, this administration has overturned both congressional intent and multiple Supreme Court decisions to further over-regulate hard-working Nevadans. I have long been an outspoken advocate and a cosponsor of Senator BARRASSO's legislation, the Federal Water Quality Protection Act, that would make the EPA and the Army Corps of Engineers redo this rule and consider stakeholder input—something they completely ignored the last time around. Considering that nearly 87 percent of my home State is managed by the Federal Government—which I often refer to as our Federal landlords—it is easy to see why this rule is thought of by many back home as yet another Federal land grab.

I have heard from many of my constituents who have shared with me their staunch opposition to this rule, like Marlow from Ruby Valley and Darryl from Yerington. They write about the rule that it "creates confusion and risk by providing the Agencies with almost unlimited authority to regulate, at their discretion, any low spot where rainwater collects, including farm ditches, ephemeral drainages, agricultural ponds and isolated wet-

lands found in and near farms and ranching."

The EPA may tell us that farmers and ranchers are protected from this regulation by exemptions under the Clean Water Act. The problem with this so-called exemption is that if a landowner made any changes on their farmland or their ranch since 1977 that impacts any land or any water on their property, they do not qualify for an exemption. Think about it again. Since 1977, if a landowner made any changes on their ranch land or on their farm that impacts water or land, they don't qualify for this exemption. So under this new rule, almost everyone would be regulated.

Ranching is the backbone of Nevada's rural economy. Implementation of this rule will devastate Nevada's landowners and businesses. Like Marlow and Darryl, I believe this rule needs to be redone with significant input from local stakeholders and in a way that will not impact the ability of Nevada ranchers to provide food for Americans.

Unfortunately, the Senate was not even able to proceed to this measure and debate legislation to exert some much needed oversight over the EPA due to the left's circle-the-wagon mentality of the Obama agenda. Although I was sad to see this vote fail, today I am proud to stand in support of Senator ERNST's resolution of disapproval, which will send this regulation back to the administration and send a clear message that Congress doesn't accept overreaching regulations created by Washington bureaucrats.

The fact is, the implementation of this rule has already been halted by the Federal courts. I strongly believe that at the end of the day, the courts will decide to overturn this onerous regulation. That is why I stand here today to urge my colleagues to support this resolution of disapproval. Instead of waiting years for the courts to decide, Congress needs to take immediate action to show this administration that we will not stand for any more regulations that kill jobs and stifle economic growth.

Good stewardship of our natural resources is part of Nevada's character that makes it so unique. This is not about dirty water or a rollback of the Clean Water Act. This is about Federal regulations that severely limit land use, infringe on property rights, and diminish economic activity in Nevada and nationwide. This is about Federal regulatory overreach by an agency that is using the Clean Water Act as a means to greatly increase its authority. At a time when the American public is still waiting for answers on the Animas River spill in Colorado, I find it greatly disturbing that this Agency is using clean drinking water as an excuse to gain authority over all waters of the United States. Enough is enough with these power trips.

Should we really trust the "Environmental Pollution Agency" with this?

As a sportsman, I grew up understanding the importance of being a

good steward of our environment. I support efforts that balance conservation and economic growth, and that is why I urge my colleagues to stand with me against this administration's heavyhanded mandates.

Mr. President, thank you, and I yield the floor.

The PRESIDING OFFICER. The Senator from Oklahoma.

Mr. INHOFE. Mr. President, yesterday 41 Senators refused to have a substantive debate on an issue that is critically important to all of our constituents—the scope of Federal authority under the Clean Water Act—and voted against a motion to proceed to Senator BARRASSO's bipartisan Federal Water Quality Protection Act, S. 1140.

Later in the day I was extremely disappointed to learn that 11 of those 41 Senators agreed that the EPA's rule is flawed, but instead of doing their job to provide legislative clarity to the EPA on the regulation of our Nation's waters, they wrote a letter. In this letter they told the EPA that they have concerns with the rule, but instead of acting now they reserve the right to do their jobs simply at a later time.

If only 3—only 3—of these 11 Senators who signed this letter would have voted to proceed to the bill, we could have worked with them to resolve their concerns and ours about the WOTUS rule disapproval.

As Senator SASSE so eloquently reminded us yesterday in his maiden speech, what are we here for if not to have a substantive debate on issues? No wonder the American people think Congress is not looking out for their interests.

Instead of doing their jobs, 11 Senators asked the EPA to change the final rule through guidance. That can't happen. EPA can't do that. That would be a violation of the Administrative Procedure Act, and I think most of us know that. These 11 Senators also asked the EPA to enforce the rule in a way that will protect people who are not regulated today. That also will not happen. The WOTUS rule is on the books. Even if the EPA doesn't bring enforcement action against someone, some activist, environmentalist community is going to file a lawsuit, and we know what the result of that would be.

In the letter I am referring to, the 11 Democrats agreed that the EPA did not provide clarity in its final WOTUS rule to protect American landowners, but instead of voting to debate a bipartisan bill that would have forced EPA to provide that clarity and to offer perfecting amendments, if they wished to do so, they wrote a letter. I know I am sounding very critical, and in a minute I will tell my colleagues why, because this happens to be the No. 1 issue of the farmers and ranchers in my rural State of Oklahoma. It is a big deal.

The EPA's entire rulemaking process, and now the lack of debate in the Senate, is an example of Washington at its worst. This is a long and sordid

story that dates back to 2009. EPA wanted to be able to control isolated ponds, wetlands, and dry channels water only when it rains, but they were blocked because the Supreme Court said the Clean Water Act is based on the authority over navigable waters. I think everybody understands that the State has always had the authority, but certainly if they are navigable waters, I agree, the Federal Government should be involved.

First, the EPA backed legislation—and this is the legislation I referred to yesterday by Senator Feingold, 5 years ago, and Congressman Oberstar in the House—to take the word "navigable" out. If we take the word "navigable" out, everything is then in the authority of the Federal Government.

To support this legislation, EPA created a propaganda message that action was needed to protect drinking water. The EPA spread this propaganda, even though they know that all sources of drinking water are already regulated. That is already done. That is a done deal. It should have been done and it was done, but the American people were not fooled. The bills were so unpopular with the American people that even though Senator Feingold's party held the Senate, the White House, and the House—everything was on their side—the bill never reached the Senate floor and Congressman Oberstar did not even try to move his bill through the committee he chaired.

So the American people held them accountable. Both of them, I might add, lost their elections for reelection to office in 2010. After that election, EPA changed its strategy. Even though in 2009 the EPA said they needed legislation to expand Federal control after Congress rejected their attempt to take the word "navigable" out of the clean Clean Water Act, they tried to do the same thing through regulation.

This is exactly what this administration has been doing. Every time they try to pass something legislatively and they can't do it, they get a regulation. That is what they are doing. How many times did we vote on the global warming and the cap-and-trade bills, and each time it went down resoundingly in the Senate. Well, it happened over and over again. So what did they do? They said if we can't do it legislatively, we will do it through regulation.

In this new regulation, EPA tried to dodge the Supreme Court rulings by pretending that all water has a connection to navigable water. EPA also cranked up its propaganda machine. On May 19, the New York Times said: "In a campaign that tests the limits of federal lobbying law, the agency 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."

That was in the New York Times. They created social media messages and asked people to send these EPA-di-

rected messages of support back to EPA—a true echo chamber going back and forth.

After soliciting comments using its propaganda machine, the EPA claimed that 90 percent of the comments supported the rule and that every comment is meaningful to the EPA. However, the Corps of Engineers told my committee—the committee that I chair, the Environment and Public Works Committee—that only 39 percent of unique comments supported the rule, and 60 percent were opposed.

The difference is that EPA is counting each email address on a list as a separate meaningful comment. For example, EPA counts a list of nearly 70,000 email addresses sent in by Organizing for Action, President Obama's political campaign arm, as 70,000 comments. It is actually only one. Apparently the EPA considers an email address more meaningful than substantive comments submitted by States and by local governments, by farmers, ranchers, and property owners. The EPA has ignored the significant concerns raised by these groups, and they should not have.

I am sure that every Member of this body has heard from someone comparable to Tom Buchanan in my State of Oklahoma. Tom Buchanan is the president of the Oklahoma Farm Bureau. He speaks for a lot of farmers and ranchers, and we are a rural State. He says of all the problems that farmers and ranchers have in Oklahoma, these issues are not found in the farm bill, and they are not in the ag bill. They are the overregulations of the EPA. He is talking about endangered species, where you can plow your fields and where you can't. But of all the regulations of the EPA, the most onerous are the water regulations because they will allow the Federal Government to have an army of bureaucrats crawling over every farm and every ranch, not just in my State of Oklahoma but throughout America.

Two courts have already said it is illegal. It will be overturned. We don't have to stand for this. We don't have to endure years of confusion before the courts act. They are going to act, but it could take a long, long time. In the meantime they will go forward, and the overregulations will continue.

We have only one way to stop the rule right now, and that is coming up. It is through the CRA offered by Senator ERNST. A lot of people don't know what a CRA is, but it forces responsibility on Members of the Senate. There are a lot of Senators who want overregulation; the liberal ones do. So they would rather go ahead and go home, and when people complain, they can say: Hey, it wasn't us who did that; it was an unelected bureaucracy that did that. A CRA will not let them get by with that.

The President can veto it, which he will, and it will come back for a vote to override the veto, and we will know and our constituents throughout America will know just how their Senator is

voting. Senator ERNST's CRA would do that. I certainly urge a "yes" vote, not just for me but for all my farmers and ranchers in Oklahoma.

After vacating this rule, if any Senator wants to work with my committee on substantive issues around the scope of Federal authority under the Clean Water Act, I stand ready to work with them.

Mr. President, I ask unanimous consent that all time spent in a quorum call before the 12 noon vote be charged equally against both sides.

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

Mr. INHOFE. 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.

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

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

Ms. MURKOWSKI. Mr. President, I thank my colleague from Iowa who has led the effort this morning as we speak about the waters of the United States rule that would lead to a resolution of disapproval on this very wrong-headed rule.

I also want to acknowledge the good work of my colleague from Wyoming, Senator BARRASSO, who had the opportunity yesterday to discuss the devastating impact of the WOTUS rule, as we lovingly refer to it. It was a combined effort to address the concerns that so many of us have across the country about the waters of the United States rule that has stemmed from the EPA and Army Corps of Engineers.

This WOTUS rule that so many of us speak to is not only an overreach, it is a significant overreach that will allow for a dramatic expansion of the Federal Government's ability to regulate our land and regulate our waters and will harm the people in the State of Alaska and other States across the Nation. They have said in no uncertain terms that this rule could have as damaging an impact on our State and our State's ability to engage in any level of development—this rule would have greater impact than most anything we have seen before.

So I am here to urge my colleagues in the Senate to support the resolution of disapproval that we now have pending, which we will have an opportunity to vote on in just a little over an hour.

I have had dozens of meetings—meetings with constituents, meetings with people across the country who have raised this as an issue. We have sent letters, and we have questioned the EPA Administrator about the impact of the rule.

I had an opportunity to have a field hearing in Alaska earlier this year, joined by Senator SULLIVAN, focusing on those areas we would consider to be Federal overreach, those areas that hold our State back from any level of

economic activity and development. Time after time, the concern was whether this waters of the United States—again, this expansive interpretation of the Clean Water Act literally designed by the EPA, a concern about how its negative impact on our State will be felt.

In addition to many of the legislative efforts that are out there, as chairman of the Appropriations interior subcommittee, I included a provision within the Interior appropriations bill to halt the implementation of the waters of the United States rule. I am a cosponsor of the bill we tried to advance yesterday. Unfortunately, it was blocked. I am also a cosponsor of the disapproval resolution that is being offered by our colleague from Iowa.

My position on this is pretty simple: The WOTUS rule cannot be allowed to stand. The agencies have to go back to the drawing board. I am not alone in this view. It is a highly controversial rule. It stands out among many of the rules we have seen finalized by this administration. Of the controversial ones that are out there, I would argue that if this is not in the top tier, if it is not the top, it is certainly No. 2.

It is a rule that is controversial enough that it draws bipartisan opposition as well. We have a large majority, a bipartisan majority of the House that opposes it. When we look to how this has been addressed by the States, some 31 States, including the State of Alaska, have sued to block it. A wide range of local governments and business groups have done the same. Just last month, the Sixth Circuit Court of Appeals issued a nationwide injunction to prevent the implementation of this rule.

I welcome what the courts have done so far, but I do not think Congress should sit back on this and hope we get the right legal outcome. We should not just be sitting back because that right legal outcome may come. It may come in months, it may come years from now, or it may not be the right outcome. Our opinions here in the Congress are not based solely on what the courts say. We have to look to the reach, to the impact of this rule, and then determine whether it is appropriate. Again, my answer to this is pretty simple: It is no. It is just not appropriate.

The agencies are claiming the WOTUS rule is somehow or other just a clarification. They have gone one step further and they renamed it. They are calling it the clean water rule because who out there is going to oppose clean water? Nobody opposes clean water. We all strive for cleaner water, cleaner air. This is something we all should be working to. But just changing the name on this rule does not make it so. In fact, this rule is really just muddying the waters. Excuse the pun, but that is what EPA is doing. They are creating confusion. They are certainly creating greater uncertainty. It opens the door to higher regulatory costs and

delays for projects all over the country.

There have been many colleagues who have come to the floor and talked about kind of the mechanics of the WOTUS rule. Unfortunately, they are pretty complicated. When you start talking about "categorically jurisdictional waters," when you try to explain the "significant nexus" analysis, the only people in the room who are really captivated by what you are talking about are the lawyers who might be in a position to gain some benefit because they are working these cases. But most farmers in Iowa and most miners in Alaska are not thinking about what a categorically jurisdictional water is and whether there is a significant nexus from my little plaster mining operation to a body of water. That is not what people are thinking about.

I want to use a little bit of my time this morning to speak to how, in the State of Alaska, people will be harmed by application of this rule.

To understand the reach of the rule in the State, take a look at this map of the State of Alaska. It is so big, we cannot even fit it all on one floor chart because really we need to go all of the way out to the Aleutian Chain and we do not have all of the southeastern part of the State in it, but we have the bulk here. Alaska, plain and short, is covered in water. It is just wet. According to our State government, Alaska has more than 40 percent of the Nation's surface water resources. Think about that. Think about the entire United States of America, and then appreciate that in one State, in my State, we have more than 40 percent of the Nation's entire surface water resources. So we are talking over 3 million lakes, over 12,000 rivers. We have approximately 174 million acres of wetlands. There are more wetlands in the State of Alaska than in the entire rest of the country combined.

So all you colleagues, all you folks in the 49 other States who are concerned about the impact of this rule, I don't mean to diminish your problems, but think about what this rule would do in Alaska.

We have more wetlands in the State of Alaska than in all of the rest of the country combined. Out of 283 communities in the State, 215 of these communities are located within either 2 miles of the coast or a navigable waterway. We live on the water, even in the inland part of the state, where I was raised and went to high school—the lakes, the rivers, up in the north country here, where you have just a small lake. Out in the whole southwest of Alaska—when you fly over it, you look at it, and it is dotted with small lakes and bodies of water. Plainly said, it is wet in Alaska.

Surprise—if it is not wet, it is frozen. Think about the permafrost we have there. How do you deal with the permafrost? How is that considered in this proposed rule, in this waters of the United States? If it is frozen, is it

waters of the United States? Well, you know, we don't know because the rule is unclear, but we are going to go ahead and just assume that it is going to be covered.

We have a map here where what you see is blue. The reason it is blue is because all of it is water.

This is the National Hydrography Dataset, Streams, Rivers and Bodies for the State of Alaska, September 2015.

EPA has produced maps of the waters and wetlands in each of our 50 States. Our colleagues in the House actually had to force the Agency to release these maps last year. Almost the full State of Alaska is shaded in. That is what the EPA wants to be able to regulate under this rule. So what exactly could that cover? What are we talking about?

It could be out here in Bristol Bay, where it is all about fishing. It could be a new runway project there that would be subject to regulation or a seafood processing plant out there in Bristol Bay.

Up here in the interior of Alaska, in Fairbanks, it could be a new neighborhood they want to accommodate to deal with the growing population there that would be subject to regulation.

It could be a parcel of land awarded under the Native Land Claims Settlement Act that just so happens to be in a wetlands area or have a small river present. But the fact that it was a conveyance of land under the Native Claims Settlement Act does not get you beyond regulation through the EPA.

It could be the new industrial park in Anchorage that wants to diversify, wants to help expand the economy there.

It could be an energy project up on the North Slope that the Arctic Slope Regional Corporation wants to pursue. But, again, it is either wetlands or it is clearly permafrost up there.

It could be Alaska's proposed gas line. We are hoping to run a gas line from the Slope all of the way down to tidewater in Valdez. This is a major project our State's legislature is working on. Right now they are in the midst of a special session. It is going to run across—if you want to talk about wetlands and rivers and areas that will be subject to this permitting requirement, it could be any of those. It could be many more.

That brings us to the potential impact under the WOTUS rule. I am not certain that the agencies will try to stop every project in the State—that is too much even for them—but I recognize that they could use this rule to stop any project that they want, whenever they want, and for as long as they may want. So maybe not every project will be affected, but any project could be targeted. Think about that. If you are trying to make an investment decision, if you are a business that is seeking to expand but you have that level of uncertainty because you don't know

if you are going to be targeted, that is tough. It is tough to make these decisions.

We know these agencies have cast an extremely wide net with this rule. We know from Keystone XL and from our experiences in Alaska that regulatory decisions are not always fair or impartial or even logical within this administration. We know that almost everything in Alaska is either near water, it is wetlands, or it is permafrost. You add it all up, folks, and almost every project in Alaska could suddenly be subject to Federal permitting under the Clean Water Act. That, in turn, means most projects in our State will end up costing more, taking longer, or being indefinitely delayed.

I would remind friends that the cost of securing a section 404 permit can easily run \$300,000 and take over 2 years to do. So you are adding cost and you are adding delay. The delay adds to further cost. Some developers just give up. They raise the white flag and they say: I am tired. I am frustrated. I just cannot run this regulatory gauntlet.

They give up. All of this would be in addition to the significant regulatory burdens Alaska is already facing.

One last example I will leave you with comes from Craig, AK, down here in the southeast. This is a small town of about 1,200 people. We have a local tribal organization that wants to construct a 16-unit affordable housing project. The Army Corps required a \$48,000 downpayment to a mitigation bank prior to permitting. Again, this is for a small project in a community of 1,200 people. It is a tribal organization trying to bring in some low-income housing units, and they are going to have to spend \$46,000 just to get started. Think about what they could have done if they could have put those dollars toward that project. Imagine then—a town like Craig—when you scale this up to communities such as Anchorage and Fairbanks, what do those costs mean to you? There is just too much at stake.

Again, I strongly oppose the WOTUS rule because of the uncertainty it will create, the delays it will deliver, the costs it will impose, because Alaska is the only State that has permafrost and we still have no idea whether or under what circumstances these areas will be regulated and, further, because this rule could dampen our efforts to begin new resource-extraction projects, which we depend upon for a majority of our State's budget.

Finally, I oppose the WOTUS rule because it is yet another regulatory burden for Alaskans, for people all over the country. This is on top of all of the other regulations we have seen in our State and from the Interior Department's anti-energy decisions to EPA's quest for project veto authority before, during, and after the permitting process. It gets to a point where it is just too much. It is just too much, and this is where we must come together and stand to stop it.

I thank my colleagues for their leadership and look forward to the opportunity to support the disapproval resolution that is pending before the body. With that, I yield the floor.

The PRESIDING OFFICER (Mr. SULLIVAN). The Senator from Michigan.

THE BUDGET

Ms. STABENOW. Mr. President, just a week ago the American people were able to breathe a collective sigh of relief—and I think all of us did in this Chamber as well—as Republicans and Democrats in the House and Senate finally pulled back from what would have been a financial catastrophe. We had a potential default of our country's bills. There was a potential government shutdown, but that was averted, and we passed a budget with no time to spare. It was a good thing to do on a bipartisan basis, to be able to show that we could work together, develop a bipartisan budget.

I believe it was 3 a.m. when we had the final vote on early Friday morning, but we put that in place and had some confidence at that moment that we were going to be moving forward with a comprehensive budget—a comprehensive appropriations process—that would allow us to say to the American people that we were addressing all of the needs they care about: security, growing the economy, making sure we are investing in middle-class families, strengthening our defense, and so on.

Now, not even a week later, Republican leaders are back to their old tricks again. We are quite shocked to see that rather than giving the appropriators the opportunity to put together a comprehensive appropriations process, a comprehensive budget to be able to move forward on all of the needs of the country, what we are seeing is potentially a trick to undo the bipartisan budget agreement through the backdoor. We have seen this movie before, a few years ago, passing the Department of Defense appropriations and then forcing everything else into a long-term continuing resolution.

We are not going down this road again. We are operating under the basis that we have a bipartisan agreement. A lot of folks on both sides of the aisle deserve credit for that, but we want to stick to that and a comprehensive budget moving forward—no tricks to undo the bipartisan budget agreement.

Frankly, our families deserve a budget that grows the economy and invests in our middle-class families. How many of us have said the issue is that folks don't have money in their pocket, good-paying jobs, and can't do what they need to do to be able to put food on the table, send the kids to school, pay the mortgage, be able to support their families in a way that we always have in America, and be able to grow the economy with a strong, vibrant middle class.

We also need to strengthen our national defense—our national security—broadly. If we only move forward on Department of Defense, as we know, we

are leaving out a whole range of things that are part of our national security.

I can say that as a border State in Michigan, we need to be concerned. We hear a lot of debate and discussion about border security. We need to make sure we are adequately funding border security. Cyber security, for us it means things such as the Coast Guard. When we look at other areas of security, it includes food security efforts that people care about. It includes first responders, police, and fire-fighters. It includes airports—a whole range of things that need to be looked at comprehensively.

We want to see the whole budget, not just the Department of Defense. We want to see the agreement on the whole budget so we know there aren't going to be any tricks. If there aren't going to be any tricks, what are folks trying to hide? Let's just develop the whole budget and then move the whole budget.

We also know people care deeply about growing the economy and jobs, and that means supporting small business. It means investing, making things, and growing things, which I talk a lot about in Michigan. That is what we do; we make things and grow things. There are efforts to support that that we need to do.

Frankly, some of that is in critical partnerships with the private sector and job training. The No. 1 thing I hear from manufacturers today—in fact, the National Association of Manufacturers tells us there are 600,000 unfilled jobs today because we don't have people with the right skills for the right job. That is something we need to address in our budget: job training, education, and college affordability.

How many times have we heard about young people or in our own families know people who have come out of college, they did everything we told them to do: Go to college, get good grades. They graduate, and then they come out with more debt than if they were trying to buy a big house. In fact, the realtors tell us now they can't qualify young couples to buy a house because of their college debt. That is part of this debate on the budget: education, access to college, job training, support for small businesses, and support for our manufacturers and our farmers, large and small.

Another critical area in our budget that we want to make sure is adequately funded is our ability to save lives through medical research, such as new treatments, new cures that we all have heard so much about that we are excited about. The whole effort now—finally, we are doing research on the brain, the least researched organ in the body. That impacts Alzheimer's; \$1 out of every \$5 Medicare dollars is spent on Alzheimer's disease and dementias, Parkinson's, mental illness, and addictions. That doesn't count what needs to happen with cancers. It doesn't count how close we are if we were to double down on our medical research in this

country. Juvenile diabetes—we could go on and on. That is part of this budget.

We want to see what is being funded on medical research in the National Institutes of Health before we move forward on only one piece of this, as we are very late in the game to debate this. This might have been a strategy we could do last spring. Now what we need to have is a look at the entire budget: mental health, substance abuse, services for veterans. Whether it is veterans and job training, whether it is providing veterans an opportunity to have a home and live in dignity, whether it is mental health substance abuse services, that is in this budget. We need a comprehensive budget. We need to know, the American people need to know the whole budget and that there are not going to be tricks in this process.

Protecting our natural resources. For us around the Great Lakes, 20 percent of the world's freshwater, it is incredibly important for us that we know how the Great Lakes Restoration Initiative is funded; how we are supporting our clean air, clean water, and land initiatives.

We have new challenges in outrageous things such as what is happening in Flint, MI, where there is very high lead found in the water and we need pipes changed. We need to be supporting infrastructure around not only roads and bridges, which are critically important, but aging pipes that have been there for 60 years, 70 years, 80 years, 100 years that we are now seeing—and multiplied by a series of errors and incredibly bad misjudgments at the State level, at the minimum. We are seeing situations where we are going to need to support efforts on making sure we can upgrade our pipes, our water pipes, water and sewer, and so on. That is all part of this budget.

So when we look at moving forward, last week at the end of the week was a good time because it was an opportunity to come together in a bipartisan way, avert disaster, and actually come together as the American people want us to do every day. People in Michigan ask: Can't you guys just get something done? Can't you just work together?

Well, at the end of last week we actually did that. We actually came together and developed a plan, a 2-year overall budget process, and now it is implementing it through appropriations. What we as Democrats are committed to doing is implementing the agreement in total. We are not going to support going back to where we were before, where we move one budget—the budget that has the most interest among Republican colleagues, the Department of Defense—and then potentially see all of these other needs go unaddressed in a fair and responsible way in terms of what American families are asking us to do. We just want to know that we are truly working to implement a bipartisan budget that we voted on—no backdoor tricks. Unfortu-

nately, we have seen this movie before—no backdoor tricks to undermine critical needs for jobs, the economy, quality of life, protecting our natural resources, our broad security needs as a country. Let's put that strategy aside rather than trying to have a vote on only moving forward on the Defense appropriations.

I urge that Republican leadership put that strategy aside, give the appropriators the time they need—we have good people on both sides of the aisle who can work together as appropriators—and provide us a balanced, responsible budget for the United States of America that will in fact grow the economy, invest in our middle-class families, and strengthen our national defense. I am hopeful that in the end that is what will happen.

Thank you.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I had a few minutes yesterday before the vote—the Congressional Review Act vote on this truly terrible EPA rule on water—to talk about the reasons EPA shouldn't do this, the long-term understanding of what "navigable waters" meant, the ability for EPA—if they wanted to change the law—to come and ask the Congress to change the law, but of course they don't want to do any of that. In fact, I had a small version of this map yesterday that shows the Farm Bureau projection—that I believe other projections agree with—of how much of our State is covered by this new jurisdiction by the Federal Government over essentially all the waters of the country. If you will notice, the only part of Missouri that would be covered under the so-called waters of the United States rule is just the part in red. Only 99.7 percent of the State would be under this new jurisdiction that the EPA would ask for. Surely, nobody believes the EPA could ever exercise this jurisdiction. And uniquely, as it relates to this rule—I think "uniquely" is the right word to say here—Federal agency after Federal agency opposed the EPA going forward with this rule. This is basically not just the EPA versus a few people who are concerned about it. It is the EPA versus anybody who has looked at it.

According to the Small Business Administration—by the way, another agency of the Federal Government headed by someone else who is appointed by the President—they have a number of concerns. One is that utility companies would have a hard time complying with the law in a way that allowed the power grid to continue to be utilized. Of course, anything that raises utility company power costs raises the cost to the consumer. There is no mythical way anybody else pays for that except the people who get utility bills, which almost every person in America or at least the family of almost every person in America does.

The Home Builders Association of St. Louis believes that if this rule goes

into effect, on average, the increased cost for permitting to build a home would go from a little under \$30,000—right now the average cost, at least for St. Louis home builders to get all the permitting necessary, is \$28,915—and would increase by 10 times. So the average permit to build a home, if this silly waters of the United States thing is allowed to happen, would go from a little under \$30,000 to \$271,596, and the wait time would go from a little less than 1 year to more than 2 years, just to get the permitting you need to build a home.

Now, the SBA also says the rule will increase permitting costs generally by \$52 million in the country, just for permitting costs generally, and environmental mitigation costs by \$113 million every year. With the addition of the power rule the EPA also has out, I think you would be hard pressed to come up with a third rule that would do anywhere as much damage as the two rules they already have out there do to the American economy.

In April of 2015, a memo from MG John Peabody to Assistant Secretary Darcy of the Corps of Engineers, states that “in the Corps’ judgment, the documents contain numerous inappropriate assumptions with no connection to the data provided . . . and logical inconsistencies.” This is the view of the Corps of Engineers—not necessarily my favorite Federal agency—on the EPA rule.

This rule would also mean that Federal bureaucrats, assuming you could ever assemble enough of them to do the job the EPA says they like here, can decide what falls under the jurisdiction, and they would be deciding from a long way away. This kind of authority is barely able to be exercised by the local city or county. It becomes even more complicated when the State department of natural resources gets involved. It would be impossible to do and will slow down both the economy and add cost to families.

Thirty-one States, including mine—including this State here, where again only the red part is covered by the waters of the United States rule—have sued the EPA to overturn the rule, and the courts appear to be listening. The district court that covers our district and North Dakota issued an injunction for 13 States. Then in early October, the Sixth Circuit issued a nationwide stay on the rule.

So not only is the Congress concerned and involved, or a majority of the Congress—unfortunately, only 59 Senators were concerned with something that 60 Senators could have solved—but so is Federal agency after Federal agency, and the courts themselves are saying this should not be allowed to happen.

I hope we see the Congressional Review Act put this issue exactly where it deserves to be—on the President’s desk. He appointed the head of the EPA. The Senate confirmed the head of the EPA. I didn’t vote to confirm the

head of the EPA. In fact, I held that nomination back as long as I could possibly hold the nomination back, hoping the new nominee would suggest they were going to be better than the person who had been holding the job before. This rule indicates the EPA doesn’t really have the best interest of the country at heart. They do not have a reasonable way to enforce the authority they say they would like to have. So I look forward to the President having to deal directly with this issue and that the American people will pay attention, as we all do, to the job we are sent here to do.

I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

THE BUDGET

Mr. SCHUMER. Mr. President, first let me thank my colleague from Michigan for her outstanding remarks. I too want to talk about the budget. We have agreed to a bipartisan budget framework, and that has been very good. We have avoided a shutdown, and we have avoided defaulting on our debt. I am glad the brinkmanship that some on the other side of the aisle wanted to play did not prevail. That is a very good thing.

Now we have to move forward. I want to join my colleagues to ask our friends on the other side of the aisle to engage in a fair process on the omnibus that must follow. The budget, after all, is only a blueprint. Now it is up to Democrats and Republicans to fill in all the details and honor the agreements that both sides worked to pass together. Already we have some on the other side of the aisle threatening to insert policy riders that should have no business in an appropriations process, particularly a delicate one like this.

So first things first—let us be crystal clear. If folks on the other side of the aisle insist on inserting poison pill riders into the omnibus bill and the Republican leadership on either the House or Senate side goes along, they will be dragging us into another government shutdown. We are happy to debate any of these so-called poison pill riders but not to use the whole budget process as a hostage.

The only reason that our colleagues who want these riders want to use the budget process and hold, in fact, the whole rest of the American people hostage is because they know they can’t win on their own. They can only do it by hostage-taking, by saying we won’t fund the government or this part of the government unless we get our way on these nonrelated riders. Well, we Democrats, on both sides of the Capitol, at both ends of Pennsylvania Avenue, are totally united on preventing poison pill riders in riding along on an omnibus.

Yesterday, I was disappointed to hear Speaker RYAN, who I think is a fair man—and I have worked with him on a number of issues—say that he expects to use the power of the purse to push riders. Again, the power of the purse

does not give anyone the right to jam through ideological riders that can’t stand on their own merits. The power of the purse doesn’t give anyone the right to hold government hostage until we repeal parts of Dodd-Frank or defund Planned Parenthood. That doesn’t make any sense.

The power of the purse means, and has always meant in this grand Republic in our history, that Democrats and Republicans, House and Senate, work together to produce a fair budget that strengthens our national and economic security, free of poison pill riders.

Second, with respect to the timetable for these bills, I want to echo my friend Senator STABENOW in saying we have to see the whole funding picture up front before we move to any comprehensive funding legislation.

I understand our colleagues on the other side of the aisle want to do Defense first—sure. Then what about the rest of the budget? In 2010, we did Defense and then did a CR for the rest of the budget. And then it leaves the fight on riders undone.

Now, they say they need a vehicle. It is true. There are lots of vehicles. You don’t need the Defense bill for a vehicle, No. 1, and, No. 2, you don’t have to do that vehicle now. What should be happening now is the House and Senate, Democrats and Republicans, should be negotiating the whole picture, the whole omnibus. When they come to an agreement, we can then move them on the floor of the House and the Senate.

So we all agree the Nation breathed a sigh of relief when we agreed to a balanced framework that would see us lift the sequester caps for domestic as well as defense spending. We can’t be goaded into passing an increase in defense spending without seeing the rest of the omnibus to make sure both sides are part of it, because 50-50 was always part of the deal. Let us see the 50-50, and let us see the details.

What we also believe has to be part of the deal is no poison pill riders, whether they be Democratic or Republican. Those should be for another day and not risk a government shutdown, which is still a very real possibility if some of the ideologues have their way and say it is my way or no way.

So for this budget agreement to work, we need to see each piece of the appropriations puzzle before we move forward on defense spending. That is not too much to ask. Democrats want a simple, fair process to fill in the blueprint we agreed on in the budget—no poison pill, no sleight of hand.

I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, what is the pending business?

The PRESIDING OFFICER. The pending business is S.J. Res. 22.

Mr. WICKER. And that deals with the waters of the United States rule; is that correct, Mr. President?

The PRESIDING OFFICER. The Senator is correct.

Mr. WICKER. If I could, I would also like to ask that Senator BLUNT's poster be placed back on the easel, because I agree with what the Senator from Missouri had to say about the so-called waters of the United States rule. It is a massive Federal overreach, a massive Federal land grab with hardly any environmental benefit, if at all. The map behind me of my neighboring State of Missouri points this out. Everything in red would be subject to regulation under the Clean Water Act. Almost every square inch of the State of Missouri and other States would be subject to this massive overreach of a statute that was never intended to do that.

So I was pleased just a few weeks ago when the U.S. Court of Appeals for the Sixth Circuit pretty much agreed with us, on a temporary basis at least. They ordered a nationwide stay of the Obama administration's wholly unnecessary waters of the United States rule. I agree with the court's action. I agree with the 31 States that have filed lawsuits against this rule. I agree with the efforts in this Chamber to overturn it.

I appreciate Senator BARRASSO's legislation entitled the Federal Water Quality Protection Act, and I certainly appreciate the efforts of the junior Senator from Iowa, Senator ERNST, and will be supporting her efforts when we vote at the top of the hour.

The waters rule is an unlawful—unlawful—attempt by the EPA and the Army Corps of Engineers to wield enormous power over our Nation's land mass, as this chart points out very dramatically. Americans are concerned—and Americans are right to be concerned—by this Federal overreach. The rule could have far-reaching effects on our lives and on our private property.

I am particularly concerned about what this rule could mean to our Nation's farmers and ranchers, especially in States such as Mississippi, where agriculture is one of the leading industries. The administration's attempt to expand the scope of waters of the United States under the Clean Water Act would lead to unprecedented regulatory authority—unprecedented regulatory authority—and everything from property rights to economic development could be affected. Small ponds, even ditches would be subject to the decisions of Washington bureaucrats.

This expansion of Federal regulation could also adversely affect conservation efforts that are working at the State level in States such as Mississippi. We have begun considerable work with farm drainage ditches to enhance conservation. The waters rule threatens to undermine this important work. So it actually puts us back a step in terms of conservation.

Moreover, this rule makes States, cities, counties, and private citizens vulnerable to confusing and expensive legal challenges.

Just get ready for the Federal Government to come in with legal challenges. Because of the regulation's lack

of clarity, the Federal Government could declare jurisdiction over almost any kind of land or water, as this map of Missouri points out. Even areas that may have been streams or wetlands more than a century ago could come under the rule of this expansive regulation. The rule's exemptions do not make clear whether water in tile drains, for example, or erosion features on farmlands could fall under Federal control. At the very least, these flaws should be fixed before the rule is fully implemented, and I do appreciate the efforts of the Senator from Iowa in challenging this.

Americans should worry and Americans should be concerned that the Obama administration has pushed forward with this rule despite these legitimate concerns being voiced over and over again by 31 States. State and local governments, farmers, small business owners, and landowners are worried about how this unilateral expansion could lead to substantial compliance costs, fines, legal battles, and permitting requirements—very expensive to job-creating agriculture and agribusiness.

As they do with many of the administration's other onerous rules, Americans are asking: What is the benefit? What is the environmental benefit here? No one is arguing that our waters should not be protected, but water sources such as isolated ponds and ditches that do not threaten to pollute navigable waters should not become a regulatory burden for States, for municipalities, or for private citizens.

I am a member of the Environment and Public Works Committee. I participated in a number of hearings on the WOTUS rule this year. It is clear the rule should be revised in a way that protects the rights of farmers, ranchers, and landowners—and the American public, for that matter.

Senator ERNST is absolutely correct. Her resolution of disapproval would allow us to send this message to the EPA and the administration: Americans do not deserve this unnecessary confusion and job-killing redtape.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, in a few moments we will have an opportunity to vote on the Congressional Review Act, on the final rule under the Clean Water Act on waters of the United States. Yesterday, I thought we had a rather robust discussion and debate about this, the Barrasso bill, which would have not only prevented the final rule from going forward but also would have changed the underlying bill. Cloture was not invoked.

Now we are on the CRA—the Congressional Review Act—that would stop the rule from going forward. Yesterday on the floor of the Senate, I explained to my colleagues why I hope they will reject this motion and allow this rule to go forward. My main reason for saying that is that since 1972,

Congress has had a proud record on behalf of public health, on behalf of our environment and protecting the people of this country from the dangers of dirty water. Before the Clean Water Act, we saw rivers that caught fire. In the Chesapeake Bay, we had the first marine dead zones reported. We made a commitment as a nation that we were going to do something about clean water, and Congress in a very bipartisan way passed the Clean Water Act as a commitment to the people of this country that we would take steps to protect their drinking water, to protect their public health, and to protect their environment so that the legacy would be cleaner water for future generations.

This Clean Water Act—the reason why we have this rule is because of a couple of Supreme Court decisions which basically unsettled what most people understood to be regulated waters. By a 5-to-4 decision in *Rapanos*, the Supreme Court's ruling sent it back to EPA to come up with additional regulatory guidance, throwing into question the well-established thoughts that waters generally that flow into our streams, into our wetlands, and into our water supply were regulated waters. So this final rule is a response to the Supreme Court decisions in order to give clarity to those who are affected by the Clean Water Act. So if we reject the rule, we are, in fact, removing clarity and we will go back to the stage where people don't know whether a particular water is regulated under the Clean Water Act.

I was listening to my colleagues on the floor give examples of where they say regulation will take place, when, in fact, in agriculture, there is basically no change in the regulatory structure. There are no new permitting requirements for agricultural activities.

If we don't go forward with the regulation, the risk factor is that approximately one-half of the stream miles in this country will not be fully protected. That is a huge risk to the public health of the people of this country.

Approximately 20 million acres of wetlands will not be regulated. Wetlands are the last frontier to filter water before it enters our water systems, our streams, our drinking water supplies. Do we really want to call into question that type of deregulation of clean water, which is critically important to public health and the drinking water supplies of Americans?

If this rule does not go forward, the source of the drinking water of approximately 117 million Americans will be compromised. One-third of the people of this country will see that we are not fully protecting their drinking water, and if we have an episode, they will be asking what did we do in order to protect their basic health. They expect us to make sure that when they turn their tap on, they get safe drinking water, and that when they bathe, they have safe water in order to bathe, and we are not doing everything we can

to do that if, in fact, we block this rule from going forward.

In reality, what we are doing is saying: No, we are not going to let science guide what goes forward; Congress is going to tell us whether the EPA can regulate our water based upon science. I don't think we want this to be a political decision; I think we want this to be a scientific decision.

As I said earlier, agriculture practices are not changed under this final rule. Many have mentioned the court challenge. Any regulation coming up by EPA is going to be subject to court challenge. We know that. And the courts have not been helpful. The 5-to-4 decision left a lot in question. Ultimately, we are going to have to rely upon a court decision. Let's get there sooner rather than later and not go back to the drawing board and delay the necessary regulations for our country.

Yesterday on the floor, I quoted from business leaders, environment leaders, small business leaders. Let me share a couple other quotes about why it is important for us to allow this rule to go forward. Let me talk about a business concern. This is a quote from Travis Campbell, president and CEO of Far Banks Enterprises, an integrated manufacturer and distributor of fly fishing products. He says:

My company depends on people enjoying their time recreating outside, especially in or near watersheds. Clarifying which waterways are protected under Clean Water Act isn't a nice-to-have, it is a business imperative.

Allowing this rule to go forward helps America's businesses, helps our economy.

I will give two quotes on the health issue.

This is from Dr. Alan Peterson, a family physician in Lancaster County, PA. He said:

Because it would protect the streams that are the headwaters of drinking water supplies for 1 in 3 U.S. residents, this rule is a health imperative.

Lastly, a person who used to be our health secretary in Maryland, Dr. Georges Benjamin, executive director of the American Public Health Association, stated:

Our nation relies on clean water for basic survival—it's essential for daily activities including drinking, cooking, bathing, and recreational use. When that water is polluted, Americans are at risk of exposure to a number of harmful contaminants. We are pleased that EPA has moved forward with this strong, evidence-based rule that will be vital to protecting the public from water pollution and keeping our nation healthy.

For the sake of our public health and the sake of our environment, for the sake of our economy, and for the legacy of this Congress to protect the people of this Nation, I urge my colleagues to reject the motion that would stop the final waters of the United States rule from going into effect.

Mr. President, 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.

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

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

Mrs. ERNST. I ask unanimous consent to speak for 5 minutes on the joint resolution that is before us.

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

Mrs. ERNST. Mr. President, we have a choice today to stand with our farmers, ranchers, small businesses, manufacturers, and homebuilders, or stand with an overreaching Federal agency pushing an illegal rule greatly expanding its power. That is an easy choice for me. I am standing with my constituents. I am standing with Iowans.

Rolling back this harmful WOTUS rule is hugely important to my State and, I know, to many others. I especially wish to thank the junior Senator from Wyoming and the senior Senator from Oklahoma for all their hard work on this issue. I also wish to thank those from the other side of the aisle who recognize the harm this rule will have and are supporting this bipartisan effort to halt an expanded WOTUS.

I am proud to stand with them and all of my other colleagues who have decided to act today to push back against yet another power grab by the EPA. This is what the American people expect. They expect us to take the votes and debate the issues of the day, not simply put in writing how we may do our job tomorrow when it is more convenient or wait for the courts to solve a clear problem.

Every community wants to have clean water and to protect our Nation's waterways. No one is disputing that. I grew up on well water. I understand that clean water is essential, but that is not what this vote today is about.

To build on what the junior Senator from North Dakota, my colleague from across the aisle, said yesterday, to suggest that 31 States, agricultural groups, the Association of Counties, our Governors, municipalities—that we are all wrong is absolutely insulting.

Look at this grass waterway behind me. This is from Iowa. This was taken by one of my staff members as he was out on RAGBRAI, the Register's Annual Great Bicycle Ride Across Iowa. This is what we are debating. This is what the rule is about. Should Washington, DC, bureaucrats control the land in this farmer's field? The clear answer is no, they should not.

As so many of my colleagues mentioned yesterday and this morning, this confusing WOTUS rule threatens the livelihoods of rural communities and middle-class Americans. It threatens to impede small businesses and manufacturing. It impacts middle-class Americans. These people are the backbone of this country. How can these industries flourish when under this rule they will be faced with excessive permitting requirements that will delay

future projects and conservation efforts? They can't.

Yesterday we saw many of our colleagues across the aisle block a commonsense bipartisan measure designed to stop the harmful impacts of this rule. They claimed this rule is grounded in science and the law. Science and the law? Really? The Army Corps' memos show that the science was blatantly ignored by the EPA in favor of politics, and two Federal courts have already called into serious question the legality of this WOTUS rule and the science behind it.

This claim is in spite of the fact that Members on the other side voted for Senator BARRASSO's legislation yesterday. This is in spite of the fact that Members of the other side also support this legislation, and this is in spite of the fact that 11 Democrats sent a letter to the EPA yesterday stating their concern over serious issues with this rule. Yet this administration continues to unilaterally enforce its harmful agenda on the American people.

We must take a stand, put our constituents first, put American jobs first, and say: No more, Mr. President. It is time to put politics and ideology aside and start listening to the commonsense voices of the American people. I urge my colleagues to support this bill.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I haven't talked about the popularity of the Clean Water Act, but every poll has shown that the overwhelming majority of Americans support what EPA is doing in protecting our water supply. They are for this rule. They are for a commonsense, science-based way to protect their drinking water. They are for a scientifically based, commonsense way to make sure that their rivers are clean. Whether it is because of their concern for the environment and their children and grandchildren's health or whether it is their concern about our economy, recognizing that clean water is necessary for agriculture and for our activities—recreational activities along our waterways which are critical to our economy—for all of those reasons they support the Clean Water Act.

I urge my colleagues to look at the rule. It doesn't regulate new activities in agriculture. It doesn't require anything different than has been historically the role of the Clean Water Act in protecting our waters. It deals with waters that are affecting our water supply. It doesn't deal with isolated ponds. It doesn't deal with ditches. They are not regulated under this law any differently than they were in the past.

I urge my colleagues to look at what is in this regulation, not the claims that have been made. The EPA listened to the different interest groups. There were over 400 meetings with stakeholders across the country to provide information, hear concerns, and answer their questions. EPA officials visited

farms in Arizona, Colorado, my home State of Maryland, Mississippi, Missouri, New York, Pennsylvania, Texas, and Vermont.

The 207-day public comment period on the proposed rule resulted in more than 1 million comments. All of this public input helped to shape the final clean water rule. The act does not require any new permitting from the agricultural community. There is an exemption under the existing Clean Water Act, which is preserved by this final rule. Normal farming, silviculture, and ranching practices—those activities that include plowing, seeding, cultivating, minor drainage, and harvesting for production of food, fiber, and forest products—are exempt. They are not covered under this final Clean Water Act. Soil and water conservation practices and dry land are exempt. Agricultural storm water discharges are exempt. Return flows from irrigated agriculture, construction, and maintenance of farm or stock ponds or irrigation ditches on dry land are not covered under the rule. Maintenance of draining ditches is not covered under the rule. Construction or maintenance of farm, forest, and temporary mining roads are not covered.

When my colleagues come in and say that this ditch is being regulated under the Clean Water Act, it is not the case. Only those flows of water that directly impact our streams, impact our wetlands—those you want to make sure we cover because they affect our drinking water supply for one out of every three Americans, because they affect our public health for those of us who swim in our streams and our lakes, and because they affect those of us who enjoy the recreation of clean water. That is why we have small business owners. That is why we have the businesses that depend upon clean water. That is why we have a lot of people around the country saying: Look, it is in our economic interest to make sure this rule goes forward.

The bottom line is, the stakeholders need clarity. This rule will allow that process to go forward so that we can get clarity in the implementation of the Clean Water Act, which was jeopardized not by Congress and not by EPA but by the Supreme Court's decisions. It is our responsibility to make sure that clarity exists.

If Congress blocks this clean water rule from going forward, we are adding to the uncertainty that is in no one's interest, whether it is a person who depends upon safe drinking water or the safe environment or a farmer who wants to know what is regulated and what is not. All of that very much depends upon clarity moving forward.

EPA listened to all the stakeholders, and it is important to allow this rule to go forward. I urge my colleagues to reject this effort to stop the final act from going forward. Let our legacy to our children and grandchildren be safe, clean water for drinking and recreational purposes for our economy.

Since 1972, we have had a proud history of allowing and building upon safe and clean water. I urge my colleagues to reject this effort to stop this rule from going forward.

I yield the floor.

I yield back my time.

The joint resolution was ordered to be engrossed for a third reading and was read the third time.

The PRESIDING OFFICER (Mr. SASSE). The joint resolution having been read the third time, the question is, Shall the joint resolution pass?

Mr. CORNYN. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There appears to be a sufficient second.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senators are necessarily absent: the Senator from South Carolina (Mr. GRAHAM), the Senator from Florida (Mr. RUBIO), and the Senator from Louisiana (Mr. VITTER).

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

The result was announced—yeas 53, nays 44, as follows:

[Rollcall Vote No. 297 Leg.]

YEAS—53

Alexander	Ernst	Moran
Ayotte	Fischer	Murkowski
Barrasso	Flake	Paul
Blunt	Gardner	Perdue
Boozman	Grassley	Portman
Burr	Hatch	Risch
Capito	Heitkamp	Roberts
Cassidy	Heller	Rounds
Coats	Hoeven	Sasse
Cochran	Inhofe	Scott
Corker	Isakson	Sessions
Cornyn	Johnson	Shelby
Cotton	Kirk	Sullivan
Crapo	Lankford	Thune
Cruz	Lee	Tillis
Daines	Manchin	Toomey
Donnelly	McCain	Wicker
Enzi	McConnell	

NAYS—44

Baldwin	Gillibrand	Peters
Bennet	Heinrich	Reed
Blumenthal	Hirono	Reid
Booker	Kaine	Sanders
Boxer	King	Schatz
Brown	Klobuchar	Schumer
Cantwell	Leahy	Shaheen
Cardin	Markley	Stabenow
Carper	McCaskill	Tester
Casey	Menendez	Udall
Collins	Merkley	Warner
Coons	Mikulski	Warren
Durbin	Murphy	Whitehouse
Feinstein	Murray	
Franken	Nelson	Wyden

NOT VOTING—3

Graham	Rubio	Vitter
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The joint resolution (S.J. Res. 22) was passed, as follows:

S.J. RES. 22

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That Congress disapproves the rule submitted by the Corps of Engineers and the Environmental Protection Agency relating to "Clean Water Rule: Definition of 'Waters of the United States'" (80 Fed. Reg. 37054; June 29, 2015), and such rule shall have no force or effect.

The PRESIDING OFFICER. The majority leader.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

Mr. McCONNELL. Mr. President, I move to proceed to H.R. 2685.

The PRESIDING OFFICER. The clerk will report the motion.

The senior assistant legislative clerk read as follows:

Motion to proceed to Calendar No. 118, H.R. 2685, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes.

The PRESIDING OFFICER. The Senator from Texas.

UNANIMOUS CONSENT REQUEST—S. 2193

Mr. CRUZ. Mr. President, our country does many things well, but our government in Washington often fails the people whom it exists to protect. One of the best examples is the Obama administration's failure to enforce our Nation's immigration laws, despite the American people's continued demands that the Federal Government follow its duty to do so.

It is worth noting that just yesterday the voters of San Francisco voted to replace the sheriff who had defended the sanctuary city policy. That is a striking statement of where the American people are on this issue.

Unfortunately, the Democrats in the Nation's Capitol refuse to listen to the American people. Just 2 weeks ago, Senate Democrats blocked a bill that would have imposed a 5-year minimum mandatory sentence on criminal aliens who have illegally reentered the country. This issue is too important to give up and this fight is far from over. That is why I intend to call up Kate's Law for its urgent and immediate passage in the Senate. This bill is named in honor of Kate Steinle, who died tragically in the arms of her father on a San Francisco pier after being fatally shot by an illegal alien who had been deported from the United States multiple times.

When it comes to stopping sanctuary cities and protecting our safety, we need governing, we need leadership, and we need elected officials in Washington to listen to the people we are elected to represent. We need to actually fix the problem. Enough hot air, let's demonstrate we can come together and solve this problem. This ought to be a clear choice. With whom do you stand? Do you stand with violent criminal illegal aliens or do you stand with American citizens? Do you stand with our sons and daughters and those at risk of violent crime? I hope my colleagues in the Senate will come together and stand in bipartisan support that we stand with the American people.

I will note that Bill O'Reilly has been tremendous, calling over and over again on leaders of this body simply to pass Kate's Law. This is not a partisan