

water. That seems like an absurd notion for anybody who is in this body. This is a completely false and elitist claim. I firmly believe that Members on both sides of the aisle can all agree we value clean water. I love nothing more than going out on Lake Norman back in my home State or spending time fly-fishing in the mountains of North Carolina or spending time on the rivers near our coast, but under this rule virtually every nook and cranny of the country would be subject to EPA control. There is a risk that puddles in our backyards and ditches and crop fields will be regulated in the same manner our States regulate—properly—our beautiful lakes and rivers.

One thing is clear under the waters of the United States, WOTUS, there is no clarity. There is complete uncertainty and layer upon layer of bureaucratic redtape. Our landowners, our farmers, our ranchers, and business owners across the country will be subject to compliance costs, new fines, and the risk of litigation—all at the discretion of the Environmental Protection Agency.

In March, the Senate agriculture committee held a hearing on the waters of the United States, inviting stakeholders to discuss their concerns. We were proud to have the secretary of the North Carolina Department of Environment and Natural Resources, who told us in regard to the rule: “It’s not absolutely clear what in the world it does say, other than providing the EPA with a lot of discretion when determining navigable waters.”

Navigable waters—not a ditch, not a depression that gets filled up when it rains but navigable waters. How on Earth are Members of this body, Senators, willing to allow such a horrible policy to plague our farmers, our businesses and, I might add, our cities and towns that on a bipartisan basis have expressed concern to me in my home State. It is clear to me the Obama administration did not consult with our State leaders, county leaders, and city leaders when choosing to redefine the rule. We are at a moment where we must prevent this policy, putting our landowners and job creators ahead of partisan politics.

It is not my goal to focus simply on North Carolina in this speech. I know my colleagues from Colorado, Florida, Indiana, Iowa, Minnesota, Missouri, Montana, New Mexico, Nevada, North Dakota, a number of States have family and friends who will endure burdens if this bad policy stands.

My State is a great example of just how detrimental this rule is to our farmers and to families in North Carolina. North Carolina has over 300 miles of coastline, 17 major river basins, and roughly 37,000 miles of freshwater streams—all places that North Carolina residents, farmers, and businesses call home. Much of the eastern part of the State, which runs along the Atlantic Ocean, is susceptible to flooding, even after the lightest rainfall.

Earlier this week parts of the State were again hit hard with heavy rainfall, compounding the effects of last month’s historic flooding associated with the hurricane. If the Environmental Protection Agency moves forward with waters of the United States, it will severely restrict the local government’s ability to quickly react when we are recovering from events.

Imagine this. Imagine a water event or a hurricane or a rain like we had in South Carolina, which dumps 1 foot or 2 feet of water on an area that has been cropland, cultivated, and harvested by farmers—let us say in North Carolina or South Carolina. This rule is going to make it almost impossible for that farmer to begin recovering immediately because of the uncertainty of the regulations that come with waters of the United States. Not only will they suffer the ravages of the storm, they will also suffer the ravages of this poorly thought-out policy overreach.

The policy raises many questions. For example, is a flooded ditch considered a navigable water under waters of the United States? Many people believe it is. What about a crop field that just had 2 feet of rain? A standing pothole may actually be subject to waters of the United States, which puts a farmer in the position where they may get punitive measures imposed upon them by the EPA.

Don’t get me wrong. I am a firm believer in ensuring clean water. It is imperative to a flourishing agriculture industry and our local State and national economies. In North Carolina we have a thriving brewery industry out in the beautiful mountains of Asheville. They need access to abundant, clean water.

In Eastern North Carolina, we have a thriving pharmaceutical industry. They need access to abundant, clean water. There are a variety of reasons why we have to make sure our water resources are clean and abundant.

How can I tell our farmers that in ensuring clean water, we may fine them for small flood puddles such as the one shown here? We need fair practices that will help turn our economy around, not hinder the hard work of our farmers, our ranchers, and small businesses across this country. We need policies that will help families put food on their kitchen tables and not penalize our land and homeowners.

Americans need clarity and they need fairness, not vague, ambiguous rules such as the WOTUS, waters of the United States, which undercut State authority, undercut local authority, and promote what I believe is an illegal government overreach.

The Supreme Court has tried to rein in the EPA’s misinterpretation of “navigable water” several times. Based on the result of our vote earlier today, the majority of this Chamber and the House believe the EPA has overreached—and the courts agree. Yet the President said he will veto the bipartisan resolution that just passed out of this Chamber today. This administra-

tion continues to disregard the will of the Congress, the warnings of the courts, and the preferences of the American people. How long will we continue to let the partisan Obama administration dictate our course of action in the Congress and for the country? We must stop this unfunded mandate and alleviate the burdens on our farmers and business owners, not punish them.

If we do not stop the implementation of this egregious rule right now, we are setting a dangerous precedent and we are betraying the trust of many Americans. I urge my fellow colleagues today: Let us stay strong on this bill. Let us send a message to the President that he should sign this resolution into law and get back to healing this economy.

Thank you.

The PRESIDING OFFICER (Mr. SCOTT). The Senator from Missouri.

Mr. BLUNT. Mr. President, I ask unanimous consent that the cosponsors of the resolution I am about to call up and I be allowed to engage in a colloquy.

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

#### COMMENDING AND CONGRATULATING THE KANSAS CITY ROYALS ON THEIR 2015 WORLD SERIES VICTORY

Mr. BLUNT. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 305, submitted earlier today.

The PRESIDING OFFICER. The clerk will report the resolution by title.

The bill clerk read as follows:

A resolution (S. Res. 305) commending and congratulating the Kansas City Royals on their 2015 World Series Victory.

There being no objection, the Senate proceeded to consider the resolution.

Mr. BLUNT. Mr. President, I ask unanimous consent that the resolution be agreed to, the preamble be agreed to, and the motions to reconsider be laid upon the table with no intervening action or debate.

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

The resolution (S. Res. 305) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today’s RECORD under “Submitted Resolutions.”)

Mr. BLUNT. Mr. President, it may be obvious that my colleagues and I, here in the back of the room—even during a serious debate—are a little happier than the Senate usually finds itself. Of course, we are very pleased to be able to commend our baseball team.

While Senator MCCASKILL and I wish to quickly point out that the team is located in Kansas City, MO, certainly Kansans and Missourians join together to support the Royals, support the Royals in the American League, and in this case support the Royals in the

World Series—and what a series it was. What a team it has been to watch the last couple of years.

I think maybe my favorite comment from the series that didn't end quite so well for us last year was the one game the manager of the Giants just said: They kept hitting the ball where we couldn't get to it.

That is very much the kind of baseball the Royals play, that big ball park they play in. Home runs aren't as much a part of the game as just hitting the ball where the other side can't get to it and then always getting to the ball that the other side hits anywhere.

This is a series that started with a 14-inning classic and ended in a 12-inning thriller, with 5 Royals' runs being scored in the top of that 12th inning.

If this had been a seventh-inning series, the Royals wouldn't have won. The Royals outscored the Mets 15 to 1 from the seventh inning on and won three of the four games after they were behind in the eighth inning or later in the World Series. That just doesn't happen. It is a great record. It has been a great team. Every player on that team contributed to the wins and contributed in significant ways.

Christian Colon became the first Major League player in history to get a series-clinching hit in his first postseason at bat ever. Raul Mondesi became the first player in history to make his Major League debut in the World Series. He never played a World Series game before because he had never played a Major League game of any kind before. Of course, the manager of the Royals, Ned Yost, had the highest winning percentage in Major League Baseball postseason history as he goes right on to do what he and the Royals have been doing. Salvador Perez hit 0.364 in the World Series and started 16 consecutive postseason games after catching 139 games in the regular season. It makes my knees hurt just to think about it, but he did it.

Yesterday 800,000 fans turned out in Kansas City to welcome the Royals home. We are all pleased to be here. I certainly wish to congratulate the owners, the Glass family; the manager, Ned Yost; the general manager, Dayton Moore; the players; the coaches; the fans; and the families. What a great series for the Royals, what a great series for Kansas City, but what a great series for baseball. What a great season for baseball. Certainly, we were all pleased to see the Royals bring this victory home.

We will start by going to Senator ROBERTS of Kansas and then we will go back to either a Missourian or a Kansan as we talk about this great baseball team and this great victory.

Mr. ROBERTS. I thank my colleague for yielding.

Mr. President, I have been sitting here thinking about Missouri and Kansas and our past histories—some differences in politics, some differences in sports, big time, down through the years. What a great thing to happen when, yes, there is the Kansas City Royals in Missouri. I might be a little local here and say primarily filled by Kansas fans, but I will not do that, but it is a great day for both of our States and for people who live in our area.

We are all proud of our Kansas City Royals. It was a hard-fought World Series victory, but it was celebrated in Kansas from Goodland to Liberal, from Parsons to Troy, way up there on Highway 36 and everywhere in between.

Yesterday we saw something amazing happen: Kansas fans and Missouri fans marching in a sea of blue in downtown Kansas City. There were more than one-half million people—no shoving, no pushing, no fires, no problems. There were young and old people from all walks of life, all races, all nationalities, and all Royals fans. The schools were closed. Workers took a break. The streets filled. The windows opened, and it was a gorgeous Royals blue day.

Some are celebrating this kind of victory for the first time. Others are remembering 1985, George Brett and that team, and seeing that same excitement again, this time in their children's eyes. You see, some of us really counted us out—or some counted us out. We are, in fact, a small market team, a team with young but very talented guys. They said we haven't had what it takes to be World Series champions. We didn't have the big name home run hitters or the big name flamethrower pitchers or a big park made smaller for home run hitters. What we did have was a team, players who kept the line moving. The stats made the difference, as indicated from my colleague and friend from Missouri, who went through a number of stats that are rather remarkable.

In this postseason, the Royals strikeout rate was only 16 percent, just 81 strikeouts in 505 plate appearances. The Royals' regular season average was better, just 15 percent. For baseball, that is really amazing and it was the best in baseball. The league average in the regular season was more than 20 percent—20 percent strikeouts, one out of five. That is why people keep yawning. They don't yawn when they watch the Royals.

These Royals had a manager who let them play as they were: young, fast, and aggressive. That is rather remarkable. Ned Yost let them choose whether or not to steal—that is amazing. He let them swing at the first pitch. Alcides Escobar hit that inside-the-park home run in the first pitch in the bottom of the first inning of the first game of the World Series at Kauffman. That is a ball park for playing baseball: hitting, running, fielding, and a few home runs.

He let them play the game. They were relentless. They kept the lines moving, went against unconventional baseball wisdom—and oh was it fun to watch.

We won, Kansas City won, and baseball won. Our celebration today is about the Royals, the joy of the game of baseball, but it is also about our identity as a city and a region.

We were told that a small market team from flyover country would not be able to beat the New York Mets. We won because we kept the line moving—just like the Royals fans do in Kansas and Missouri every day—through a couple of decades of post-season drought, proving our team, our fans, our kind of game is the best in baseball.

I know I speak for the fans all over our State and the hundreds of thousands of fans that gathered to enjoy and celebrate a victory for our team and, yes, for our region, too—and I think for our country. Everybody adopted the Royals. Thank you, Royals. Thank you for showing the world what fun baseball can be if you play the game, if you keep the lines moving.

The Kansas City Royals are the 2015 World Series champions. How about them apples?

I thank my colleague.

Mr. BLUNT. "Them apples" as in the Big Apple? Are those the apples we are talking about?

I start in the spring going to minor league games and to major league games, but as we go back and forth across the border here, there is no bigger, more dedicated baseball fan in the Senate than Senator MCCASKILL. If you want to know who is playing, what position they are playing, what their batting average is likely to be, this is always a good way to find out, and I look forward to hearing what she has to say about the Royals.

Mrs. MCCASKILL. Mr. President, listen, I am lucky to be from Missouri because I love baseball. I love sports. I was raised by a great uncle who was like my grandfather and made me go out to the backyard every night in the summer. I even remember he had a small burgundy transistor radio. I would lie on a blanket, he would sit in a lawn chair, and he would hush me—hush me—when important parts of the game came on. He was a big Cardinals fan. I was raised as a Cardinals fan. I spent time in Kansas City early in my career. In fact, I was in Kansas City during the 1980s, the last time that Kansas City won the World Series.

Some people have the nerve to call our part of the world flyover country but not when it comes to baseball. For 4 of the last 5 years, teams who play ball in the middle of America with lower payrolls and with smaller media markets have made it to the World Series, and for 2 of those last 5 years, the world has seen a different kind of ball team. In this day and age when it is all about endorsements, and it is all about your agent, and it is all about whether you are a free agent and how much money you are going to make, they have seen a team that plays like a team. From the fun they have with each other to the way they interact with the community, this is a different kind of professional baseball team. Yesterday, when most teams would have on swag that talked just about their team, T-shirts that would say "World Series Champion" or hats that would say "World Series Champion," what did this team have on yesterday in front of those, some say 800,000 people from Kansas and Missouri who flooded into the city in such numbers that they abandoned their cars on the interstate so they would be part of it? What did the team have on? Thank you, KC. It wasn't about them; it was about the community and how closely knit the team felt with the community.

From the fun they had with 1738 to the T-shirts that people wore saying "Straight Outta Kauffman," this was a

team that took baseball seriously but didn't take themselves too seriously. They played the game with intensity, they played the game with immense skill, but always with joy.

I have to tell you the truth. I never thought I would be on the floor of the Senate quoting the amazing orator Jonny Gomes. Most people in America probably don't know who Jonny Gomes is, but the people of Kansas City know. Just because you are a backup outfielder doesn't mean you are not important on this team. Jonny Gomes stole the show yesterday. To paraphrase him—and I have to be careful, because I can't exactly paraphrase him, I don't think one of the words he used I am allowed to use on the floor of the Senate. But I believe it went something like this: Cy Young winner? Not on our team. We beat them. Rookie of the year? Not on our team. We beat them. MVP of the league? No, sorry guys, not on our team. We beat them. We kicked all of their—something which I can't say on the floor of the United States Senate.

So I am proud to quote Jonny Gomes today. I am proud of who he is and what he represents. I am proud of this team. This is a team that understands the essence of being an underdog and coming from behind and proving to everybody they are wrong.

There is a famous poem about baseball, and one of the famous lines starts with the phrase “there is no joy.” I have to tell you, there is joy; there is unbridled joy in Kansas City for this team and for all the right reasons. I am incredibly proud to represent a State and an area of our country that has produced this kind of sportsmanship and this kind of grit and determination. The Royals never say quit.

Thank you, Mr. President, and I will turn it over to my colleague from the State of Kansas, who is appropriately sporting a very royal blue tie.

Mr. MORAN. Mr. President, I thank the Senator from Missouri for yielding to me, and I appreciate both my colleagues from Missouri and Kansas joining us on the Senate floor this afternoon.

I wonder if there are folks out in the country who might not be baseball fans and are wondering, with all the challenges our country faces, why these four Senators have gathered on the Senate floor to talk about baseball. But the reality is that this is an example of what can happen when we work together.

We are divided here between Republicans and Democrats in support of this legislation, and that is much easier to overcome than the fact that Missourians and Kansans are working together. There has been a long rivalry between our two States, much of it done with a smile but some done with a little more intensity than just that smile of Kansas versus Missouri or Missouri versus Kansas. The good news is the Royals and their championship are more evidence that rivalry—when it

comes to important issues, when it comes to the ability to work together for the benefit of Kansas City and Missouri and Kansas, those communities come together.

I guess my colleagues ought to know that there is Kansas City, MO, and there is Kansas City, KS, and suburbs of both those cities on both sides of the State line. As I have said, as communities they have come together to make sure good things happen, and the Royals is just one more example. This is something that matters to Kansans, whether they live close to Missouri or they live close to the Royals stadium.

The first overnight visit I ever made to Kansas City and actually spent the night in this big city—I grew up about 350 miles west of the stadium—was to watch the Royals play ball in the old stadium. All my life I have said, “Come on, Royals.” You can walk through the room in our house, the television is on, the Royals are playing, and that expression out of my mouth is always “Come on, Royals.” It is something we all grew up with, wherever we lived in the State of Kansas. You can find almost no fan of baseball in our State who is not a Royals fan.

There is something also about this Royals baseball team. Throughout my lifetime, hearing the voice of Denny Matthews and Fred White as they called the games in Kansas City and around the country gave me a sense—and still today gives me a sense—of peace; that there is something still right in the world; that baseball is still played and teams come together.

Most of us grew up in our early days being on a softball or a baseball team. Baseball brings us together. So while my colleagues and I recognize the importance of the many issues that our country faces and that we are dealing with in the Senate and in the Congress in Washington, DC, there is something comforting in knowing that America can still come together on a pastime, on a sport, on an activity that still means so much to so many Americans.

So we celebrate with this resolution and ask our colleagues to join us in approving this effort in honoring the 2015 World Series champions. It was an amazing season. This is something that hasn't happened since 1985. So 30 years ago, in Kansas City, the Royals played in the World Series and won.

I still envision my wife and her deceased father—her now deceased father. Robba, with her dad, grew up on the Missouri side of the State line, in the shadows of Kauffman Stadium. I can still envision what it was like for a little girl to grab hold of her dad's hand and go to a Royals game to watch baseball. Again, it brings families together on an almost weekly basis over a long season in Kansas City, and it has been true in our family.

We are here today to commend the great things that happened during this season. Since the last time the Royals were champions, many Kansans, many Missourians, many Americans have

grown up and gone off to college, served in our country's military, gotten married, and started their own families. So there is great pride, and we are here to affirm how good it feels to have that success once again.

It is pleasing to be an American where baseball is a way that we live our lives, and it brings us together. It is great to be a Kansan who is so proud of the Kansas Royals, and it is great to represent many folks in Kansas City who know life as something that surrounds them with the Kansas City Royals.

This was a special year, a special team, and they loved playing the game. They exuded confidence. They never lost focus. Having fallen 90 feet short a year ago, the Royals players were relentless this year in their drive to get back to the World Series, and it was a joy for all of us to watch them accomplish that and finish that job last weekend against the New York Mets.

So I join my colleagues in congratulating the Royals team, the Royals fans, and Americans who enjoyed this sport and saw great sportsmanship on a baseball field. We are thankful to Mr. Kauffman, and now Mr. Glass, and their families who have invested their efforts and their time and their commitment to the Kansas City Royals. We appreciate the general manager Dayton Moore, and the manager Ned Yost, and commend and congratulate them on this amazing accomplishment. We hope we don't have to wait another 30 years for another national championship involving the Royals and their crowning again.

Once again, I would say, “Come on, Royals.”

Mr. President, I yield back to the Senator from Missouri.

Mr. BLUNT. Mr. President, my good friend from Kansas mentioned that distance between third base and home plate, and in the ninth inning of the fifth game of the World Series, Hosmer was on third, and I believe there was one out. A ball was hit squarely to the third baseman, who caught it, ready to throw it to first, and then Hosmer did something nobody ever does: He decided he was going to steal home. And when you do that kind of thing, people respond in certain ways. They are surprised, you are surprised, and the Royals did that over and over again. He stole home and the game was tied in the 9th and then went to the 12th, but only because somebody did something nobody thought they would do. We could do a little more of that here, but certainly the Royals did that all season.

I want to ask Senator MCCASKILL if there is anything she wants to add as we close up here.

Mrs. MCCASKILL. Well, I was lucky enough to be a witness to game 5 in New York, surrounded by a lot of apple-eating fans who were in shocked disbelief when it looked like the Mets had it under control and the Royals pulled a patented move out of their

back pocket to tie up the game in the ninth inning.

That particular play was one of those that you could tell it was almost instinct on the part of Hoz because he saw the throw and just went. Frankly, a bad throw to home plate was his savior. I am not sure he would have made it had it not been for the throw that went wild at home plate from the first baseman. But that is the thing that is fun about this team. We can go through—Salvi got the hit. It was a sacrifice hit, but nonetheless this is a guy who got MVP. And it wasn't as if he hit a bunch of home runs in the World Series; he got MVP because he consistently performed in almost a utilitarian way, getting a hit when it was really needed, getting banged up consistently behind the plate. At one point he got hit so hard in the clavicle that I am sure a lot of players would have said: I need an inning. I need to get out. I need to be replaced. But he just kept shaking off every injury. It could get dangerous because he could go on and on.

There were so many contributors on this team. That is what made it so incredibly special. As Senator ROBERTS said, it is not as if there was one hero here, like so many teams that have an A-Rod or a Robert Griffin. We can name the big players who have been standouts, Ripkin and the rest. This is a team in which everybody is a standout because it is all about the team.

Mr. BLUNT. It was a great season. We have had a great time here on the floor talking about the Royals and the Kansas City spirit that drove those teams. For us Missourians, maybe we will see both of our teams in the World Series again next year.

Mr. ROBERTS. Will the Senator yield?

Mr. BLUNT. I will be happy to yield.

Mr. ROBERTS. Just a note of thanks to the Mets for showing up and playing the Royals—they are a great team—and to give them some encouragement. The season starts with the Mets and Royals at Kauffman Stadium, so they can start all over again. It would be a good thing, perhaps, if the Mets made it again, and certainly with the Royals, and gave it a shot.

I am very glad the Senator mentioned the incident where Hosmer decided to steal home. That was like Jackie Robinson back in the day when he was seeking to steal home. Who did that? And to do that in today's ball game, where people pitch only a certain amount of innings and players look to the manager to steal and do this and do that and everything is sort of in a box—the Royals played out of the box and they had fun.

The reason they are all great players is because they played as a team, as my distinguished colleague from Missouri just pointed out. It was a lot of fun. It is going to be fun next year. Don't worry, Mets, you will have a chance again.

Mr. BLUNT. There are a lot of life lessons watching the Royals. There

might even be some lessons for us Senators watching the Royals and the way they do what they do.

I yield the floor.

#### DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2016—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. The Senator from Kansas.

Mr. MORAN. Mr. President, I ask unanimous consent to address the Senate as in morning business.

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

#### WATERS OF THE UNITED STATES RULE

Mr. MORAN. Mr. President, this week has been devoted legislatively to discussing and considering legislation affecting an EPA regulation called waters of the United States. It is one more example of executive overreach by an increasingly unaccountable Federal agency.

I want to speak about our efforts here on the Senate floor this week and again encourage my colleagues to continue their efforts to make certain this overreach is responded to by Congress. The courts have spoken, but we want to make certain we do our job.

One of the criticisms I hear regularly from people who support this regulation is this: Don't you care about water quality? Don't you care about clean water? I absolutely think it is important to protect our Nation's watersheds. If you are a Kansan, water is life, water is the future of your community. Water matters greatly. We are not against clean water.

Agriculture producers—which dominate in my State—across Kansas are strongly opposed to this regulation, but they are certainly not opposed to the efforts to keep our water supply safe and clean. Most Kansas farmers and ranchers hope to pass their land and their farming operations on to their kids and grandkids. It serves their interests to preserve the land and water to which their family farms are tethered. It is not the Washington lobbyists and the environmental radicals who are telling Americans “If you oppose this regulation, you are opposed to clean water.” That is what they say. Kansans care greatly and particularly farmers and landowners who want their children to enjoy their farm or ranch in the future care greatly about clean water.

It is EPA's abusive regulatory path, characterized by fines, penalties, and potential civil lawsuits against landowners, that gives us major cause for concern. The Federal Government should not dictate to citizens how they manage their private lands.

I believe there are better ways to promote water quality than with threats of severe fines, penalties, or even jail time. One of the ways we see this effort take place is through the Department of Agriculture's Natural Resource Conservation Service. NRCS promotes soil and water health not by

mandates and threats from Washington but through collaborative, voluntary approaches that encourage conservation through incentives and on-the-ground technical assistance for those landowners.

Unlike the EPA, which seems to view agriculture producers as untrustworthy partners who must be forced into caring for the land, NRCS and the USDA Farm Service Agency efforts are successful in large part because they operate under the recognition that farmers and ranchers are devoted stewards to their land.

Policies such as the Grassroots Source Water Protection Program and the Environmental Quality Incentives Program are examples of voluntary approaches that incentivize innovation, provide technical assistance, and more broadly promote clean water through localized, cooperative efforts. Compare those approaches to what we are debating here on the floor today and earlier this week—an overly broad, overly complex, overly ambitious regulation drafted by an agency that has shown a complete unwillingness to listen to or work with landowners.

This regulation is pretty straightforward. If it is water, EPA has the authority to regulate it unless it decides it doesn't want to. Again, what this regulation basically says is that if it is water, EPA has the authority to regulate it unless EPA decides it doesn't want to do it.

First, EPA declares that all “tributaries” are waters of the United States. Tributaries are defined as anything with a bed, banks, or an ordinary high-water mark, regardless of the frequency or duration of the water flow. This kind of definition is so broad and all-encompassing that the EPA can assert jurisdiction over streams and ditches that may flow only for a few hours following a rainstorm.

This regulation also controls waters that are “adjacent” to any water that is under EPA's jurisdiction, including 100-year-old floodplains. And if somehow water could still escape the EPA's long shadow, its broad definition, they came up with yet one more way to regulate it. The regulation states that if waters aren't adjacent or are not tributaries, they can still regulate if there is “significant nexus” between the waters EPA wants to regulate and navigable or interstate water. What that means is that every drop of rain can be regulated because every drop of rain always ends up in a body of water that is navigable. All EPA has to do is establish some connection between the two, and they have granted themselves the authority to regulate the waters.

With its significant civil fines and criminal penalties for those not in compliance, we can see why so many Americans are concerned.

Last year, EPA went on a public relations campaign of sorts to convince stakeholders and to convince people across the country that they only meant to “clarify,” not expand, the