

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

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

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

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

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

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

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

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

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

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

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

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

RESERVATION OF LEADER TIME

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

MORNING BUSINESS

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

The Senator from Wyoming.

FEDERAL WATER QUALITY PROTECTION ACT

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

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

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

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

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

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

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

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

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

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

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

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