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Senate

The Senate met at 10 a.m. and was called to order by the Honorable TOM COTTON, a Senator from the State of Arkansas.

PRAYER

The PRESIDING OFFICER. Today's prayer will be offered by our guest Chaplain, Father Patrick J. Conroy, the Chaplain of the U.S. House of Representatives.

The guest Chaplain offered the following prayer:

Let us pray.

Loving God, we give You thanks for giving us another day. We thank You for Your ongoing presence and sustaining grace in us all and Your concern for our Nation.

Continue to bless and inspire the men and women who serve in the Senate. May they be encouraged by any movement that has occurred and may the hopes and prayers of the American people, and indeed the world, for healthy and productive legislation be met with results inspired by Your Spirit.

Forgive our failures, our lack of faith. May the good intentions of all acting in this Chamber be rewarded by solutions to our struggles that benefit our Nation.

May all that is done be for Your greater honor and glory. Amen.

PLEDGE OF ALLEGIANCE

The Presiding Officer led the Pledge of Allegiance, as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

APPOINTMENT OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore (Mr. HATCH).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, DC, November 3, 2015.

To the Senate:

Under the provisions of rule I, paragraph 3, of the Standing Rules of the Senate, I hereby appoint the Honorable TOM COTTON, a Senator from the State of Arkansas, to perform the duties of the Chair.

ORRIN G. HATCH,
President pro tempore.

Mr. COTTON thereupon assumed the Chair as Acting President pro tempore.

RECOGNITION OF THE MAJORITY LEADER

The ACTING PRESIDENT pro tempore. The majority leader is recognized.

FEDERAL WATER QUALITY PROTECTION BILL

Mr. MCCONNELL. Mr. President, two Federal courts have already found that the Obama administration's plan to regulate the land around nearly every pothole and ditch is illegal. It is hardly a surprise. The administration's so-called waters of the United States regulation is a cynical and overbearing power grab dressed awkwardly as some clean water measure. It is not. Many argue it actually violates the Clean Water Act.

The true aim of this massive regulatory overreach is pretty clear. After all, if you are looking for an excuse to extend the reach of the Federal bureaucracy as widely and intrusively as possible, why not just issue a regulation giving bureaucrats dominion over land that has touched a pothole or a ditch or a puddle at some point? That would seem to be pretty much everything, and that is why the waters of the United States regulation is so worrying. It would force Americans who live near potholes and ditches and puddles to ask bureaucrats for permission to do just about anything on their own property.

Want to spray some weeds? Fill out a permit. Want to put a small pond in your back yard? Ask Uncle Sam. Want to build a barn or just about anything else on the land you own? Good luck getting approval from the Feds on that.

One court said that this regulation was so ridiculous it had to be the result ''of a process that is inexplicable, arbitrary, and devoid of a reasoned process.'' That sounds about right. It certainly wasn't a process that appropriately involved the untold number of stakeholders sure to be affected by such a wide-ranging regulation. Let me read you something I received from a constituent in West Liberty, KY. Here is what he wrote:

I'm disappointed [that] small businesses like mine were not considered in this rule making process. Government regulations, like the proposed rule, are complicated, expensive to navigate and a real obstacle to growing my business. This change, and its ridiculous overreach and restrictions could decrease land value and hinder my ability to expand, develop and use my own private land.

''Please,'' he said, ''support S. 1140, the Federal Water Quality Protection Act.''

I have good news for this Kentuckian and for the many Americans who feel the same way. I do support the Federal Water Quality Protection Act. I actually worked with Senator BARRASSO to introduce it and will take a vote to move the bipartisan bill forward this afternoon.

A bipartisan majority of the Senate supports the Federal Water Quality Protection Act. What it says is pretty simple. If the administration is actually serious about protecting waterways and not just cynically using this regulation as a ploy to extend the bureaucracy's reach, then it should follow the proper process to get to a balanced outcome. It should appropriately consult with the Americans who would be

● This "bullet" symbol identifies statements or insertions which are not spoken by a Member of the Senate on the floor.

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the most affected by the regulation, especially farmers, ranchers, and small businesses, not to mention the homebuilders, manufacturers, mine operators, and utility providers that would be particularly impacted in my State. It should appropriately consult with the States. It should actually conduct the regulatory impact analyses required of it.

In short, what this bipartisan bill would do is require the administration to actually follow the balanced approach it should have followed in the first place. It is commonsense, bipartisan legislation that would protect our waterways while protecting the American people from a heavy-handed regulation that threatens their property rights and their very livelihoods. A similar bill has already passed the House with bipartisan support.

Americans in places like Eastern Kentucky have suffered enough from this administration's regulatory onslaught already. This latest regulation threatens to turn the screws even tighter for almost no benefit at all.

I call on every colleague to join me in standing up for the middle class instead of defending cynical, job-crushing regulations. I ask them to join me in supporting the bipartisan Federal Water Quality Protection Act this afternoon.

I thank my colleague from Iowa for her hard work on this issue. She has introduced a measure that would allow Congress to overturn this massive regulation in its entirety. It is another avenue the Senate can pursue as we seek to protect the middle class from this unfair regulatory attack.

I know the Senator from Iowa is actually with us on the floor right now. She is here for a different reason, which is the subject that I am turning to right now.

CONGRATULATING SENATOR GRASSLEY ON CASTING HIS 12,000TH VOTE

Mr. MCCONNELL. Mr. President, last week the Senate marked two milestones. First, our colleague from Vermont cast vote No. 15,000. We all noted it at the time. And then our colleague from Iowa cast vote No. 12,000, and that is what we would like to note now.

It is true that Senator GRASSLEY still has some catching up to do if he wants to overtake the Senator from Vermont, but there is more to this story than the top-line number. Out of those 12,000 votes our colleague has taken, the last 7,474 of them were taken consecutively. He hasn't missed a single vote since 1993. He has the second-longest consecutive voting record in Senate history, second place out of 1,963 Senators. That is pretty impressive.

Even so, we know our colleague never likes to settle for second. It is good for him, then, that he will soon grab gold in a different way. He is just a few months out from becoming the longest serving Senator in Iowa history, and yet he is one of the most energetic guys around here—a runner in every sense of the term.

He has a lot of fans in Iowa too. I don't think it is any great mystery why the people of Iowa keep sending him here. This is a Senator with a deep love for his State and a simple philosophy. When he is here in Washington, he is voting. When he is back in Iowa, he is out meeting Iowans. He makes a point to hold townhall-type events in each of Iowa's 99 counties every single year. He hasn't missed a single county in over three decades. No wonder he began his ascent into Twitter legend with four simple words: ''Attending events in Iowa.'' That tweet is hardly as infamous as ''assume deer dead'' or ''staff has now informed me of what a Kardashian is, I'm only left with more questions.'' It captures our colleague perfectly in less than 140 characters.

Here is something that captures him in at least that many calories. At the end of every annual 99-county swing, Senator GRASSLEY has a ritual. He gets a Blizzard from Dairy Queen—sometimes chocolate, sometimes vanilla, but always, always swirled with Snickers. This year, he got to DQ so early he had to wait in the parking lot for it to open, and of course since this is the senior Senator from Iowa, he tweeted about it. Here is what he said: ''I'm at the Jefferson Iowa DairyQueen,'' he wrote, doing ''you know what!!!'' That is some tweet. But in this Dairy Queen story, you have the perfect metaphor for our colleague from Iowa—early riser, driven, devoted to tradition, open to change, and never afraid to mix it up. For this lover of dairy and devotee of his home State, it makes perfect sense. The people of Iowa are lucky to have him here fighting on their behalf.

Here is to another 99 counties. Here is to the 12,000-vote milestone the Senator from Iowa crossed last week.

REMEMBERING FRED THOMPSON

Mr. MCCONNELL. Finally, Mr. President, on an entirely different and sad matter, there was never any doubt when our colleague from Tennessee was nearby—6 feet 6 inches tall, deep, booming voice, and a magnetic personality that lit up any room he was in. Fred Thompson may have towered over the Senate in a very literal sense, but he was one of the most down-to-earth guys you will ever meet. He was a true gentleman with a kind heart.

This Senator, who lived life to the very fullest, the first in his family to ever attend college, never forgot where he came from.

Now, in a weird twist of fate, it turns out that Fred and I actually came from the same place. We were both born in what was then known as the Colbert County Hospital in Sheffield, AL. But getting back to Fred's humility, how many successful actors can you say that about? You see, Senator Thompson hardly fit the Hollywood stereotype. Senator Thompson didn't fit the political stereotype either. He was just Fred. He had one of the most interesting careers you could ever imagine—Senate colleague, Watergate lawyer, Presidential candidate, and radio personality. And he was an icon of the silver and small screen alike, one who didn't just take on criminals as an actor but as a real-life prosecutor as well. That was Fred Thompson. That was the man many of us had the pleasure to serve with.

I am reminded of some words shared recently by Fred's friend of 50 years, a friend who succeeded him here in the Senate. ''Very few people could light up a room the way that Fred Thompson did,'' he said. ''I will miss him greatly.''

I join the senior Senator from Tennessee in the same sentiment. I know the entire Senate does as well, just as the Senate joins together in sending condolences to Fred's loved ones, Jeri and his children, in particular, in this very difficult time.

RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The Democratic leader is recognized.

PAID FAMILY LEAVE

Mr. REID. Mr. President, for many decades the American people have heard that their elected officials and political hopefuls taught family values, but right now we need more than talk. We need Members of Congress to step up to the plate to help working families.

Our country has fallen well behind the rest of the world when it comes to paid family leave. We are the only developed country in the world that does not mandate paid medical leave for workers. Think about that. The most industrialized and successful country in the history of the world mandates less paid and protected family leave than Malta, Slovakia, and Estonia. What does this mean for working American families? It means parents can't stay home and take care of their sick children. It means mothers need to rush back to work after giving birth to a child. It means working Americans have to choose between a paycheck and their family responsibilities.

Right now the United States provides paid family leave for only 12 percent of its private sector workforce. We are one of three nations without paid maternity leave: Papua New Guinea, Oman, and the United States. Those are the three nations without paid maternity leave: America, Oman, and New Guinea. That is really unfair, and it doesn't qualify as family values.

I was pleased recently to learn that the new Speaker, PAUL RYAN, told House Republicans his family is off-limits. I don't know if that means Friday afternoons or just Saturday and

Sunday. He wants to spend more time with his family, and I applaud him for that. There were some people who mocked Congressman RYAN for that, and they are wrong. All parents should work to protect that time with their families.

Here is the problem. For millions of Americans, the concept of work-family life balance is nothing more than a fantasy. For far too many Americans, more time at work and less time with family is the only way to put food on the table and a roof over their heads. Still, these hard-working families are falling behind. An unpaid day off is out of the question.

Contrast that with the Senate. The Republican-controlled Senate doesn't work 5-day weeks. Yet millions of Americans can't get a day off when a loved one dies or a child is confined to a hospital bed. If you play baseball, the average salary is more than $2 million a year. If your wife has a baby, you take off. But they make millions of dollars a year. Middle-class Americans don't make that.

While Speaker RYAN insists on a family-friendly work schedule for himself, he is blocking legislation that would give the bare minimum in paid leave for hard-working Americans. Before we worry about ourselves, we should worry about the millions of Americans who can't get a day off work to care for a sick child—can't get a half day off work. That would be real family values.

DRINKING WATER PROTECTIONS

Mr. REID. Mr. President, this week the Senate will vote on two pieces of legislation that will nullify drinking water protections for 117 million Americans.

The Obama administration's clean water rule will restore important safeguards to protect American water sources from pollution and contamination. This landmark rule from the Obama administration will finally resolve years of confusion and provide regulatory certainty for businesses, farmers, local governments, and communities without creating any new permitting requirements and maintaining all previous exemptions and exclusions.

The Republicans in Congress are intent on undermining these important protections. The Republican leader and his colleagues unfortunately are forcing the Senate to vote on legislation to roll back President Obama's clean water rule. This legislation will fail, of course, and Republicans know it will fail.

Last week, the junior Senator from Texas said this:

> [N]ext week we will have a show vote on the waters of the United States. Leadership is very happy. We will have a show vote. We will get to vote, and it will fail.

Perhaps the junior Senator is right; this is another Republican charade. I hope not. If these bills were to pass, President Obama will veto them. Yet Republicans are content to waste the Senate's time just so they can launch another attack on the environment. This is the first of a series of environmental attacks we expect this month from Republicans. They are also preparing to nullify the President's rules to address climate change. They have no solutions and no plan to keep our water clean or address climate change. They are wasting valuable Senate time on these show votes.

CONGRATULATING SENATOR GRASSLEY ON CASTING HIS 12,000TH VOTE

Mr. REID. Mr. President, every year in the Senate we are sent to this distinguished body for one reason: to represent the people of our State and the people of this country. Our constituents expect us to legislate. They expect us to be here on the Senate floor voting and representing their interests. In the Senate, there is no one better at upholding that responsibility than the senior Senator from Iowa.

Last Thursday, CHARLES GRASSLEY cast his 12,000th vote as a U.S. Senator. As remarkable as that is, as my friend the senior Senator from Kentucky said, it is even more impressive that he has cast almost 7,500 consecutive votes on the Senate floor. He hasn't missed a vote since July 14, 1993. He holds the second longest consecutive vote streak in Senate history, behind our colleague Senator William Proxmire of Wisconsin. That is a lot of votes.

Senator GRASSLEY's constancy and unwavering work ethic comes as no surprise to those of us who have known him and are acquainted with his background. CHUCK GRASSLEY is a farmer. He is proud of that. He got started in politics when he was elected to the Iowa House in 1959. He served for 15 years. In 1974, he ran for Congress and served three terms in the House of Representatives.

He was elected to the Senate in 1980. Thirty-six years, 12,000 votes—that is remarkable, as is 7,474 consecutive votes. So I say congratulations to my friend CHUCK GRASSLEY on those incredible milestones.

REMEMBERING FRED THOMPSON

Mr. REID. Mr. President, over the weekend, the people of Tennessee lost a member of their family. Senator Fred Thompson, whom my friend the Republican leader has talked about, died after a recurring battle with lymphoma.

Those of us who served with him remember that wonderful voice. His voice was so good that many people said he should be an actor. Well, he was. He was an actor. He had a beautiful voice that projected so very well, but he was good wherever he was—the floor of the Senate, movie studio, the town square of his home.

He was a statesman in every sense of the word. His dedication to responsible public service fueled his commitment to bipartisanship and compromise. Fred Thompson was known for his courageous heart and straightforward approach to public service.

I will miss him a great deal. He was always very kind and thoughtful and friendly to me, and the Senate is a better place for having had him here.

RESERVATION OF LEADER TIME

The ACTING PRESIDENT pro tempore. Under the previous order, the leadership time is reserved.

FEDERAL WATER QUALITY PROTECTION ACT—MOTION TO PROCEED

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of the motion to proceed to S. 1140, which the clerk will report.

The legislative clerk read as follows:

> Motion to proceed to Calendar No. 153, S. 1140, a bill to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term ''waters of the United States,'' and for other purposes.

The PRESIDENT pro tempore. Under the previous order, the time until 12:30 p.m. will be equally divided between the two leaders or their designees.

The Senator from Vermont.

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

The PRESIDENT pro tempore. Without objection, it is so ordered.

TRIBUTE TO SENATOR CHARLES GRASSLEY'S 12,000TH VOTE

Mr. LEAHY. Mr. President, I have had the privilege of serving with several hundred Senators in this body over the years I have been here, and Senator GRASSLEY has been a very special friend during that time. He has represented the voices of Iowans for nearly three and a half decades. I think we have been friends for that three and a half decades.

When I think of Senator GRASSLEY—12,000 votes, hundreds of hearings, countless tweets, and probably four dozen sweater vests later—he is the same down to earth Iowa farmer who visits every one of the State's 99 counties every year. He is also the Iowa farmer who, when Vermont was hit with terrible flooding a few years back, was the first person to contact me to say, ''Vermont stood with Iowa when we were hit with a natural disaster. Iowa now stands with Vermont.''

He and I have worked together, and we have had a productive relationship that spans those decades. On the Judiciary Committee, we take our leadership responsibilities seriously. We have both made sure that, both as chairman and ranking members, that every Senator has a chance to be heard. We have found ways to come together on meaningful legislation. We enjoy each other's company. We are able to kid each

other, as I did on his recent birthday. But more importantly, we do what I was told to do when I first came to the Senate, and I am sure what Senator GRASSLEY was told when he did—we keep our word. We have always kept our word to each other.

It also helps that we both married above ourselves. His wonderful wife, Barbara, and my wife, Marcelle, are very close friends. They sometimes say that they belong to that special club that nobody wants to join, that of cancer survivors.

Senator GRASSLEY's willingness to listen and hard work was most recently on display in the Judiciary Committee, as we hammered out an important compromise on sentencing reform which brought the left and the right together—both parties together. I think every single Senator complimented his leadership.

And I must admit I was grateful for Senator GRASSLEY's comments last week when I, too, crossed a voting milestone. He said we have been good friends and hoped we could cast many more votes together. I share that hope and congratulate my friend on this achievement.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mrs. ERNST. Mr. President, I rise today to congratulate my friend, colleague, and Iowa's outstanding senior Senator on casting his 12,000th vote in the wee early hours of this last Friday morning. In fact, there are only 17 other Senators in history who have cast more votes than Senator CHUCK GRASSLEY. On top of that, he has the longest existing voting streak in Congress.

This farmer from Iowa serves as the chairman of the Senate Judiciary Committee and is one of the highest ranking members in the Senate. But that has not gone to his head—not for CHUCK GRASSLEY. Back home in Iowa, he travels all 99 counties every single year, and he has done this every year for 35 wonderful years. Today his travels across the State to all 99 counties have a name. It is called ''the full Grassley.'' It is something that now our elected officials and even the Presidential candidates who visit Iowa try to complete as well. Senator GRASSLEY has set a high bar, and I am very glad that he has.

Over the years I have learned quite a bit about my friend Senator CHUCK GRASSLEY. He is extremely thrifty. Because of that, he is always looking out for our taxpayer dollars. He fights tirelessly for accountability and transparency in Washington. I can always count on Senator GRASSLEY to stop by my office for doughnuts and coffee and to meet all of our wonderful Iowa constituents who happen to be visiting Washington, DC. He says he comes to visit the constituents. I actually think it is for the free doughnuts, but we are glad he stops by.

Senator GRASSLEY is the epitome of the Iowa way, and he has faithfully upheld these values in the Senate. He is a workhorse and has dedicated his entire career to serving Iowans. Iowa has no greater friend than Senator CHUCK GRASSLEY.

Congratulations, Senator, on your 12,000th vote. Congratulations to Barbara, also. Get your Twitter ready because at noon we are going to celebrate.

I thank the Acting President pro tempore.

The ACTING PRESIDENT pro tempore. The Senator from Iowa.

Mr. GRASSLEY. Mr. President, I thank all my colleagues, in particular my colleague from Iowa but also the people who are very senior leaders of this body: Senator MCCONNELL, Senator REID, and my friend on the Judiciary Committee, Senator LEAHY, whom I have served with for 35 years. I thank them for their kind words and for what they said about my service to the people of Iowa as an elected representative.

I have interacted with tens of thousands of Iowans as their Senator, so I have a feeling that I know each Iowan personally at this point. Of course, I don't. I know that is technically impossible, but one of the benefits of a State that is not especially big geographically is that I have enough planning that I can get to every county every year, as has been said several times by my colleagues.

Every year, Iowans in each county host me at a question-and-answer session at their factories, schools, or their service clubs. Most of these are my own town meetings that I set up. At each stop, I might get a dozen or so questions on any topic under the Sun, and that is as it should be in representative government because that is a two-way street. The electorate's job is to ask the questions and my job is to answer them. If people are satisfied that I have answered their questions or that at least I have tried to answer them, then I hope I have demonstrated how much their participation means to the process of representative government and to casting my votes in Washington because I bring the benefits of every comment, question, and criticism heard from Iowans to that vote.

With these 12,000 votes, I think of the many conversations and pieces of correspondence behind each vote. Whether I am meeting with Iowans in the Hart Building in Washington or at the University of Northern Iowa volleyball matches near my farm in New Hartford, the time that people take to visit with me is well spent for me, and I hope they consider it a time well spent for them.

People ask me if I have any hobbies. I cannot say that I do, at least not in the way people usually think of hobbies. Spending time with the people of Iowa is part of my work. I get paid to listen and make sure that is what I do. It is my pleasure to spend time with Iowans. When someone stops me at the Village Inn in Cedar Falls, where I go for Sunday brunch after church, to talk about cyber security or sentencing reform, I am glad to do it.

What is important to the people of Iowa is my vocation. I am grateful for the opportunity to cast 12,000 votes. Thanks to the people of Iowa, thanks to my wife Barbara and the rest of my family who share my regard for what is important, representing the people of Iowa.

Mr. ALEXANDER. Mr. President, I thank the people of Iowa for sending us CHUCK GRASSLEY and want to say he does not just represent Iowa, he personifies it. I know of no Senator who better personifies his State than the Senator from Iowa.

Mr. President, I ask unanimous consent that I be recognized to say a few words about our departed colleague Fred Thompson and that following my remarks Senator CORKER be recognized.

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

REMEMBERING FRED THOMPSON

Mr. ALEXANDER. Mr. President, it is my sad duty, as was mentioned by our leaders this morning, to report that Fred Dalton Thompson, who served in this body from 1995 to 2003, representing our State of Tennessee, died in Nashville on Sunday. My wife, Honey, and I and the members of our family—every one of whom valued our friendship with Fred—as well as Members of the Senate, express to Fred's family—his wife Jeri, their children, Hayden and Sammy, and his sons by his earlier marriage to Sarah, Tony and Dan, and his brother Ken—our pride in Fred's life and our sympathy for his death.

Very few people can light up the room the way Fred Thompson did. The truth is, most public figures have always been a little jealous of Fred Thompson. His personality had a streak of magic that none of the rest of us have. That magic was on display when he was minority counsel to the Senate Watergate Committee in 1973, asking former White House aide Alexander Butterfield the famous question: ''Mr. Butterfield, are you aware of the installation of any listening devices in the Oval Office of the President?'' thereby publicly revealing the existence of tape-recorded conversations within the White House. National Public Radio later called that session and the discovery of the Watergate tapes ''a turning point in the investigation.''

The Thompson magic was evident again in 1985, when Fred was asked to play himself in the movie ''Marie.'' In real life, Fred had been the attorney for Marie Ragghianti, the truth-telling chairman of the Tennessee Pardon and Parole Board during a scandal in our State when pardons were sold for cash.

After that, Fred was cast in a number of movie roles as CIA Director, the head of Dulles Airport, an admiral, the President of NASCAR, three Presidents of the United States, and District Attorney Arthur Branch in the television

series ''Law and Order''. That same magic served him well when he ran for the United States Senate in 1994 for the last 2 years of Vice President Gore's unexpired term. It was a good Republican year and Fred's red pickup truck attracted attention, but he defeated a strong opponent by more than 20 percentage points, mostly because when he appeared on television, Tennesseans liked him, trusted him, and voted for him. Fred took on some big assignments during his time in the Senate, but sometimes he would become impatient with some of the foolishness around here. A Washington reporter once asked him if he missed making movies: ''Yes,'' he said, ''Sometimes I miss the sincerity of Hollywood.''

People ask me sometimes: How could an actor accomplish so much? In addition to those things I have already mentioned, during the 1980s Fred was invited twice to be special counsel to Senate investigative committees. When he retired from the Senate, he took over Paul Harvey's radio show. In 2008, he was a frontrunner for the Presidency of the United States. For the last several years, it has been hard to turn on the television without seeing Fred Thompson urging you to buy a reverse mortgage.

I believe there are three reasons his career was so extraordinary and so diverse. First, he was authentic, genuine, and bona fide. So far as I know, he never had an acting lesson. As he did in ''Marie'' and as he did in most of his movie roles, he played himself. There was no pretense in Fred Thompson on or off the stage. Second, he was purposeful. In 1992, when I was Education Secretary, I invited Fred to lunch in the White House lunchroom. For years I had urged him to be a candidate for public office. I hoped he might run in 1994. What struck me during our entire luncheon conversation was that not once did he raise any political concerns. His only question was: If I were to be elected, what do you suppose I could accomplish?

When he was elected, he was serious and principled. He was a strict Federalist, never a fan of Washington telling Americans what to do, even if he thought it was something Americans should be doing. He was not afraid to cast votes that were unpopular with his constituents if he was convinced he was right. The third reason for Fred Thompson's success was he worked hard. Saying that will come as something of a surprise to many.

He was notoriously easygoing. He grew up in modest circumstances in Lawrenceburg, Tennessee. His father Fletch was a car salesman. He was a double major in philosophy and political science at the University of Memphis. He did well enough to earn scholarships to Tulane and Vanderbilt law schools. To pay for school he worked at a bicycle plant, a post office, and a motel.

Before he was Watergate counsel, he was assistant U.S. attorney. The remainder of his busy life was filled with law practice, stage, and radio shows, counsel to Senate investigating committees, more than 20 movies, television commercials, and 8 years as a Senator. I have attended a number of memorial services for prominent figures. As a result, I have added a rule to ''Lamar Alexander's Little Plaid Book.'' It is this: ''When invited to speak at a funeral, be sure to mention the deceased as often as yourself.''

I mentioned this rule last year when I spoke at Howard Baker's funeral because there came a point in my remarks when I could not continue without mentioning my relationship with Senator Baker, and I therefore had to break my own rule. The same is true with Fred Thompson. We were friends for nearly 50 years.

In the late 1960s, both of us fresh out of law school were inspired by Senator Howard Baker to help build a two-party political system in Tennessee. Fred's political debut was campaign manager for John Williams for Congress, against Ray Blanton in 1968. My first political foray was Howard Baker's successful Senate campaign in 1966.

When Senator Baker ran for reelection in 1972, I recruited Fred to be the Senator's Middle Tennessee campaign manager. In 1973, Senator Baker asked me to be minority counsel to the Watergate Committee. I suggested he ask Fred instead because as a former U.S. attorney Fred was much better equipped for the job. When I lost the Governor's race in 1974, the Thompsons were one of two couples Honey and I invited to go to Florida to lick our wounds.

When I was sworn in as Governor in 1979, even without asking him, I announced that Fred Thompson would fly back to Nashville from Washington, DC, to review more than 60 pardons and paroles that had allegedly been issued because someone had paid cash for them. I wanted the celebrated Watergate personality to help restore confidence in Tennessee's system of justice. In the spring of 2002, Fred telephoned to say he would not run for reelection. So I sought and won the Senate seat both he and Howard Baker had held. I have the same phone number today that both of them had when they were here.

During my general election campaign in 2002, an opponent said: ''Why, Fred and Lamar are both in Howard Baker's stable.'' Fred replied: ''Stable hell, we are in the same stall.''

Several times I got a dose of Fred Thompson's magic during those humbling experiences when I asked him to campaign with me. Campaigning with Fred Thompson was a little like going to Dollywood with Dolly Parton. You can be sure no one is there to see you.

We have a tradition of scratching our names in the drawers of the desks that we occupy on the floor of the Senate. When I arrived in 2003, I searched high and low until I found what I wanted: a desk occupied by two predecessors, my friend Fred Thompson and our mentor Howard Baker. During one of those late-night Senate budget sessions a few years ago, I scratched my name after theirs. I am proud it will remain there as long as this desk does: Baker, Thompson, ALEXANDER.

Tennesseans and our country have been fortunate that public service attracted Fred Dalton Thompson. We will miss his common sense, his conservative principles, and his big booming voice. We have lost one of our most able and attractive public servants, and my wife Honey and I have lost a dear friend.

The PRESIDING OFFICER. The Senator from Tennessee

Mr. CORKER. Mr. President, I rise to share my voice with LAMAR ALEXANDER's at the loss of a great Tennessean and a great American. I appreciate so much Senator ALEXANDER's chronologically going through much of the great Senator Thompson's life and talking about the personal experiences. Elizabeth and I, too, want to share our condolences with Jeri, Hayden, and Sammy, along with Tony and Dan, his sons by his first marriage with Sarah, and his brother Ken.

I was able to talk to Tony last week as Fred was in hospice care. As you would expect, with Fred being the kind of person he was, never forgetting where he came from, they wanted to spend those last days together in quiet and didn't want a lot of phone calls or a lot happening to make people aware of what was happening. Fred had reached his end. No doubt, again, Tennessee has lost a great son as has our Nation.

Fred was one of those people, as LAMAR just mentioned, who had extraordinary talent. To me, what was so unique about him having that extraordinary talent is he also had the gift of knowing when and how to use it, from his extraordinary ability as a lawyer, as has been chronicled, to his ability when faced with a case that became something of national notoriety, to himself becoming an actor and playing a role that in this case he was in real life, and then to serving in the Senate in the way that he did.

I, too, had the extraordinary privilege to also know Fred, as I have had in knowing someone like LAMAR ALEXANDER, who I think is one of the great public servants of our State, and Howard Baker, who has been a mentor to all of us and had such an impact on me, LAMAR, and Fred. Back in 1994, as I was telling some Tennesseans earlier today, I was also running for the Senate in a race that no one remembers because of the results. As LAMAR mentioned, everywhere you went, people wanted to see Fred.

Fred had this extraordinary ability to capture people's imaginations. Fred was unabashedly proud of our Nation and never an apologist for what our Nation has done around the world to make the world a better place. I was

able to drive around and see hordes of people gather around Fred. People would pat Bill Frist, me, and the other folks running in the other primary on the head and say: Someday you, too, might be a Senator.

Fred was somewhat criticized that year because of the way he was going about the race. Again, it reminds me of how much talent he had and his ability to know how to use it. He told people: Look, the first time I run a television ad, this race will be over.

He did, and it was. As LAMAR mentioned, he went on to win by 20 points because of the way the people felt about him, not only around our State but around our country.

Fred was very impatient with serving in the Senate, and I had multiple conversations with him about that. Actually, serving here, one can understand with someone like Fred, who constantly wanted to make something happen, how that was a frustration. But I know for a fact from watching his early days—coming in, heading the homeland security committee, and doing the many things he did—that he affected our State and country in a very positive way, which is something all of us would hope to emulate.

We will miss him. He was a rare talent. He was one of those people who made you want to do better when you were around him.

I thank him for his tremendous service to our country, I thank him for the tremendous and deep friendships he created all around our State, and I thank him for causing all of us to constantly remember where we came from.

With that, I join Senator ALEXANDER in again expressing our deep condolences to his family and all who were around him, especially when the end came.

With that, I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from California.

Mrs. BOXER. Mr. President, first, I ask unanimous consent that Senator CARDIN manage our side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mrs. BOXER. Mr. President, I am going to make a statement about S. 1140, which is before us.

Senator BARRASSO, may I make my statement, due to a hectic schedule? I won't go very long. Is that all right with you.

Thank you, my friend.

I thank Senator BARRASSO.

It is kind of commonplace here that it is another day and another attack on the environment. Today is no exception. Today it is an attack on the Clean Water Act. That is what I believe S. 1140 does.

The name of this bill is the Federal Water Quality Protection Act. I tell you, if we could sue for false advertising, we would have a great case because this bill doesn't protect anything. It allows for pollution of many bodies of water that provide drinking water to 117 million Americans, 1 in 3 Americans. Their drinking water will be at risk if my friend's bill passes. That is why I feel so strongly about it.

We see it on this poster: 117 million Americans are served by public drinking water systems. That is 94 percent of public drinking water systems that rely on these headwater streams. It affects 1 in 3 Americans in 48 States.

We are talking about a bill that is called the Federal Water Quality Protection Act, but it is about pollution, not protection. In a way, when we name these bills the opposite of what they are—remember, this is called the Federal Water Quality Protection Act when in fact it is going to lead to contamination of waterways. It reminds me of the book ''1984'' in which the government is making sure people believe different things, and they have slogans like ''war is peace,'' and you think about it, and finally you cannot tell the difference between war and peace.

Pollution is not protection, and this bill will lead to pollution because S. 1140 blocks the final clean water rule that clearly protects these waters while exempting ditches and storm water collection and treatment systems, artificial ponds, water-filled depressions, puddles, and recycled water facilities.

What you will hear from the other side is, oh, the Obama administration has written a rule that is protecting puddles. That is nonsense. The fact is, the clean water rule is going to bring certainty to the Clean Water Act, and it is going to protect the drinking water of 117 million Americans. Yet my Republican friends want to stop it. The exemptions that are in there would be gone, not only the exemption from ditches, storm water collection, artificial ponds, water-filled depressions, and recycled water facilities, but also the exemptions for agriculture and forestry. So we are going to have a situation where there is more chaos surrounding our water laws. It is going to lead to confusion for businesses and landowners, and it is going to take us back to square one to figure out a whole other rule. Following two Supreme Court decisions, we shouldn't pass legislation that would create even more uncertainty and invite years of new litigation.

The other thing you hear from the other side is, oh, this clean water rule the Obama administration wrote—they didn't listen to the public. Well, more than 1 million comments were received during a comment period that lasted over 200 days, and over 400 outreach meetings with stakeholders and State and local governments were conducted. So this bill—by sending us back to square one—ignores this robust outreach, and it will wind up wasting millions of taxpayer dollars, forcing EPA to go right back to square one. How many more comments do these friends of mine on the other side of the aisle want? My God, there were 400 outreach meetings over 200 days and more than 1 million comments. It makes no sense to me.

Nothing is more important than protecting the lives of the American people, and when we weaken the Clean Water Act, that is what we do.

I will show a photograph. This was the Cuyahoga River in Cleveland, OH, decades ago. It caught on fire. It caught on fire because there was no regulation and there were all kinds of toxic substances on the waterway. Our lakes were dying. And this one—when the people saw it on fire, they said enough is enough. They demanded the Clean Water Act. We passed it—I wasn't here then; it was 1972—by an overwhelmingly bipartisan majority. We have made tremendous progress. Today our rivers, lakes, and streams are far cleaner than they were, and the Clean Water Act has been one of our most successful laws.

Let's look at the support for the Clean Water Act. This is unbelievable, when you see this. This is overwhelming public support for the clean water rule that my friends on the other side of the aisle, the Republicans, want to stop in its tracks.

Seventy-nine percent of voters think Congress should allow the clean water rule to move forward, and 80 percent of small business owners support protections for upstream headwaters in the EPA's new clean water rule. So somebody has to explain to me—and I am sure my friends will try to, and I look forward to hearing their reasoning—why they are going against 79 percent of the voters and 80 percent of small businesses. It makes no sense.

The bill takes us in the wrong direction. That is why over 80 scientists with expertise in the importance of streams and wetlands, as well as the Society for Freshwater Science, oppose this bill. I have received opposition letters from so many groups, I am going to read them to you. And think about these groups. These are objective groups. These are nonpartisan groups.

Under public health, there is the American Public Health Association, the Physicians for Social Responsibility, and the Trust for America's Health.

Under scientists and legal experts, there are 82 scientists, 44 law professors, and the American Fisheries Society.

Under business, there is the American Sustainable Business Council representing 200,000 businesses that oppose this bill, and there are 35 U.S. breweries. That is kind of interesting. The breweries count on clean water. They are very upset about the Barrasso bill. They oppose it.

Under sportsmen, there is the American Fly Fishing Trade Association. I thought my Republican friends support outdoor recreation. The Backcountry Hunters and Anglers, the Illinois Council of Trout Unlimited, the International Federation of Fly Fishers, the Izaak Walton League of America, the

Florida Wildlife Federation, the National Wildlife Federation, the Theodore Roosevelt Conservation Partnership, and Trout Unlimited oppose this bill.

Under environmental, there is the Alliance for the Great Lakes, American Canoe Association, American Rivers, and the BlueGreen Alliance.

Mr. President, I am not going to go on that much longer. I am just going to finish reading this list because when I speak—OK, you know I am a strong environmentalist. I am wearing my green today on purpose. These groups are very concerned about the Barrasso bill, as are 79 percent of voters.

Here are the other groups that weighed in: BlueStream Communications, California River Watch, and Central Ohio Watershed Council. They know because they have algae blooms coming to their lakes. Continuing, there is Clean Water Action, Clean Up the River Environment, Coastal Environmental Rights Foundation, Defenders of Wildlife, Earthjustice, Endangered Habitats League, Environment America, Evangelical Environmental Network. Do you want to know why the Evangelical Environmental Network is here? Because they believe that with this bill we are harming God's creation. That is why they are involved. Continuing, Greenpeace, Gulf Restoration Network, Kentucky Waterways Alliance, Lake Champlain International, League of Conservation Voters, Massachusetts River Alliance, National Parks Conservation Association, Natural Resources Defense Council, Nature Coast Conservation, New Jersey Audubon Society, Northwest Environmental Advocates, Ohio Environmental Council, Ohio River Foundation, Prairie Rivers Network, River Network, Roots & Shoots, University of Tampa, Sierra Club, Southern Environmental Law Center, Surfrider Foundation.

Under rural development, there is the Center for Rural Affairs.

There are reasons all these groups—scientists and biologists—have come together. They want to protect the waterways of the United States of America. This bill will take us back to square one. This bill goes against the most incredible group of opponents. This bill ignores the will of the people. So I am very hopeful that we will have enough votes to stop the special interests that want to keep dumping toxic material and dangerous material into our waterways.

I know Senator BARRASSO and Senator INHOFE would like time.

With that, I yield the floor.

Mr. President, I ask unanimous consent that when the first Republican speaker is done, it goes back to a Democrat, then back to a Republican, if that is OK with everybody.

The ACTING PRESIDENT pro tempore. Is there objection?

Without objection, it is so ordered.

The Senator from Oklahoma.

Mr. INHOFE. Mr. President, I wish to do three things quickly. One is a request, one is an apology, and one is the truth. The privileges of the floor request will appear in another section of the RECORD.

Secondly, I have an apology. I am very fortunate I have had the same staff for 21 years in the Senate. They have never made a mistake. My staff never made a mistake until last Friday. Last Friday I was informed by my staff that we had two votes starting at 1 o'clock in the morning—two votes, and yet there were three. So I am the guy who came down, thinking I had already voted. So I apologize to the leader, I apologize to the staff who was working, and more than anything else, I apologize to the young people on the front row, our pages, who had to stay up another 15 minutes at 4 o'clock in the morning because of me. I apologize.

On the truth side, first, let me put in the RECORD—my good friend from California was talking about all of the groups. I have five times as many groups now on record, many of which are from the State of California. I have a long list. I wish to make those 44 groups from California a part of the RECORD. And then there are the 480 very thoughtful groups nationally that are opposed to this rule.

I ask unanimous consent to have printed in the RECORD the two lists of supporters.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

CALIFORNIA ENTITIES SUPPORTING S. 1140

California Cattlemen's Association; California Chamber of Commerce; California Cotton Ginners Association; California Farm Bureau; Camarillo Chamber of Commerce; Central California Golf Course Superintendents Association; Chambers of Commerce Alliance of Ventura & Santa Barbara Counties; Corona Chamber of Commerce; County of San Joaquin, California; Elk Grove Chamber of Commerce; Fresno Chamber of Commerce; Fullerton Chamber of Commerce; Goleta Valley Chamber of Commerce.

Golf Course Superintendents Association of Southern California; Greater Bakersfield Chamber of Commerce; Greater Conejo Valley Chamber of Commerce; Greater Grass Valley Chamber of Commerce; Hi-Lo Desert Golf Course Superintendent Association; Inland Empire Golf Course Superintendents Association; Inland Empire Regional Chamber of Commerce; Long Beach Area Chamber of Commerce; Los Angeles Area Chamber of Commerce; Murrieta Chamber of Commerce; Oceanside Chamber of Commerce; Orange County Business Council; Oxnard Chamber of Commerce.

Rancho Cordova Chamber of Commerce; Redondo Beach Chamber of Commerce; Roseville Chamber of Commerce; Rural County Representatives of California; Sacramento Metropolitan Chamber of Commerce; San Diego Regional Chamber of Commerce; San Gabriel Valley Economic Partnership; San Joaquin Valley Quality Cotton Growers Association; Santa Clara Chamber of Commerce and Convention-Visitors Bureau; Santa Clarita Valley Chamber of Commerce; Santa Maria Valley Chamber of Commerce; South Bay Association of Chambers of Commerce; South Orange County Economic Coalition; Torrance Area Chamber of Commerce; Trinity Expanded Shale & Clay; Tuolumne County Chamber of Commerce; Western Agricultural Processors Association; Willows Chamber of Commerce.

SUPPORTERS OF THE FEDERAL WATER QUALITY PROTECTION ACT

U.S. Conference of Mayors; National Association of Counties; National League of Cities; National Association of Regional Councils; Patrick Morrisey, West Virginia Attorney General; Doug Peterson, Nebraska Attorney General; Tim Fox, Montana Attorney General; Wayne Stenehjem, North Dakota Attorney General; Scott Pruitt, Oklahoma Attorney General; Michael DeWine, Ohio Attorney General; Peter Michael, Wyoming Attorney General; Alan Wilson, South Carolina Attorney General; Luther Strange, Alabama Attorney General; Brad Schimel, Wisconsin Attorney General; Mark Brnovich, Arizona Attorney General; Terry Branstad, Iowa Governor; Leslie Rutledge, Arkansas Attorney General; Phil Bryant, Mississippi Governor; Agricultural Council of Arkansas; Agricultural Retailers Association; Agri-Mark, Inc.; Alabama Cattlemen's Association; Alabama Chapter of Golf Course Superintendents Association; Alaska; Alaska State Chamber of Commerce; Albany-Colonie Regional Chamber of Commerce; American Agri-Women.

American Exploration & Mining Association; American Farm Bureau Federation; American Forest & Paper Association; American Gas Association; American Horse Council; American Petroleum Institute; American Public Power Association; American Public Works Association; American Road & Transportation Builders Association; American Society of Golf Course Architects; American Soybean Association; American Sugar Alliance; AmericanHort; Ames Chamber of Commerce; Annapolis and Anne Arundel County Chamber of Commerce; Arctic Slope Regional Corporation; Area Development Partnership—Greater Hattiesburg; Arizona Cattle Feeders' Association; Arizona Cattle Growers' Association; Arizona Chamber of Commerce and Industry; Arizona Farm Bureau Federation; Arizona Mining Association; Arizona Rock Products Association; Arkansas Cattlemen's Association; Arkansas Pork Producers Association; Arkansas State Chamber of Commerce; Associated Builders & Contractors Associated Builders & Contractors Delaware Chapter.

Associated Builders & Contractors Empire State Chapter; Associated Builders & Contractors Florida East Coast Chapter; Associated Builders & Contractors Heart of America Chapter; Associated Builders & Contractors Illinois Chapter; Associated Builders & Contractors Mississippi Chapter; Associated Builders & Contractors New Orleans/Bayou Chapter; Associated Builders & Contractors Pelican Chapter; Associated Builders & Contractors Rocky Mountain Chapter; Associated Builders & Contractors Western Michigan Chapter; Associated Builders and Contractors; Associated Industries of Arkansas, Inc.; Association of American Railroads; Association of American Railroads; Association of Equipment Manufacturers (AEM); Association of Oil Pipe Lines; Association of Texas Soil and Water; Baltimore Washington Corridor Chamber; Billings Chamber of Commerce; Birmingham Business Alliance; Bismarck-Mandan Chamber of Commerce; Buckeye Valley Chamber of Commerce; Buffalo Niagara Partnership; Bullhead Area Chamber of Commerce; Business Council of Alabama; Cactus & Pine Golf Course Superintendents Association; California Cattlemen's Association; California Chamber of Commerce.

California Cotton Ginners Association; California Farm Bureau; Calusa Golf Course Superintendents Association; Camarillo Chamber of Commerce; Carson Valley Chamber of Commerce; Central California Golf

Course Superintendents Association; Central Delaware Chamber of Commerce; Central Florida Golf Course Superintendents Association; Central New York Golf Course Superintendents Association; Chamber of Reno, Sparks, and Northern Nevada; Chamber Southwest Louisiana; Chambers of Commerce Alliance of Ventura & Santa Barbara Counties; Chicago Southland Chamber of Commerce; Cincinnati USA Regional Chamber; City of Central Chamber of Commerce; Cleveland-Bolivar County Chamber of Commerce; Club Managers Association of America; Coeur d'Alene Chamber of Commerce; Colorado Association of Commerce & Industry; Colorado Cattlemen's Association; Colorado Competitive Council; Colorado Livestock Association; Colorado Nursery and Greenhouse Association; Colorado Pork Producers Council.

Columbia County Chamber of Commerce; Connecticut Association of Golf Superintendents; Conservation Districts; Corn Refiners Association; Corona Chamber of Commerce; County of San Joaquin, California; CropLife America; Crowley Chamber of Commerce; Dairy Producers of New Mexico; Dairy Producers of Utah; Dakota County Regional Chamber of Commerce; Darke County Chamber of Commerce; Dauphin Island Chamber of Commerce; Delaware State Chamber of Commerce; Delta Council; Denver Metro Chamber of Commerce; Development Association; Distribution Contractors Association; Dubuque Area Chamber of Commerce; Durango Chamber of Commerce; Earthmoving Contractors Association of Texas; Economic Progress (FEEP); Edison Electric Institute; Elk Grove Chamber of Commerce; Energy Piping Systems Division; Everglades Golf Course Superintendents Association; Exotic Wildlife Association.

Fall River Area Chamber of Commerce & Industry; Federal Forest Resources Coalition; Florida Cattlemen's Association; Florida Chamber of Commerce; Florida Golf Course Superintendents Association; Florida Sugar Cane League; Florida West Coast Golf Course Superintendents Association; Fort Collins Area Chamber of Commerce; Foundation for Environmental and; Fred Weber, Inc.; Fresno Chamber of Commerce; Fullerton Chamber of Commerce; Georgia Agribusiness Council; Georgia Cattlemen's Association; Georgia Chamber of Commerce; Georgia Cotton Commission; Georgia Golf Course Superintendents Association; Georgia Green Industry Association; Georgia Pork Producers Association; Glendale Chamber of Commerce; Goleta Valley Chamber of Commerce; Golf Course Builders Association of America; Golf Course Superintendents Association of America.

Golf Course Superintendents Association of Cape Cod; Golf Course Superintendents Association of New Jersey; Golf Course Superintendents Association of Southern California; Grand Junction Area Chamber of Commerce; Grand Rapids Area Chamber of Commerce; Grant County Chamber of Commerce & Tourism; Greater Bakersfield Chamber of Commerce; Greater Casa Grande Chamber of Commerce; Greater Cedar Valley Alliance & Chamber; Greater Conejo Valley Chamber of Commerce; Greater Elkhart Chamber of Commerce; Greater Fairbanks Chamber of Commerce; Greater Flagstaff Chamber of Commerce; Greater Grass Valley Chamber of Commerce; Greater Hall Chamber of Commerce; Greater Hernando County Chamber of Commerce; Greater Hyde County Chamber of Commerce; Greater Louisville Inc.; Greater North Dakota Chamber of Commerce; Greater Oak Brook Chamber of Commerce and Economic Development Partnership; Greater Oklahoma City Chamber.

Greater Omaha Chamber of Commerce; Greater Phoenix Chamber of Commerce; Greater Raleigh Chamber of Commerce; Greater Rome Chamber of Commerce; Green Valley Sahuarita Chamber of Commerce & Visitor Center; GROWMARK, Inc. Gulf County Chamber of Commerce; Hastings Area Chamber of Commerce; Hawaii Cattlemen's Council; Heart of America Golf Course Superintendents Association; Hi-Lo Desert Golf Course Superintendent Association; Holmes County Development Commission; Horseshoe Bend Area Chamber of Commerce; Houma-Terrebonne Chamber of Commerce; Idaho Association of Commerce & Industry; Idaho Cattle Association; Idaho Dairymen's Association; Idaho Golf Course Superintendents Association; Illinois Association of Aggregate Producers; Illinois Beef Association; Illinois Chamber of Commerce; Illinois Pork Producers Association; Independent Cattlemen's Association of Texas; Indiana Beef Cattle Association.

Indiana Chamber of Commerce; Indiana Pork Producers Association; Indianapolis Chamber of Commerce; Industrial Minerals Association—North America; Inland Empire Golf Course Superintendents Association; Inland Empire Regional Chamber of Commerce; International Council of Shopping Centers; International Council of Shopping Centers (ICSC); International Liquid Terminals Association (ILTA); Interstate Natural Gas Association of America (INGAA); Iowa Association of Business and Industry; Iowa Cattlemen's Association; Iowa Cattlemen's Association; Iowa Chamber Alliance; Iowa Golf Course Superintendent Association; Iowa Pork Producers Association; Iowa Seed Association; Irrigation Association; JAX Chamber; Jeff Davis Chamber of Commerce; Juneau Chamber of Commerce; Kalispell Chamber of Commerce; Kansas Agribusiness Retailers Association; Kansas Agribusiness Retailers Association; Kansas Chamber of Commerce.

Kansas Farm Bureau; Kansas Grain and Feed Association; Kansas Livestock Association; Kansas Livestock Association; Kansas Pork Association; Kentucky Cattlemen's Association; Kentucky Chamber of Commerce; Kentucky Pork Producers Association; Lafourche Chamber of Commerce; Lake Havasu Area Chamber of Commerce; Leading Builders of America; Lima/Allen County Chamber of Commerce; Lincoln Chamber of Commerce; Litchfield Area Chamber of Commerce; Long Beach Area Chamber of Commerce; Los Angeles Area Chamber of Commerce; Louisiana Association of Business and Industry; Louisiana Cattlemen's Association; Louisiana/Mississippi; Louisiana/Mississippi Golf Course Superintendents Association; Maine Arborist Association; Maine Landscape & Nursery Association; Marana Chamber of Commerce; McLean County Chamber of Commerce.

Mesa Chamber of Commerce; Metro Atlanta Chamber of Commerce; Metro Denver Economic Development Corporation; Michigan Cattlemen's Association; Michigan Cattlemen's Association; Michigan Chamber of Commerce; Michigan Golf Course Superintendents Association; Michigan Pork Producers Association; Mid-Atlantic Association of Golf Course Superintendents; MIDJersey Chamber of Commerce; Milk Producers Council; Minden-South Webster Chamber of Commerce; Minnesota AgriGrowth Council; Minnesota Agri-Women; Minnesota Crop Production Retailers; Minnesota Golf Course Superintendents Association; Minnesota Pork Producers Association; Minnesota State Cattlemen's Association; Minnesota State Cattlemen's Association; Mississippi Cattlemen's Association; Missouri Agribusiness Association; Missouri Cattlemen's Association; Missouri Cattlemen's Association; Missouri Cattlemen's Association.

Missouri Corn Growers Association; Missouri Dairy Association; Missouri Pork Association; Missouri Soybean Association; Mobile Area Chamber of Commerce; Molokai Chamber of Commerce; Monroe County Chamber of Commerce; Montana Chamber of Commerce; Montana Stockgrowers Association; Morris County Chamber of Commerce; Moultrie-Colquitt County Chamber of Commerce; Mulzer Crushed Stone, Inc.; Municipal and Industrial Division; Murrieta Chamber of Commerce; NAIOP, the Commercial Real Estate; Naperville Chamber of Commerce; Natchitoches Area Chamber of Commerce; National All-Jersey; National Association of Home Builders; National Association of Manufacturers; National Association of REALTORS[R]; National Association of State Departments of Agriculture; National Association of Wheat Growers; National Black Chamber of Commerce; National Cattlemen's Beef Association.

National Chicken Council; National Club Association; National Corn Growers Association; National Cotton Council; National Council of Farmer Cooperatives; National Federation of Independent Business; National Golf Course Owners Association of America; National Industrial Sand Association; National Mining Association; National Multifamily Housing Council; National Oilseed Processors Association; National Pork Producers Council; National Rural Electric Cooperative Association; National Sorghum Producers; National Stone, Sand and Gravel Association (NSSGA); National Turkey Federation; National Water Resources Association; Nebraska Cattlemen; Nebraska Cattlemen Association; Nebraska Chamber of Commerce and Industry; Nebraska Golf Course Superintendents Association; Nebraska Pork Producers Association, Inc; Nevada Cattlemen's Association; New Hampshire Business and Industry Association; New Jersey State Chamber of Commerce.

New Mexico Association of Commerce & Industry; New Mexico Cattle Growers Association; New York Beef Producers' Association; New York State Turfgrass Association; Norfolk Area Chamber of Commerce; North Carolina Aggregates Association; North Carolina Cattlemen's Association; North Carolina Cattlemen's Association; North Carolina Chamber; North Carolina Pork Council; North Country Chamber of Commerce; North Dakota Stockmen's Association; North Dakota Stockmen's Association; North Florida Golf Course Superintendents Association; North Western Illinois Course Superintendents Association; Northeast Dairy Farmers Cooperatives; Northeastern Golf Course Superintendents Association; Northern Colorado Legislative Alliance; Northern Kentucky Chamber of Commerce; Northern Ohio Golf Course Superintendents Association; Oceanside Chamber of Commerce; Ohio Aggregates & Industrial Minerals Association; Ohio AgriBusiness Association.

Ohio Cattlemen's Association; Ohio Cattlemen's Association; Ohio Chamber of Commerce; Oklahoma Cattlemen's Association; Oklahoma Farm Bureau; Oklahoma Pork Council; Olive Branch Chamber of Commerce; Opelika Chamber of Commerce; Orange County Business Council; Oregon Cattlemen's Association; Oregon Dairy Farmer's Association; Orlando Regional Chamber of Commerce; Ottawa Area Chamber of Commerce; Oxnard Chamber of Commerce; Palm Beach Golf Course Superintendents Association; Peaks & Prairies Golf Course Superintendents Association; Pennsylvania Cattlemen's Association; Pike County Chamber of Commerce; Plastic Pipe Institute; Pocatello-Chubbuck Chamber of

Commerce Illinois; Portland Cement Association; Power and Communications Contractors Association; Public Lands Council; Quad Cities Chamber of Commerce.

Rancho Cordova Chamber of Commerce; Redondo Beach Chamber of Commerce; Rehoboth Beach-Dewey Beach Chamber of Commerce Florida; Responsible Industry for a Sound Environment (RISE); Richland Chamber of Commerce; Ridge Golf Course Superintendents Association; Riverside & Landowners Protection Coalition; Roanoke Valley Chamber of Commerce; Rochester Area Chamber of Commerce; Rochester Business Alliance; Rocky Mountain Golf Course Superintendents Association; Rogers-Lowell Area Chamber of Commerce; Roseville Chamber of Commerce; Sacramento Metropolitan Chamber of Commerce; San Diego Regional Chamber of Commerce; San Gabriel Valley Economic Partnership; San Joaquin Valley Quality Cotton Growers Association; Santa Clara Chamber of Commerce and Convention-Visitors Bureau; Santa Clarita Valley Chamber of Commerce; Santa Maria Valley Chamber of Commerce; Savannah Area Chamber of Commerce; Scottsdale Area Chamber of Commerce.

Select Milk Producers, Inc.; Shoals Chamber of Commerce; Silver City Grant County Chamber of Commerce; South Baldwin Chamber of Commerce; South Bay Association of Chambers of Commerce; South Carolina Cattlemen's Association; South Dakota Cattlemen's Association; South Dakota Pork Producers Council; South East Dairy Farmers Association; South Florida Golf Course Superintendents Association; South Orange County Economic Coalition; South Texans' Property Rights Association; South Texas Cotton & Grain Association; Southeastern Lumber Manufacturers Association; Southern Cotton Growers, Inc.; Southern Crop Production Association; Southwest Council of Agribusiness; Southwest Indiana Chamber; Sports Turf Managers Association; Springer Chamber of Commerce; Springfield Area Chamber of Commerce; St. Albans Cooperative Creamery Inc.; St. Johns County Chamber of Commerce.

St. Joseph Chamber of Commerce; St. Joseph County Chamber of Commerce; Sugar Cane Growers Cooperative of Florida; Suncoast Golf Course Superintendents Association; Tempe Chamber of Commerce; Tennessee Cattlemen's Association; Texas & Southwestern Cattle Raisers Association; Texas Cattle Feeders Association; Texas Cattle Feeders Association; Texas Forestry Association; Texas Pork Producers Association; Texas Pork Producers Association; Texas Poultry Federation; Texas Seed Trade Association; Texas Sheep & Goat Raisers Association; Texas Wheat Producers Association; Texas Wildlife Association; Texas Wine and Grape Growers; The Associated General Contractors of America; The Business Council of New York State; The Fertilizer Institute; The Independent Petroleum Association of America (IPAA); Thompson Contractors, Inc.; Torrance Area Chamber of Commerce.

Treasure Coast Golf Course Superintendents Association; Treated Wood Council; Trinity Expanded Shale & Clay; Tucson Metro Chamber; Tuolumne County Chamber of Commerce; Tuscola Stone Co.; U.S. Cattlemen's Association; U.S. Chamber of Commerce; U.S. Poultry & Egg Association; United Egg Producers; USA Rice Federation; Utah Cattlemen's Association; Virginia Agribusiness Council; Virginia Cattlemen's Association; Virginia Pork Council, Inc.; Virginia Poultry Federation; Virginia State Dairymen's Association; Vocational Agriculture Teachers Association; Wabash County Chamber of Commerce; Washington Cattle Feeders Association; Washington Cattlemen's Association; Washington State Dairy Federation; Weldon Materials; West Virginia Cattlemen's Association; Western Agricultural Processors Association; Western DuPage Chamber of Commerce; Western Peanut Growers Association.

Western United Dairymen; White Pine Chamber of Commerce; Wickenburg Chamber of Commerce; Willoughby Western Lake County Chamber of Commerce; Willows Chamber of Commerce; Wilmington Chamber of Commerce; Wisconsin Cattlemen's Association; Wisconsin Pork Association; Wyoming Ag-Business Association; Wyoming Crop Improvement Association; Wyoming Stock Growers Association; Wyoming Wheat Growers Association; Yuma County Chamber of Commerce.

Mr. INHOFE. Now, the waters of the United States rule is not just another example of regulatory overreach. I chair the Committee on Environment and Public Works. We have jurisdiction over the EPA, yet they do not want to even come in and testify when requested, and that is something I don't think has ever happened before.

This rule we are talking about now is illegal. It is not supported by the science, it is not supported by the technical experience of the Corps of Engineers, and it is a political power grab. Thirty-one States—here is the chart—filed lawsuits against the WOTUS rule. If we don't act to send this rule back, States, local governments, farmers, and landowners could face years of abuse by the EPA until the courts inevitably strike the rule down.

Believe me, it is inevitable that the rule will be overturned. I think we know that. That is not just my opinion. This is the conclusion of the two courts that have looked at this rule so far.

On August 27, Judge Erickson of the District of North Dakota issued an injunction that prevented the WOTUS rule from going into effect in 13 States. Oklahoma, my State, was not one of the 13 States. According to Judge Erickson—and this is her court—''the rule allows EPA regulation of waters that do not bear any effect on the 'chemical, physical and biological integrity of any navigable-in-fact water.'''

As a result, Judge Erickson concluded this rule is ''likely arbitrary and capricious.'' That means it violates the law. That is what the judge said.

Now, on October 9, the Sixth Circuit Court of Appeals reached the same conclusion and issued a nationwide stay on the WOTUS rule.

My committee has conducted a lot of oversight. I believe we have had six hearings so far. We have memoranda from the Army Corps of Engineers that document the fact that EPA is claiming the authority to assert Federal control wherever they want no matter what the science says or what the technical or legal experts of the Corps say. So what we have is a rule that is not developed based on science or technical expertise. Instead, it is based on a political goal to call everything a water of the United States.

If we look at the chart that is set up right now, it is imperative we have to act right away. This is what we have right now around the country.

Let me make this comment. I am very much concerned about this. The ones who want this the most are the farmers and the ranchers, and a lot of other people too, but my State of Oklahoma is a farm State, and I can remember not too long a guy named Tom Buchanan. He was the chairman of the Oklahoma Farm Bureau. He said that, historically, it has not been this way. But as it is right now, the major problem farmers and ranchers have in my State of Oklahoma is not anything that is found in the farm bill, it is the overregulation of the EPA. Of all of the regulations of the EPA that are overregulating and putting farmers out of business, the one that is the worst is the waters of the United States rule.

Let me share this with you, Mr. President. Five years ago, the liberals—those who want all the power in Washington—made an effort to take the word innavigable out. Historically, this has always been in the jurisdiction of the States, except for navigable waters. I understand that, and everyone else does too. So Senator Feingold from the Senate and Congressman Oberstar from the House got together and introduced a bill to take the word navigable out and give all the power to the Federal Government. Not only did we defeat their legislation, but they were both defeated in the next election.

So this is a huge issue. It is one of regulation. It is one we need to go ahead with, since the courts have decided what is going to happen eventually. We need to go ahead and pass this legislation or we are going to be working in a direction that is contrary to our court system.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Maryland.

Mr. CARDIN. Mr. President, let me make it clear what this legislation would do. It is true it would stop the final rule on the waters of the United States that has been issued, but it would also change the underlying criteria in the Clean Water Act. So it not only blocks the rule from going forward, it weakens the Clean Water Act. So let me talk a little about both.

The final rule on the waters of the United States that has been issued restores clarity to the enforcement of the Clean Water Act. It restores it to what was commonly understood before a series of Supreme Court cases that really raised questions as to which water bodies, in fact, can be regulated under the Clean Water Act. The worst possible outcome is the lack of clarity because you don't know. You don't know what the rules are.

The final rule that has been proposed, and that now is final, would restore that clarity to what was generally understood to be waters of the United States. To say it in laymen's terms, it is waters that lead to, in effect, the water qualities of our streams and our waters and our lakes in America. It affects public health. It affects

public health directly by the health of our waters of the United States, as well as providing the source for safe drinking waters.

So what is at risk? If this final rule is blocked and does not become law, over half of our Nation's stream miles are at risk of not being regulated under the Clean Water Act. Twenty million acres of wetlands are at risk of not being adequately regulated under the Clean Water Act. The drinking source for water for one out of three Americans would be at risk.

So this legislation would not only block the implementation of the final rule, it would also weaken the Clean Water Act. It would drastically narrow the historic scope of the Clean Water Act, arbitrarily putting in nonscientific standards for how the rules would be developed.

Mr. President, since the enactment of the Clean Water Act, every Congress has tried to strengthen the Clean Water Act, not weaken it. The Clean Water Act was a piece of bipartisan legislation passed in 1972. As Senator BOXER pointed out, it was in response to rivers literally catching fire and dead zones being found in our lakes.

In the Chesapeake Bay we had the first marine dead zone that we were trying to respond to. In San Francisco Bay we had PCBs at unacceptably high levels. That is why we passed the Clean Water Act. The legacy of every Congress should be to strengthen the Clean Water Act, to make sure we do have clean waters in the United States. If this legislation were to become law, the legacy of this Congress would be to weaken the Clean Water Act. I don't think we want to do that.

As I pointed out, this legislation not only rescinds the final clean water rule, but it really changes the goal of the Clean Water Act. Currently, the goal is to ''restore and maintain the chemical, physical, and biological integrity of the Nation's waters.'' That is science based. Instead, it would be changed to protect traditional navigable waters from pollution, which is a far different standard than dealing with the health issues of the waters of the United States.

The arbiter of this would be the Department of Agriculture on the hydrological science. They are not qualified to do that. It is not their field. As I will point out in detail, the regulatory structure for agriculture is not changed under this final Clean Water Act. And the bill would ignore hydrological science by requiring a continuous flow of water to be regulated, ignoring the fact that there are seasonal variations where you can have water flows that dry up for a period of time but which are still critically important to the supply of clean water in the United States. It ignores the nexus test, which has been referred to in Supreme Court cases, using adjacent water—next to navigable waters—without any definition of what ''next to'' means. It puts public health at risk.

For all of those reasons, we don't want to jeopardize and move backwards on the Clean Water Act of 1972. We want to add to that. This piece of legislation would, in fact, move us in the wrong direction.

I just want to, for one moment, talk about the Chesapeake Bay. The people of Maryland and the people of our region know how important it is for our economy—the watermen who make their living off it and the recreational use of the bay. Millions of people every year depend upon the bay for their recreation. It is a way of life for our State and for our region. It is a national treasure—the largest estuary in our hemisphere. And it depends upon receiving clean water supplies that come in from other States, not just Maryland. You can't regulate the clean water of the Chesapeake Bay without having a national commitment to it because it knows no State boundary. That is why we need a strong Clean Water Act.

I have heard my colleagues talk about agricultural farmers being against this. Well, farmers will not be harmed by the EPA's final clean water rule. In fact, it actually is good for farmers because it provides certainty and clarity. In developing the rule, the EPA and the Army Corps of Engineers listened carefully to input from the agricultural community, the U.S. Department of Agriculture, and the State departments of agriculture. As Senator BOXER pointed out, there were over 400 meetings with stakeholders across the country.

The act requires a permit if a protected water is going to be polluted or destroyed. However, agricultural activities such as planting, harvesting, and moving stock across streams have long been excluded from permitting, and that won't change under the rule. In other words, farmers and ranchers won't need a permit for normal agricultural activities to happen in or around those waters.

The rule does preserve agricultural exemptions from permitting, including normal farming, silviculture and ranching practices. Those activities include plowing, seeding, cultivating minor drainage, and harvesting for production of food, fiber, and forest products. Soil and water conservation practices in dry land are preserved. As to agricultural storm water discharges, there are no changes. Return flows from irrigated agriculture, construction, and maintenance of farm and stock ponds or irrigation ditches on dry land are not regulated under this bill. Maintenance of drainage ditches is not regulated. Construction or maintenance of farm, forest, and temporary mining roads are not regulated. It ensures that fields flooded for rice are exempt and can be used for water storage and bird habitat.

The rule also does preserve and expand commonsense exclusions from jurisdiction, including—this is excluded—prior converted croplands, waste treatment systems, artificially irrigated areas that are otherwise dry land, artificial lakes or ponds constructed in dry land, water-filled depressions created as a result of construction activities, and the list goes on and on.

The rule does not—does not—protect any types of waters that have not historically been covered under the Clean Water Act. It does not add any new requirements for agriculture. It does not interfere with or change private property rights. It does not change policy on irrigation or water transfers. It does not address land use. It does not cover erosional features, such as gullies, rills, and nonwetland swells.

In other words, we have maintained the historic exemptions for agriculture from the Clean Water Act. They are not expanded under this rule.

So let me just cite a couple of quotes from people who are directly impacted by what is being done under the clean water rule and, of course, would be affected by the legislation before us.

As to the small business community, I quote from David Levine, who is the CEO of the American Sustainable Business Council:

> The Clean Water Rule will give the business community more confidence that streams and rivers will be protected. This is good for the economy and vital for businesses that rely on clean water for their success. . . . Business owners want a consistent regulatory system based on sound science. That's what this rule provides.

Ben Rainbolt, executive director of the Rocky Mountain Farmers Union:

> Water is critical to the livelihood of family farms and ranches. The rule employs a commonsense rationale for both clarifying what bodies of water and activities should fall under the Clean Water Act, as well as maintaining the existing exemptions for agriculture. This rule will result in cleaner, safer water for agriculture, rural communities, and all who count on healthy streams and rivers.

Andrew Lemley, government affairs representative, New Belgium Brewing:

> Our brewery and our communities depend on clean water. Beer is, after all, over 90 percent water and if something happens to our source water the negative affect on our business is almost unthinkable. . . . We all rely on responsible regulations that limit pollution and protect water at its source. Over the past 23 years we've learned that when smart regulations and clean water exists for all, business thrives.

I particularly like that one because we have all seen the ads on television about clean water. It affects small businesses. It affects all of our businesses.

I will conclude with those who depend upon recreation, who strongly support the clean water rule and oppose the legislation that is before us.

I will quote from Andy Kurkulis, owner of Chicago Fly Fishing Outfitters and DuPage Fly Fishing Company:

> Anyone who has ever swam in our beautiful Great Lakes, or fished or boated on our abundant rivers and waters has benefited immeasurably. Now is the time to raise our voices in support of clean water—our economy, and future generations of hunters and anglers, depend on it.

I think the verdict is clear. The rule which has been proposed will add to the protections the public deserves for public health and their drinking water. It is a sensible regulation. It is clearly under the authority of the Clean Water Act.

I urge my colleagues to reject this legislation and certainly the cloture motion so that we don't reject the rule and weaken the Clean Water Act.

I yield the floor.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I appreciate the opportunity today to move this legislation. It is bipartisan, and it protects our environment and helps small businesses all across the country.

S. 1140, the Federal Water Quality Protection Act, is legislation I introduced, along with a number of Democratic Senators—Senators DONNELLY, HEITKAMP, and MANCHIN—and many other Senators.

The Senator from California previously spoke. I would point out that the California Chamber of Commerce supports my legislation and the California Farm Bureau supports my legislation because this legislation will protect our Nation's navigable waters and the streams and wetlands that help our navigable waters stay clean. This bill is a testament to the hard work both sides of the aisle have done in achieving an agreement on an environmental protection bill.

Our rivers, our lakes, our wetlands, and all other waterways are among America's most treasured resources. In my home State of Wyoming, we have some of the most beautiful rivers in the world—the Snake River, the Wind River, and dozens of others. People from around the world come to Wyoming to visit because we have an environmental landscape that is second to none. Anyone who has come to my State and experienced Yellowstone National Park, Grand Teton, and the Big Horn Mountains comes away with a sense that Wyoming is a pristine and beautiful place. It is what Wyoming sells, and it is what makes Wyoming so unique.

The people of Wyoming are devoted to keeping our waterways safe. We want to preserve the water for our children and grandchildren. We understand there is a right way and a wrong way to do it.

It is possible to have reasonable regulations to help preserve our waterways while respecting the difference between State waters and Federal waters. This is the environmental legacy that my constituents want, and it is a legacy they have earned for their decades of sound management. It is the people of Wyoming who have kept Wyoming's waterways pristine and beautiful.

The EPA has now released new rules. The new rule is called the waters of the United States rule, WOTUS. This rule doesn't work for the people of Wyoming. It most likely doesn't work for any of your constituents, either—certainly not for those who have to put a shovel in the ground to make a living.

The courts have begun to weigh in with their concerns about this WOTUS rule, and they have actually given Congress and stakeholders a necessary pause. That is why we are here today.

In August of this year, Judge Erickson of the District of North Dakota issued an injunction that blocked the waters of the United States rule in 13 States. He did it because the rulemaking record was, in the judge's words, ''inexplicable, arbitrary, and devoid of a reasoned process.'' With regard to the rationale behind the EPA's threshold for what is and is not Federal water, he stated: ''On the record before the court, it appears that the standard is the right standard only because the Agencies say it is.''

The U.S. Sixth Circuit Court of Appeals then put a nationwide stay on the rule on October 9 of this year. In granting the stay, the court said, ''The sheer breadth of the ripple effects caused by the Rule's definitional changes counsel strongly in favor of maintaining the status quo for the time being.'' So keep it as it is for the time being. The court added that ''a stay temporarily silences the whirlwind of confusion that springs from uncertainty about the requirements of the new Rule and whether they will survive legal testing.''

So what the courts have basically done is said: Let Congress have time to act.

We don't have to sit on the sidelines and watch this rule slowly crumble under legal scrutiny. Contrary to some activist groups' rhetoric, we are not facing an immediate environmental water pollution crisis. In fact, in granting the stay, the Sixth Court stated that ''neither is there any indication that the integrity of the nation's water will suffer imminent injury if the new scheme is not immediately implemented and enforced.'' They even called it a ''scheme.''

We now have the opportunity to do better, and to do better, we must act now. That is why we must take this opportunity to pass the legislation before us that will have EPA do a new rule under a specific set of principles outlined by Congress. These are principles that protect navigable waters and adjacent wetlands, as well as farmers, ranchers, and other landowners.

I know some Senators gave the administration the benefit of the doubt with this rule despite concerns they heard from their constituents, and those Senators waited for the final result before making a judgment to see if those concerns would be addressed. I am here to say that whatever concessions the EPA says they made to address some of these serious problems raised by their proposed rule, the EPA added new provisions in the final rule that greatly expand their authority. This is disappointing because I believe the great majority of Senators voiced concerns in the process, and those concerns fell on deaf ears. The EPA has produced a final rule worse than the one originally proposed.

Here is an example. Instead of clarifying the difference between a stream and an erosion on the land, the rule defines ''tributaries'' to include anyplace where EPA thinks—where EPA thinks—it sees an ''ordinary high-water mark.'' What looks like, not what is; what looks like, what they think is this ordinary high-water mark. Even worse, EPA proposes to make those decisions from sitting at their desks using aerial photographs, laser-generated images, claiming that a visit to the location is not necessary.

Under the rule, the Environmental Protection Agency also has the power to regulate something as ''waters of the United States'' if it falls within a 100-year floodplain or if it is within 4,000 feet of a navigable water or a tributary and the EPA claims there is a ''significant nexus.'' What is a significant nexus? Under this rule, a ''significant nexus'' can mean a water feature that provides ''life cycle dependent aquatic habitat'' for a species. So if you are drawing 4,000-foot circles around anything the EPA defines or identifies as a tributary—remember, 4,000 feet, so we are talking over 13 football fields long, and everywhere there is a potential aquatic habitat. So essentially almost the entire United States, according to this, would be underwater. Actually, 100 percent of the State of Virginia is under this jurisdiction and 99.7 percent of the State of Missouri falls within this area—underwater, if you will, according to the EPA guidelines.

I would like to take a moment to talk about puddles because one of the previous speakers on the other side of the aisle talked about puddles. People know what they think about when they think about a puddle—like when it rains. The final rule does exempt puddles defined as ''very small, shallow, and highly transitory pools of water that forms on pavement or uplands during or immediately after a rainstorm or similar precipitation event.'' I guess that would mean like when the snow melts. The rule specifically does take control over other pools of water created by rain, like those we have all around Wyoming—prairie potholes, vernal pools—even if the land where these pools of water form is far away from any navigable water or even a tributary. Under this new regulation, nearly all of these pools of water created by rain will now be considered ''waters of the United States,'' giving the Environmental Protection Agency the power to regulate what you do on that land. These provisions are sweeping and will create uncertainty in communities all across the country.

There is plenty that I have already outlined in the waters of the United States rule that is bad for agriculture, with the many methods it provides for federalizing previously State-controlled water. The States have made these decisions in the past. Now we are

adding another level of government bureaucracy.

This rule is bad for agriculture, for those people who produce our food. Farmers, ranchers, and others are used to working with their States to protect their land and water under their own stewardship.

We heard from the Senator from California about groups opposing this, but 480 different groups support this bill, and they are major national groups: the American Farm Bureau, the Agricultural Retailers Association, the American Soybean Association, the American Sugar Alliance, the Milk Producers Council, the National Association of Wheat Growers, the National Cattlemen's Beef Association, the National Chicken Council, the National Corn Growers Association, the National Council of Farmer Cooperatives, the National Pork Producers Council, the National Turkey Federation, the U.S. Poultry and Egg Association, the United Egg Producers, the USA Rice Federation. I could go on and on. These are the food producers of America. They support the legislation in front of the Senate today.

The point is, not one State, not a single State in this country is out there that doesn't have a strong agriculture presence. We all do. So I urge all Senators to make sure, as they prepare to vote on this motion to proceed, that they check with their folks at home.

I would also note that many industries outside of agriculture are concerned with the rule as well. These include manufacturers, homebuilders, small businesses—you name it. They are all very concerned with this rule, and they want Congress to act now.

Action could mean Congress can pass a Congressional Review Act resolution, which will be considered possibly later in the process, but that would eliminate the WOTUS rule and prevent a substantially similar rule from being proposed. That would allow for a new rule as long as it was not substantially similar to the existing rule. We need to vote on this resolution.

I believe S. 1140 is a better route, the one we have here today. This is a bipartisan compromise. This is the bill that has a number of Senators from the Democratic side of the aisle cosponsoring the legislation. Most importantly, this piece of legislation on the floor today allows for Congress to establish the principles—Congress to establish the principles—of what the new EPA would look like.

I know a number of Democrats have ideas to improve the legislation that is on the floor today specific for their own States. If my colleagues vote to proceed to the motion to proceed at 2:30 this afternoon, we will have an open amendment process that would allow Members to improve S. 1140 in a bipartisan way. We are willing to work with anyone who wants to improve this rule in a bipartisan way. But let's not sit on the sidelines anymore.

Rather than support an EPA final rule that actually makes it worse and was worse than the proposed rule—a rule that will likely not survive legal scrutiny based on what we saw from the courts, a rule that doesn't represent the interests of our farmers, ranchers, families, small businesses, and communities—let's move forward with the bipartisan Federal Water Quality Protection Act to ensure the public that we hear and we understand their concerns.

At the same time, let's give EPA and the Army Corps the certainty they need to confidently move forward with a new rule—a rule that truly reflects the needs of the constituents we represent. Let's protect our Nation's waterways for the long term.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

Mr. WHITEHOUSE: Mr. President, the famous Republican Senator from Rhode Island John Chafee, who was one of the authors of the Clean Water Act, would be sorry to see what has become of his party today and what is being done to the Clean Water Act that so many Republicans worked so hard on for over so many years. The pretense is that some evil bureaucratic force at the EPA has leapt out to take over American farmers and ranchers. That is not what has happened.

The Supreme Court made decisions about what the Clean Water Act says, defining the navigable waters of the United States, and the EPA had to follow the Supreme Court's guidance, which they did. I believe they have been faithful to that Supreme Court guidance. They went through more than 1,000 peer-reviewed scientific publications. They did 400 public meetings. They had over 1 million comments on the proposed rule. Guess what. The vast majority of those comments were in support of the rule.

What we have here is not some DC bureaucratic evil presence against ranchers and farmers across the country. What we have here is a fight between upstream and downstream.

As Senator BARRASSO very plainly said a moment ago, the big players in this are the big special interests in agriculture, the big pork producers with their ginormous manure lagoons, and the big commercial AG conglomerates. If you want to be with them fine, but let's not pretend this is about protecting little ranchers and farmers.

This is about upstream versus downstream. I come from Rhode Island. I am from a downstream State. I have to say that if I were in big agriculture and I saw this rule, instead of coming in here and whining and complaining and yanking people's chains in order to get changes made, I would grab this rule and run like a bank robber because this bill does so much for upstream agriculture at the expense of downstream fishermen, downstream aquaculture, and the downstream health of our rivers and bays. All agricultural exemptions and exclusions from Clean Water Act requirements that have existed for nearly 40 years have been retained. We have learned a little bit since then about what goes on.

One place I recently went to was Ohio. I spent the weekend in Ohio doing one of my climate tours of the difficult States of the Union. In Ohio, I went to Port Clinton on Lake Erie. I was taken by the folks from Stone Laboratory and from some of the leading charter captains in this area off to the Bass Islands just offshore. They told me about the algal bloom that took place in the Toledo area. Technically, this was not an algal bloom. Technically, it was cyanotic bacteria; it was a bacterial bloom. It was so thick that the fishing captains described how their boats slowed down in the muck. It was like running a powerboat through pudding.

Toledo had to stop providing freshwater to its citizens and spent millions of dollars having to import freshwater and provide bottled water. Lake Erie is 2 percent of the water of all the Great Lakes with 50 percent of the fish. Two percent of the water and 50 percent of the fish in the Great Lakes are in Lake Erie. It has a robust fishing economy for walleyes and perch. The folks who go out and make this their livelihood don't think it is very funny because this whole watershed feeds down into Lake Erie.

Because of climate change, phosphorous has driven rain bursts. The rains have powered up in this area. So the phosphorous is washing off the farmers' fields and is coming down, and that is what is creating the cyanotic bacterial bloom in Lake Erie.

This upstream stuff makes a big difference to people who are downstream. Wyoming doesn't have a lot of downstream. Wyoming is a landlocked State, so I appreciate why the Senator is so enthusiastic about this. But for those of us who are downstream, this is a rule that, frankly, is too weak. The fact that we have to stand here and fight it from getting even weaker—from putting our rivers and our bays at even more risk—is very unfortunate. It is not just phosphorous. Phosphorous is what happens to drive the bacteria growth in Lake Erie. It is insecticides, it is nitrogen, and they are doing immense damage in our waterways.

I will conclude where I began. If you are Big Agriculture and this is your special interest bill, you ought to run for it. Don't waste your time on this. Grab this existing Clean Water Act bill, and go for it like a bank robber with his money because you got away with being able to continue to do immense damage to downstream resources without any regulation at all. To now be here complaining—it is really amazing to those of us who are representing downstream States, downstream interests, downstream fisheries, downstream bays, and all the catchment areas such as Lake Erie that get clobbered as a result of pollutants that flow into our waters.

I yield the floor.

Ms. MIKULSKI. Mr. President, I wish to join my colleagues in support of the clean water rule issued by the Environmental Protection Agency and the Army Corps of Engineers and in opposition to efforts to derail this critical rule.

Clean water is the lifeblood of our society and the basic foundation of good public health. Our rivers, streams, and wetlands connect communities near and far through a common resource. For decades, the Clean Water Act has protected our waters from pollution so that Americans can rely on safe drinking water, can enjoy outdoor recreation, and can live in an environment that supports wildlife and a healthy ecosystem.

However, for the last 15 years uncertainty has muddied the Clean Water Act. The lack of clarity for which bodies of water are federally regulated has led the Army Corps of Engineers to a backlog of 18,000 requests from landowners seeking help in complying with the Clean Water Act. The new clean water rule resolves this uncertainty for our local governments, our businesses, and our farmers by clarifying which waters should be protected so that all Americans can rely on clean water. The rule restores historic coverage of the Clean Water Act for streams and wetlands that provide drinking water for one-third of Americans.

As one who has experienced the many benefits of the Chesapeake Bay my whole life, I know just how important it is to preserve and protect the world around us for future generations. The clean water rule would restore protections for more than half of Maryland's streams and many of its wetlands. Clean water means healthy families, healthy marine life to support Maryland watermen, and a healthy environment. The clean water rule is crucial to the health of the Chesapeake Bay and to countless other bodies of water in the United States. Let's stand up for our Nation's clean water and reject these attempts to derail the clean water rule.

Mr. REED. Mr. President, today I join many of my colleagues in opposing S. 1140 and S.J. Res. 22.

These measures would block or nullify the clean water rule, which seeks to safeguard our water and restore protections to drinking water sources for one in three Americans, according to the EPA, under the authority of the Clean Water Act.

The clean water rule helps to clarify ambiguities stemming from the 2001 and 2006 Supreme Court decisions that made the scope of the Clean Water Act uncertain.

This lack of protection has taken its toll, especially for wetlands and intermittent and headwater streams, slowing permitting decisions for responsible development, and reducing protections for drinking water supplies and critical habitat.

According to the National Parks Conservation Association, over 117 million Americans, including many visitors to national parks, get their drinking water from surface waters.

This includes many Rhode Islanders who get their drinking water from sources that rely on small streams that are protected by the clean water rule.

If Congress blocks the clean water rule, Rhode Island's streams and millions of acres of wetlands nationwide will again be at risk from pollution and degradation or destruction from development, oil and gas production, and other industrial activities.

Blocking this rule would potentially imperil drinking water sources, as well as the small businesses and communities that rely on clean water.

Thousands of acres of wetlands that provide flood protection, recharge groundwater supplies, filter pollution, and provide essential wildlife habitat are safeguarded under the clean water rule, including many of Rhode Island's streams, wetlands, waterways, and the bay.

Additionally, the clean water rule seeks to protect small streams and wetlands that support fish, wildlife, and recreational areas.

We depend on clean water to drink, and our economy depends on clean water from manufacturing to farming to tourism to recreation to energy production and more to function and flourish.

We must make clean water a priority throughout the nation.

I urge my colleagues to support the clean water rule and vote ''no'' on both S. 1140 and S.J. Res. 22.

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. HOEVEN. Mr. President, I rise today in support of bipartisan legislation to fix intrusive regulation that will hurt job growth and that threatens to place a large share of our Nation's farmers, ranchers, and small businesses in the regulatory grip of the EPA. This burdensome regulation is the EPA and Army Corps' final rule on the waters of the United States. The bill to fix it is called the Federal Water Quality Protection Act. That is the bill we are seeking to proceed to today so that we can debate it, amend it, and pass it to deal with this onerous regulation.

The burdensome regulation we are talking about, of course, is the EPA and Army Corps' final rule on waters of the United States. The Federal Water Quality Protection Act is legislation to address it. It was authored by my good friend from Wyoming Senator BARRASSO, and I cosponsored this legislation, along with many others on our side of the aisle. This is also a bipartisan bill with our colleagues from across the aisle as well. This is bipartisan legislation. It has had bipartisan input, and I encourage Members on both sides of the aisle to proceed to this legislation. Let's have this very important debate on behalf of our farmers, ranchers, and so many other job creators across this country. As I say, let's offer amendments and have our votes, but we need to deal with this very important legislation for the benefit of the American people.

This waters of the United States final rule greatly expands the scope of the Clean Water Act regulation over America's streams and wetlands. It is a real power grab by the EPA, and it exceeds the statutory authority of the EPA. The Supreme Court has found that Federal jurisdiction under the Clean Water Act extends the ''navigable waters.'' I don't think anyone is arguing about the EPA's ability to regulate navigable bodies of water like the Missouri River, in my State, but the Supreme Court has also made clear that not all bodies of water are under the EPA's jurisdiction. Yet, under the administration's final rule, all water located within 4,000 feet of any other water, or within the 100-year flood plain, is considered a water of the United States as long as the EPA or the Army Corps of Engineers decides it has a ''significant nexus'' to that navigable water in the opinion of either the Corps or the EPA.

These agencies define significant nexus so that almost any body of water qualifies. For instance, if an area can hold rainwater or has water that can seep into ground water, which is almost any water anywhere, then there is significant nexus, according the EPA or the Army Corps of Engineers, not to mention the fact that areas like the Prairie Pothole region in my State of North Dakota are specifically targeted as waters of the United States. The result is that the vast majority of the Nation's water features are located within 4,000 feet of a covered body of water.

If this expansive rule sounds out of bounds to you, you are not alone. In fact, the waters of the United States rule is such an overreach by the EPA and the Corps that 31 States are suing to overturn it, including my State of North Dakota, which has led a lawsuit brought by 13 of those 31 States.

When granting a preliminary injunction against this rule, the North Dakota Federal District Court stated that ''the rule allows EPA regulation of waters that do not bear any effect on the 'chemical, physical and biological integrity' of any navigable-in-fact water.'' It went further to state that ''the rule asserts jurisdiction over waters that are remote and intermittent waters. No evidence actually points to how these intermittent and remote wetlands have any nexus to navigable-in-fact water.''

Meanwhile, the Sixth Circuit Court in Cincinnati, OH, issued a nationwide stay of the rule, citing that the EPA and the Corps did not identify ''specific scientific support substantiating the reasonableness of the bright-line standards they ultimately chose.''

This waters of the United States rule is clearly flawed from a legal perspective, but I think it is even more important to take a look at how this rule, if allowed to be implemented, will affect

hard-working Americans with excessive regulation.

For those of you who haven't had the opportunity to visit with a farmer from my State of North Dakota, know that dealing with excess water is a common issue, a daily issue, to say the least. Those farmers can tell you that if there is water in a ditch or a field one week, it doesn't mean there will be water there the next week. It certainly doesn't make that water worthy of being treated the same as a river.

A field with a low spot that has standing water during a rainy week and happens to be located near a ditch does not warrant Clean Water Act regulation from a legal or, more importantly, from a simple commonsense standpoint.

The Corps and EPA have responded to these concerns by saying they are exempting dozens of conservation practices, but these exemptions cover farmers and ranchers only for changes made before 1977 or for changes that don't disturb any water or land now considered to be a water of the United States. In other words, if you need a new Clean Water Act permit, you are not going to qualify for the EPA's exemption under this rule. Moreover, the exemption does not cover all Clean Water Act permits.

Because of this rule, the farmer with the low spot in the field next to a ditch, described above, may now be sued under the Clean Water Act's Section 402 National Pollutant Discharge Elimination System. This farmer now faces the risk of litigation costs for the United States of everyday weed control and fertilizer applicants, among other essential farming activities.

Farmers and ranchers are far from the only job creators who will suffer under this rule. In fact, the Small Business Administration Office of Advocacy has expressed concern about the impact it will have on other small businesses as well.

I am so concerned about this rule that I have led the effort on our Appropriations Committee to stop the rule in its tracks. We were successful in including language in the committee-passed Interior-EPA Appropriations bill to do just that. The Federal Water Quality Protection Act, however, offers a long-term solution by vacating the waters of the United States rule and sending the EPA and the Corps back to the drawing board to develop a new rule with instructions to consult with States, local governments, and small businesses.

America's farmers, ranchers, and entrepreneurs go to work every day to build a stronger nation. Thanks to these hard-working men and women, we live in a country where there is affordable food at the grocery store and where a dynamic private sector offers Americans the opportunity to achieve a brighter future. The Federal Government should be doing all it can to empower those who grow our food and create jobs. Yet, instead, regulators are stifling growth with burdensome regulations that generate cost and uncertainty. The final rule on the waters of the United States produced by the EPA and the Corps to regulate virtually every body of water—pretty much water anywhere in the United States—is not the way to go. Let's stop this regulation. Please join me in voting to proceed to the Federal Water Quality Protection Act.

Mr. President, I yield the floor.

The PRESIDING OFFICER (Mr. BARRASSO). The Senator from Arizona.

Mr. FLAKE. Mr. President, I come before the Senate to talk about the waters of the United States rule and the legislation pending before us, S. 1140. I hope we can proceed to the bill. This is an important issue. Obviously, the definition of the waters of the United States sets the rules of the game of who is covered under the Clean Water Act. As has been stated, several Supreme Court decisions over the past decade and a half have created a lot of uncertainty for landowners and those who work the land who aren't sure whether they will be regulated. Regulated entities need a rule that is consistent and that has some predictability. That is not what we are getting with this rule.

The rule issued on June 29 defines jurisdiction very broadly, as we heard, especially when it comes to streams that don't flow year round, intermittent, ephemeral streams, of which Arizona has many. Several scientists who have been involved in the rulemaking process have told my staff that there is a disagreement between what the science says and what this rule says. Science says that some streams are strongly connected and others are not. There is a so-called spectrum of connectivity, but this rule assumes they are all strongly connected.

Let me show a picture of a stream. This is Dan Bell, a rancher in southern Arizona, near the border of Santa Cruz County, standing on a streambed or a dry wash or arroyo that will likely be covered under this rule. Like Dan, I grew up on a ranch in northern Arizona. My whole life I have ridden through a 7-mile draw, a 9-mile wash. The topography of the land was named for some of these dry washes, but they only had water after a good rain which lasted a few minutes and that was it. Those will likely, under the definition of this new rule, be defined as waters of the United States.

If you can imagine what ranchers and other agricultural users are feeling right now, thinking that the Federal Government, in regulating what goes on with these streambeds or these dry washes, is going to step in on other State regulations that already exist.

On August 27, a Federal district court judge blocked the implementation in 13 States, including Arizona, saying that "it appears likely that the EPA has violated its congressional grant of authority in its promulgation of the rule at issue." As we know, on October 9 the Sixth Circuit Court of Appeals stayed the rule nationwide. There is not consensus, obviously, on what this rule does or does not do.

In internal memos, the Army Corps of Engineers assistant chief counsel of environmental and regulatory programs highlighted a number of "serious areas of concern" with the rule, including the "assertion of jurisdiction over every stream bed," which would have "the effect of asserting Clean Water Act jurisdiction over many thousands of miles of dry washes and arroyos in the desert southwest."

When you hear people stand and say that it will not affect dry washes, that is not what the rule says. We need clarification. We need to pass this legislation. We need to actually invoke cloture so we can debate it and ultimately pass it. This is a bipartisan measure that will address this issue and will ultimately provide a new rule that has the consistency and uniformity that those who work the land really need. Arizona will benefit from it, and the entire country will benefit from it.

With that, I yield back.

The PRESIDING OFFICER (Mr. FLAKE). The Senator from South Dakota.

Mr. THUNE. Mr. President, Americans have had a tough time during the Obama administration with a sluggish economic recovery that is barely worthy of the name, stagnant wages for middle-class families, a health care law that ripped away millions of Americans' preferred health care plans, and burdensome regulations that have made it more challenging for businesses, large and small, to grow and create jobs.

One Agency has done more than its fair share to make things difficult for Americans, and that is the Obama EPA. During the course of the Obama administration, this Agency has implemented one damaging rule after another—from a massive national backdoor energy tax that threatens hundreds of thousands of jobs to unrealistic new ozone standards that have the potential to devastate State economies. Reputed rebukes from various Federal courts have done little to check the EPA's enthusiasm for crippling, job-destroying regulations.

This week, the Senate is taking up legislation introduced by my colleague from Wyoming Senator BARRASSO to address one of the EPA's biggest overreaches—the so-called waters of the United States regulation. The EPA has long had authority under the Clean Water Act to regulate "navigable waters," such as rivers, lakes, and major waterways. The inclusion of the term "navigable" in the Clean Water Act was deliberate. It was deliberate. The reason it was put there is because Congress intended to put limits—real limits—on the Federal Government's authority to regulate water and to leave the regulation of smaller bodies of water to the States. Defining the waters to be regulated as navigable

waters ensured that the Federal Government's authority would be limited to bodies of water of substantial size and would not infringe on minor bodies of water on private land, but over the last few years it became clear the EPA was eager to expand its reach.

The waters of the United States regulation, which the EPA finalized this year, expands the EPA's regulatory authority to waters such as small wetlands, creeks, stock ponds, and ditches—bodies of water that certainly don't fit the definition of ''navigable.'' It specifically targets the prairie pothole region, which covers five States, including nearly all of eastern South Dakota.

If we look at this chart, this is something that is a very normal landscape in South Dakota. It is a field that one would see in South Dakota, and of course when it gets some rain, some of the low-lying areas get a little water in them, but this is basically a puddle. If we look at what the regulation would do to the way in which farmers and ranchers manage and are able to use their lands for production agriculture, it has some profound impacts.

We are not talking about lakes and rivers. We are talking about small, isolated ponds that ranchers use to water their cattle or prairie potholes that are dry for most of the year but do collect some water after heavy rains and snows along the lines of what we see in this photo. Under this regulation, even dry creekbeds could be subject to the EPA's regulatory authority. That is how far-reaching this regulation is.

Let me talk about that authority for just a minute. When we talk about a body of water coming under the EPA's regulatory authority, we are not talking about having to follow a couple of basic rules and regulations. Waters that come under the EPA's jurisdiction under the Clean Water Act are subject to a complex array of expensive and burdensome regulatory requirements, including permitting and reporting requirements, enforcement, mitigation, and citizen suits. Fines for failing to comply with any of these requirements and regulations, such as the one that is now being filed by the EPA, can accumulate at the rate of $37,500 per day.

Under the EPA's new waters of the United States rule, creeks and ditches would be subject to this complex array of regulations. The irrigation ditches in a farmer's cornfield, for example—ditches where the water level rarely exceeds a couple of inches—would be subject to extensive regulatory requirements, including costly permits and time-consuming reports. Needless to say, these kinds of requirements will hit farmers and ranchers hard. Agriculture is a time-sensitive business, and these types of requirements would strain a farmer's ability to fertilize, plant, and irrigate their crops when the seasons and weather conditions dictate.

Farmers can't afford to wait for a Federal permit before carrying out basic land and resource management decisions. I have received numerous letters from South Dakota farmers and ranchers, as well as local governments, expressing their concern with the EPA's new rule. One constituent writes:

> We live in Deuel County, South Dakota, where we raise cattle and plant wheat, alfalfa, corn, and soybeans. . . . Our land consists of rolling hills and many shallow low spots. . . . According to the new rules, our entire farm would be under the jurisdiction of the EPA. . . .

That same constituent goes on to say:

> Mandatory laws by the EPA are just wrong and are often written and enforced by someone who has never lived or worked on a farm and doesn't understand how the forces of nature cannot be dictated. The weather is often extreme, and we must work with it. . . . Under this rule, it will be more difficult to farm and ranch, or make changes to the land even if those changes would benefit the environment.

That is from a constituent from my State of South Dakota.

Another constituent, also from my home State, said:

> [O]ur business is going to be put into acute peril if the EPA is not stopped. . . . By removing the word ''navigable'' from the Clean Water Act, they will be in control of EVERY drop of water in the United States, which is disastrous for those of us engaged in farming and ranching.

This is from the Pennington County Board of Commissioners in South Dakota. Pennington County is the second largest county and home to our second largest city, Rapid City. They wrote:

> In addition to tourism, agriculture is a critical piece of our local economy. . . . This proposal would cause significant hardships to local farmers and ranchers by taking away local control of the land uses. The costs to the local agricultural community would be enormous. This would lead to food and cattle prices increasing significantly.

The board also warned:

> If stormwater costs significantly increased due to this proposed rule, not only will it impact our ability to focus our available resources on real, priority water quality issues, but it may also require funds to be diverted from other government services that we are required to provide such as law enforcement, fire protection services, etc.

I have received letter after letter like these from farmers, ranchers, business owners, and local governments across my State, and they are not alone. Concern is high across all of the United States. That is why 31 States have filed lawsuits against the EPA's regulations, as have a number of industry groups. The courts have already granted them some temporary relief. Last month, the Sixth Circuit Court of Appeals expanded an earlier injunction and blocked implementation of the EPA's rule in all 50 States, but a final decision of the courts could be years away.

To protect Americans affected by this rule from years of litigation and uncertainty, this week the Senate is taking up the Federal Water Quality Protection Act, introduced by Senator BARRASSO, which would require the EPA to return to the drawing board and write a new waters of the United States rule in consultation with States, local governments, agricultural producers, and small businesses. It seems only fitting that you actually ought to consult with the people who are impacted by this. If that had happened, maybe there wouldn't be 31 States that have already filed lawsuits against the Federal Government, and maybe we wouldn't have all of these local governments, agricultural producers, small businesses, homeowners, and developers that are mortified about the impact this will have on them.

In my time in Washington, I have never seen an issue that has so galvanized opposition all across the country. Sometimes there might be an issue that might affect a specific area or industry sector in our economy, such as agriculture. We talk a lot about those issues in my State because this is our No. 1 industry, but there is rarely an issue which generates opposition from so many sectors of our economy. That is how far-reaching this regulation is. Arguably, this is the largest Federal land grab in our Nation's history.

What the legislation also does is explicitly prohibits the EPA from counting things like ditches, isolated ponds, and storm water as navigable waters that it can regulate under the Clean Water Act. It takes away these things we are talking about—the stock ponds, ditches, and frankly the puddles—from areas that the EPA can assert its jurisdiction in and regulate.

Everybody agrees on the importance of clean water. Farmers in my State depend on it, and the legislation we are considering today will ensure that the EPA retains the authority to make sure our lakes and rivers are clean and pollutant-free. Members of both parties should be able to agree that allowing the EPA to regulate what frequently amounts to seasonal puddles is taking things a step too far. The cost of this rule will be steep, and its burdens will be significant, impacting those who have an inherent interest in properly managing their water to protect their livelihoods and health.

Back in March, a bipartisan group of 59 Senators voted to limit the EPA's waters of the United States power grab, and 3 Democratic Senators are cosponsors of the legislation before us today. It is my hope that more will join us to protect farmers, ranchers, small businesses, and homeowners from the consequences of the EPA's dangerous new rule.

Americans have suffered enough under the Obama EPA. It is time to start reining in this out-of-control bureaucracy. I hope we will have a big bipartisan vote today in support of the legislation before the Senate.

I yield the floor.

The PRESIDING OFFICER. The Senator from Indiana.

Mr. DONNELLY. Mr. President, whether you are a farmer or a small

business owner, a Republican, a Democrat or someone who works at the EPA, we all want clean water. If we are going to ensure that our clean water protections are effective, we need to work together and we need to use the feedback from the people who work with the land every single day. Unfortunately, the EPA's waters of the United States rule was written without sufficient collaboration with some of the people who care about this rule the most—our farmers, our small business owners, our cities and States. As a result, the U.S. Court of Appeals for the Sixth Circuit has blocked the implementation of the waters of the United States rule, known as WOTUS, nationwide.

This ruling was in line with the concerns we have raised all along. When you write a rule without significant input from all of those impacted, including our farmers, ranchers, small business owners, and local governments, legal challenges are inevitable. Instead of further lengthy and costly court battles, Congress should act to clarify the coverage of the Clean Water Act or the courts will do that job instead of us. It is time to roll up our sleeves and provide to our ag producers, conservationists, and county and local governments the regulatory certainty they need to continue efforts to improve water quality.

That is why I was proud to help author and introduce the Federal Water Quality Protection Act with a bipartisan group of Senators, including Senator JOHN BARRASSO, a Republican from Wyoming, Senator HEIDI HEITKAMP, a Democrat from North Dakota, and Senate Majority Leader MITCH MCCONNELL, a Republican from Kentucky.

Most Hoosiers believe we can get more accomplished when we work together, and I have worked across the aisle on what I believe is a very responsible solution. I hope today we will continue this debate. It will be difficult, but we have the ability to get this right. If Congress fails to act, our ag community will be faced with continued confusion and uncertainty, and we will not have strengthened our efforts to protect the waters of this country.

The WOTUS rule is a perfect example of the disconnect between Washington and the Hoosier ag community, farmers and ranchers around our country, small businesses, and our families. No one wants cleaner water or healthier land more than the families who live on those farms and who work on our farms every single day right next to those waters—the same waters their children play and swim in and with which they work every day. That is why countless Hoosier farmers are frustrated that Washington bureaucrats are calling the shots rather than working together with our ag community and our families to develop sensible environmental protection. This can be done if it is done the right way.

In Indiana we are already leading in many agricultural conservation and environmental protection efforts. We have more farmers than ever before doing things such as planting cover crops and using no-till farming techniques that keep soil in the fields and keep the inputs in the fields. We are leading the Nation in cover crop efforts. It is voluntary, and it is part of a program to make sure our waters—our rivers and streams—are cleaner. This is being done by people, not by bureaucrats.

Let's have some faith and confidence in the people of this country and in the wisdom of our ag community in Indiana and in every other State. If we work with our friends and our neighbors, we can do even more to improve water quality.

Listen to farmers such as Mike Shuter and Mark Legan. Mike is an Indiana Corn Growers Association member from Frankton, IN, who won the National Corn Growers Association Good Steward Award this year for sustainable corn farming practices. Mike said:

> I want clean drinking water for my wife, kids, and grandkids. We work hard to reduce the amount of pesticides, insecticides, and fertilizer on our farm. The EPA is going too far by attempting to unilaterally claim jurisdiction over my farmland.

Mark Legan is a farmer who received the American Soybean Association's Conservation Legacy Award in 2013. Here is what he had to say:

> Farmers have been good stewards of the land for generations. We have found ways to produce more while using less pesticides and fertilizers. Waters of the U.S. gives the EPA one-sided jurisdiction over our ditches and fields, makes it more difficult to grow crops, and makes it harder to feed the world.

After hearing these frustrations from Hoosier ag producers and from local and county governments about this rule, and because I am the hired help not only for Indiana but for our country, we wrote the Federal Water Quality Protection Act. The intention is to strike a reasonable, bipartisan compromise—what a unique concept. It is the concept that our country has been built on. The legislation is simple: Focus on common science principles to shape a final rule and to require straightforward procedures that the EPA skipped the first time. These are steps the EPA should have done in the first place, such as reviewing economic and small business impacts.

The bill is not designed to destroy or delay the rule. In fact, our bill asks the EPA to complete its rule by December 31 of next year. There is no long hide-the-ball game being played here. We want to have this done by the end of next year.

The legislation includes explicit protections for waters that almost everyone agrees should be covered. If a body of water impacts the quality of the Wabash or Kankakee Rivers, the Great Lakes or anything similar, our bill protects those waters. It protects commonsense exemptions for isolated ponds and agricultural or roadside ditches—most of which the EPA has indicated they never intended to cover.

We require consultation with stakeholders such as States and the ag community, including soil and water conservation districts. Giving the EPA principles, procedure, and a clear deadline this bipartisan effort is meant to be constructive.

I urge my colleagues, Republican and Democrat, to allow us to consider the bipartisan Federal Water Quality Protection Act. It is our obligation to debate this important issue. I am confident a bipartisan majority of my Senate colleagues will support this commonsense bipartisan bill.

This much I promise: I will continue to push Congress to pass a permanent solution. We will never stop advocating on behalf of Indiana's farmers and families, ranchers and small businesses, and those of the entire country.

I yield back my time.

The PRESIDING OFFICER. The Senator from West Virginia.

Mr. MANCHIN. Mr. President, first of all I want to thank my colleague, who has been working so hard on this. It affects Indiana, West Virginia, and every State in the Union. I hope people realize what is going on. This isn't a partisan issue. This is definitely a bipartisan issue, and it affects everybody in our State.

I want to thank Senator MARKEY for allowing me to speak for a few minutes. I have a funeral in Arlington to attend for one of our dear soldiers.

I have spoken on the Senate floor many times before about the burdens the EPA has continued to impose on hard-working families and hard-working people in West Virginia. Today, however, I am not speaking about the mining jobs I have spoken about so much. I am speaking about everyday West Virginians. If you have any property whatsoever, if you have a small business or a large business, if you come from any walk of life, if you are in agriculture or are a small farmer or are in large agriculture, this affects you. This allows the overreach of the government, as we have talked about so many times.

If you are a government agency, if you are a city, a small town, if you are a county, any decisions you make will be affected or could be affected. If imposed, the agency's waters of the United States rule, known as WOTUS, would have a harmful impact all over this great country. Again, the WOTUS rule will not just impact certain industries; it impacts everybody. The EPA wrote these rules without consulting some of the people who care about clean water the most—everyday West Virginians and Americans all across this great country. The WOTUS rule would impose heavy financial penalties on all of us, including our small business owners, farmers, manufacturers, and property owners.

If you have ever seen the terrain of West Virginia, we are the most mountainous State east of the Mississippi.

There is very little flat land whatsoever. So anything can be affected and everybody will be affected. Whether you build a home, have a small business or are a little city or community, you are going to be affected. If they can show on an aerial map that there used to be a river or stream of any kind, that comes under their jurisdiction. If anyone thinks differently—that it is not going to happen—this is exactly what is going to happen. That is why all of these small towns and the counties in rural America are totally opposed to this.

There is nobody I know of who doesn't want clean drinking water. With that, we are not saying that the Federal Government shouldn't have oversight on all of our waters that are for drinking, are navigable and/or recreational. In fact, I live on the water, so I know what it is to have the clean waters in our streams and rivers. This is not what we are talking about.

As my good friend from Indiana and my good friend from North Dakota are going to be talking about, this affects everybody. It affects every puddle, ditch, and every runoff—you name it; it affects it—and that means it affects all of our lives. They are going to say: Don't worry. We are not going to do all that. We are going to exempt it.

We have heard that one before—until it is something they don't like, until basically it gives them a chance to shut down something. I have farmers who are concerned about basically the crops they grow, the wildlife, the poultry and the livestock they have to care for. All of this could be affected. We fought this before.

The Supreme Court instruction is to clarify the Clean Water Act jurisdiction over bodies of water in use. This proposal goes too far. In fact, the Supreme Court has already ruled that not all bodies of water fall under the Clean Water Act regulations. So why are they expanding it? If they have already ruled on it, why are they expanding these rules? Why do they believe they can grab this?

They claim they were not required to consult with local governments under the federalism Executive order, arguing the rule did not impact them. The EPA claims that even though it did not comply with the Executive order, it still reached out to local governments. That is not true. That is not true in West Virginia. I can tell you that.

The EPA claims it addressed the concerns of local governments by providing exemptions for public safety ditches and storm water control systems. That is not true either. So that being said, I can only tell you what my citizens, my communities, business owners, and local governments are being affected by and why they are concerned.

The bottom line is it is completely unreasonable that our country's ditches, puddles, and otherwise unnavigable waters be subjected to the same regulations of our greatest lakes and rivers. On that we all agree.

The WOTUS rule exempts ditches only if the local government can prove that no part of the entire length of a ditch is located in an area where there used to be a stream. The WOTUS rule exempts storm water management systems only if they were built on dry land. The WOTUS rule says EPA can rely on historical maps and historical aerial photographs to determine where the streams used to be—not where they are now.

These provisions of the WOTUS rules should strike terror in the heart of every mayor, county commissioner, and manager of a city that was founded before the last century. This is how asinine this is. It is unbelievable that with a sweep of the pen, the EPA is trying to take us back to the days of Lewis and Clark. According to a memo written in April, not even the Corps of Engineers knows how it will determine which ditches are exempt and which are former streams. This is our own government.

Morgantown, WV, was founded in 1785. Wheeling, WV, was established in 1795. To go back in time to determine where streams used to be would be near impossible. I don't want West Virginia cities to have to worry about the status of their municipal infrastructure.

There is no question that with the additional permitting and regulatory requirements, the implementation of this rule will place a significant burden on West Virginia's economy, which is already hurting very badly. That includes businesses, manufacturing, housing, and energy production. Many in my home State are already struggling to make ends meet. We are one of the highest unemployment States, have been hit harder than any other State. We are fighting like the dickens. We will continue to fight and persevere.

The new financial and regulatory burdens will set people up for failure in an already unstable economic climate which in large part is caused by harmful regulations the EPA and the administration have established. We all want to drink clean water and breathe clean air, but we can achieve this without regulating hard-working Americans out of business.

This rule represents broad overreach that has the force of law without congressional approval. I would say you cannot regulate what has not been legislated. Why are we here? Why are we elected to represent the people when we cannot even do it, when we have to fight our own government to do the job we have been charged with doing?

I urge my colleagues to support this motion to proceed to S. 1140.

I yield the floor.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. MARKEY. Mr. President, Boston's sports teams have had their share of great moments. After a win, you can hear the crowd celebrating by singing a song by the Standells that goes like this:

Yeah, down by the river,
Down by the banks of the river Charles.
Well I love that dirty water,
Oh, Boston, you're my home.

While dirty water signals a win for a Boston team when that is sung, the real victory has been beating the pollution in the Charles River and Boston Harbor since the passage of the Clean Water Act. That victory is thanks to the implementation of that law, which protects sources of our drinking water from pollution and restores dirty waters back to health.

We need to keep the Clean Water Act's winning streak alive. Unfortunately, the bill the Senate may consider today could end the record of wins for the Clean Water Act. Its history of success has made the Clean Water Act one of the greatest American success stories. Before the Clean Water Act, there was no Federal authority to limit dumping, set national water quality standards, or enforce pollution rules. City and household waste flowed untreated into rivers and harmful chemicals were poured into wetlands and streams from factories and powerplants. Back then, we were all on the honor system. Water supplies were managed by a patchwork of State laws and an appeal to the common good. The result: mass pollution on a historic scale, oozing rivers so toxic that they could ignite into flames, fish dead by the thousands. America's riversides became a theater of public hazards and chemical death.

In short, before the Clean Water Act and the Federal involvement that was necessary, America's waterways were its sewers. Then, in 1969, a public firestorm was touched off by a Time magazine photo of the Cuyahoga River on fire in Ohio. With full-throated support from the public, Congress mobilized and produced the Clean Water Act, one of the most important pieces of environmental law in the history of the United States. The ultimate goal of the Clean Water Act—making waterways safe for the public and wildlife—was so popular that in 1972 a bipartisan Congress overrode a veto by Richard Nixon.

The successes and the benefits yielded by the pursuit of the goal of clean waterways would prove tremendous in the years ahead.

The Clean Water Act guards the Nation's natural sources of drinking water by guiding how we use them. It protects the wetlands, the streams, and other surface waters that ultimately provide us with drinking water.

The Clean Water Act has slowed the loss of wetlands, known as the ''kidneys of the landscape'' because of their ability to remove pollution from the water. They do this for free, making wetlands the most fiscally responsible water system in the world. The only alternative to this free service is to put our waters on dialysis by constructing filtration plants for billions of dollars in long-term maintenance and building costs. Our wetlands support the $6.6

trillion coastal economy of the United States, which comprises about half of the Nation's entire gross domestic production and includes our nearly $7 billion annual fishery industry and $2.3 billion recreational industry.

The Clean Water Act has doubled the number of swimmable and fishable rivers in the United States. It has saved billions of tons of fertile soil from being washed off of our farms. It has fostered State and Federal collaboration, giving States a key role in managing poisonous runoffs from cities and farms. It established a permitting system to control what gets dumped into America's waterways. It developed fair and objective technology-based pollution control standards to help industries plan their compliance investments in advance. It sets science-based water quality standards and requires well-thought-out plans to meet them. Its environmental monitoring requirements prevent rehabilitated waterways from backsliding into unusable condition. It provides $2 billion annually in critical funding to States for water quality and infrastructure improvements. Among its most important contributions, it empowers citizens to enforce its provisions and actively guard the health of their families.

For all of its benefits and successes, however, the Clean Water Act has still not reached it goal. One-third of our rivers still have too much pollution. When these drain into coastal waters, they add to the problems being caused by ocean acidification and warming. The pollution can cause dead zones off of our coasts and in the Great Lakes, putting drinking water supplies at risk and threatening sea life. While the act has slowed their loss, wetlands continue to disappear, and gone with them are millions of wetland-dependent creatures, such as ducks and turtles and most of the species of fish we find on our plates.

Clearly, clean water must be preserved for the health of the public, the environment, and the economy. That is why the Environmental Protection Agency and the Army Corps have spent so much time developing the recently finalized clean water rule. The clean water rule clears up confusion caused by two U.S. Supreme Court rulings on the reach of Federal water pollution laws and restores protections that were eliminated for thousands of wetlands by President George W. Bush in his administration.

Specifically, the rule revises the definition of ''waters of the United States,'' a term that identifies which waters and wetlands are protected under the Clean Water Act. The rule was written in response to requests for increased predictability and consistency of Clean Water Act permitting programs made by stakeholders such as the National Association of Home Builders and the National Stone, Sand & Gravel Association.

The clean water rule restores clear protections to 60 percent of the Nation's streams and millions of acres of wetlands that were stripped away under the previous Republican administration. The EPA estimates that returning the clean water protections will provide roughly half a billion dollars in annual public benefits, including reducing flooding damage, filtering pollution, supporting over 6 million jobs in the over half-a-trillion-dollar outdoor recreation industry.

The rule protects public health by closing pollution loopholes that threaten drinking water supplies to one-third of Americans. In Massachusetts, the drinking water of nearly 3 in 4 people will now be protected.

The rule enjoys broad support from local governments, small businesses, scientists, and the general public, who submitted over 800,000 favorable public comments. Eighty percent of Americans support the clean water rule, and when asked if Congress should allow it to go forward, they responded with a resounding yes.

Despite public support for clean water and this commonsense rule, the Republicans want to bring a bill to the floor that would undermine the national goals and policy written by the Clean Water Act. If enacted, this water-polluting bill would undermine the legal framework that protects our water. It would once again leave one-third of the Nation's drinking water vulnerable to dangerous contamination. It would set up a fight over technical details that would prevent us from protecting the public health by preventing the dumping of toxic chemicals into natural public drinking water sources.

The critics falsely claim that the clean water rule overreaches because it enables broader Federal jurisdiction than is consistent with law and science.

So, ladies and gentlemen, I support the work the EPA and the Army Corps have done in putting together the clean water rule. It will continue the string of victories our Nation has enjoyed under the Clean Water Act. I urge my colleagues to oppose any legislative efforts to overturn the clean water rule. We need to keep the Clean Water Act working for all of America.

I want to make sure that the only place in Massachusetts people are talking about dirty water is after one of our great Boston sports teams have chalked up another victory. That is the only time we should be singing about dirty water because otherwise the health and well-being not just of people in Massachusetts but all across our country will be harmed.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

Ms. HEITKAMP. Mr. President, listening to this, you would think that people who want some commonsense regulation don't believe in clean water. You would think that if we do this, somehow the Charles River or the Cuyahoga River, having been navigable the whole while here under the Clean Water Act jurisdiction, would suddenly not be navigable. That is not the case. That is not the case. I think it is really important that we ratchet down the emotion and we start looking at the facts.

Let's start with where we are right now with this idea of what are, in fact, jurisdictional waters under the Clean Water Act. This has been a debate for 40 years. It has been in and out of the courts for 40 years. In 1985 the Court made a ruling. In 2001 the Court made a ruling. In 2006 the Court decided a case called Rapanos. What Rapanos said is—four Justices said EPA is right, four Justices said EPA is wrong, and one Justice said EPA may be right. As a result, we have created a system that has caused great uncertainty in America today as it relates to how we use land. Acting on that uncertainty, EPA promulgated a rule. That rule is inconsistent, in my opinion, with the direction they were given by the Court. That rule has created an incredible amount of uncertainty.

To suggest that all the major ag groups, all the groups that are out there, including the Association of Counties, including many of the Governors, are all wrong and they all love dirty water is absolutely insulting as we kind of move forward on this discussion.

I am going to show you why North Dakota is concerned about this regulation. This is an aerial picture of my State. You may not think there is a lot of water in North Dakota. This is a picture of my State and Devils Lake in the Devils Lake area. You might say: Oh she picked a picture that looks like this.

I ask and invite any of you to come to North Dakota and I will fly you anywhere in North Dakota. This is what North Dakota looks like. You see all this water here and you see all this water here and you see this. Do you see that? That is a pothole, what we call a prairie pothole. It used to be and seasonally is full of water. Sometimes it is farm, sometimes it is not. Is this waters of the United States? It is not connected to any navigable stream. It is not adjacent to any kind of navigable water, moving water. None of this is connected with any kind of cross-land connection.

I will tell you under the rule that we have and under the interpretations of the Corps of Engineers—which we always forget when we are talking about this—the Corps of Engineers and EPA, what they would say is: We don't know. We would have to send biologists to take a look at this. We would have to spend hundreds of thousands of dollars, of taxpayer dollars, to determine whether in fact there is substantial nexus.

We asked for a simple rule. First, just as a point of view, when the statute says navigable water, that water ought to be moving someplace other than into the ground. All water in the

world is interconnected. We know that. That is a matter of hydrology. That is a matter of science. Scientists would say there is no such thing as a discrete separation.

But you know what. Legally there is. It did not say every drop of water is controlled by the Environmental Protection Agency under the Clean Water Act, it said navigable water, and we have been in this fight for a lot of years, including 2006.

Mr. President, I know we are in excess of the time. I ask unanimous consent for just a little more time to conclude my remarks.

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

Ms. HEITKAMP. I want to make this point because it really is a question. The Senators who have come to the floor and talked about this rule talk about: Look, we are making progress. What they haven't told you is that rule has absolutely no legal effect anywhere in this country today. Do you know why? Because the courts of the United States have stayed it. It is not in effect while we litigate yet another case.

So when we looked at this problem and we looked at trying to give certainty to farmers who own this land—by the way, this land is not owned by the people of this country. This land is owned by farmers who need certainty, who need to know. So we looked at this and we said: It is time for Congress to do what Congress ought to do, which is to legislate, which is to actually make a decision—to not just get on either side of a regulatory agency and yell about whether they are right or wrong but actually engage in a dialogue.

That is why Senator DONNELLY, Senator BARRASSO, Senator INHOFE, and I sat down and said: Look, this will continue in perpetuity. We will spend millions of dollars litigating this and never get an answer because chances are we are back to 441, and that is not an answer.

So we put together a piece of legislation looking at how can we as legislators, as Congress provide some parameters on what this means. People who will vote no on a motion to proceed will tell you we want EPA to decide. I am telling you that people in this country expect Congress to decide. They expect Congress to make this decision, to step up, and resolve this controversy because 40 years and millions and millions of dollars spent in litigation is not a path forward.

As we look at this legislation simply on a motion to proceed on one of the most controversial issues in America today—which is waters of the United States—not voting to debate this issue, not voting to proceed on this issue is the wrong path forward.

I urge my colleagues to open the debate and let's talk about this map—not the Charles River and not the Cuyahoga River because I will concede that they are navigable water. I want to know in what world is this navigable water of the United States, what world should EPA have jurisdiction over this pond, and in what world—when you are the farmer who owns it—do you think you have any certainty as we move forward?

We are trying to give certainty to the American taxpayer. We are trying to give certainty to people who build roads and bridges. We are trying to actually have a debate on an important issue of our time.

I urge my colleagues to vote yes on the motion to proceed so we can have an open debate—it could be fun—as we talk about this issue.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I ask unanimous consent to speak for up to 2 minutes.

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

Mr. CARDIN. Mr. President we will have a chance at 2:15 p.m., I believe, for 15 minutes to close the debate, and at 2:30 p.m. we are going to have a vote on a cloture motion. I urge my colleagues to vote against the cloture motion.

I agree with my friend Senator HEITKAMP that we need certainty. We have been debating this issue for a long time since the court cases. If this bill were to become law, you are not going to have certainty. It is going to be litigated. Whatever is done, it is going to be litigated. We know that. We have seen the litigious nature of what has happened over the course of the issues.

Yes, I want Congress to speak on this. Congress has spoken on this. Congress has said very clearly that we want the test of the Clean Water Act to be to restore and maintain the chemical, physical, and biological integrity of our Nation's waters.

I don't want Congress to say: No, we don't want that. We now want a pragmatic test that could very well jeopardize the Clean Water Act. The bottom line is each Congress should want to strengthen the Clean Water Act, not weaken it. This bill would weaken the Clean Water Act and prevent a rule that has been debated for a long time from becoming law.

I urge my colleagues to reject the motion for cloture, and we will have a little bit more to say about this at 2:15 p.m.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, I ask unanimous consent for 2 additional minutes.

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

Mr. BARRASSO. Mr. President, I ask unanimous consent that the mandatory quorum call under rule XXII be waived with respect to the cloture vote on the motion to proceed to S. 1140.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. BARRASSO. Mr. President, I yield the floor.

RECESS

The PRESIDING OFFICER. Under the previous order, the Senate stands in recess until 2:15 p.m.

Thereupon, the Senate, at 12:37 p.m., recessed until 2:15 p.m. and reassembled when called to order by the Presiding Officer (Mr. PORTMAN).

FEDERAL WATER QUALITY PROTECTION ACT—MOTION TO PROCEED—Continued

The PRESIDING OFFICER. Under the previous order, the time until 2:30 p.m. will be equally divided in the usual form.

The Senator from Kansas.

Mr. ROBERTS. Mr. President, I rise today as the Senate considers an issue that is critically—critically—important to agriculture and to rural America.

It is my hope the Senate will advance landmark legislation that I, along with a bipartisan group of colleagues, have introduced in response to the U.S. Environmental Protection Agency's final rule that redefines waters of the United States—commonly referred to in farm country as WOTUS, among other acronyms—under the Clean Water Act. I am proud to be an original cosponsor of S. 1140 and represent agriculture and rural America's charge in pushing back against EPA's egregious Federal overregulation.

EPA's final WOTUS rule would adversely impact a vast cross-section of industries, including agriculture. As I have said before, I fear the sheer number of regulations imposed by this administration is causing the public to lose faith in our government. Too often I hear from my constituents that they feel ''ruled'' and not ''governed.'' S. 1140 is in response to exactly that sentiment.

As chairman of the Committee on Agriculture, Nutrition, and Forestry, I have heard directly from farmers, ranchers, State agency officials, and various industries in Kansas and all throughout our country that ultimately would be subject to these new burdensome and costly Federal requirements. The message is unanimous and clear. This is the wrong approach and the wrong rule for agriculture, rural America, and our small communities.

According to the Kansas Department of Agriculture, EPA's final rule would expand the number of water bodies in Kansas classified as ''waters of the United States,'' subject to all—subject to all—Clean Water Act programs and requirements by 460 percent, totaling 170,000 stream miles. This is just incredulous. The expanded scope will further exacerbate the burden of duplicative pesticide permitting requirements and the other overregulation by this administration. This simply is not going to work and makes zero sense, especially in places such as arid western Kansas. Furthermore, the final rule undercuts a State's sovereign ability as

the primary regulator of water resources, which administers and carries out Clean Water Act programs.

Even more troubling, in recent months it has become apparent through the release of internal government documents between the EPA and the U.S. Army Corps of Engineers that there are serious concerns and questions with regard to the legality of the EPA's role and actions during the famous or infamous public comment period to garner support for the final rule. The tactics employed by the EPA throughout this rulemaking process completely undermines the integrity of the interagency review process and the public's trust.

The EPA claims they have listened to farmers and ranchers about the concerns they have raised. EPA not only stacked the deck against farmers and ranchers, but EPA deliberately ignored them. This bill requires the EPA and the Army Corps of Engineers to withdraw the final rule and craft a new rule in meaningful consultation with stakeholders, State partners, and regulated entities, which are ready and waiting to work with EPA—if we can.

All of us want to protect clean water. No one here—especially agriculture—wants to threaten such a valuable and integral natural resource that sustains our livelihood. It is our water. It is time the administration listened and developed a rule that is effective for farmers, ranchers, and rural America.

This WOTUS regulation is the No. 1 concern I hear about in farm country—that the Committee on Agriculture, Nutrition, and Forestry hears about—and over 90 agriculture groups—90—have signed a letter in support of this legislation. Additionally, the ongoing litigation, which involves 31 States challenging the final rule, only adds further confusion about the implementation and applicability of the final rule across the rest of the country.

It is time for Congress to intervene. I thank my colleagues who have joined me in this effort, especially the Senator from Wyoming, and I urge all of my colleagues to support S. 1140 and vote yes.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, I yield 3 minutes to a real champion of clean water in the United States, Senator BOXER.

Mrs. BOXER. Mr. President, I thank very much my colleague and subcommittee ranking member, Senator BEN CARDIN, for taking the lead today on this opposition we are expressing to a very radical bill that will essentially, in my view, in many ways repeal the heart of the Clean Water Act.

The Clean Water Act came about because the Cuyahoga River in Ohio went up in flames because there was so much pollution and there were so many toxins in the water there, and people recognized—this was in the 1970s—that we were endangering our families and the health of our families. So the Clean Water Act was written, and it basically said that if a river or a stream or a body of water found its way into a source of drinking water or a recreational body of water, the people who were dumping this stuff into this natural environment had to get a permit and had to show us that it was safe. It is as simple as that.

That is why we have overwhelming support. I had a chart, and now I don't have it, reflecting 79 percent in support across this Nation for moving ahead with the clean water rule. Then comes the Barrasso bill, which has a beautiful name—protecting the waters of the United States—and it reminds me of the book ''1984'': War is peace, love is hate, and the rest. Big government is telling you what to think.

Really, this is not a bill that protects our water. It is not. It is a bill that essentially protects polluters and endangers 117 million people who want to drink clean water. This is a right in our country. You don't want to be frightened when your child swims in a stream or drinks water that might make him or her sick.

So what we do with this bill, what Senator BARRASSO, my friend—and he is my really good friend—does here is essentially to take the Clean Water Act and stands it on its head. He says we are not going to worry about all of these bodies of water that feed into the Nation's drinking water supply for 117 million people, and we are going to say you are free to dump into that water everything you want.

In closing, I have often said that when I go home, people come right up to me and say: BARBARA, you need to do this; and, BARBARA, you have to fight for that. Never, in all my years in elected life—40 years since I started, which is hard to believe—has anyone come up to me and said: The water is too pure. The water is too clean. My drinking water is perfect, don't make it safer. My air is pristine; don't pass any more laws. It is the opposite.

So what this would do today is take us back, back, back—back to the days when rivers caught on fire, back to the days when you worried a lot about drinking water. And as a person who wrote the law on protecting the quality of drinking water for children, this is a step backward. It is all about the farm bureau. And I get it, but I don't think they really understand the rule that is coming out, where millions of people actually commented on the rule, where they had hundreds of meetings. This is an EPA that wants to work with the people.

So I hope we will reject this and that we can move on and let this clean water rule work its way through the courts and become the law of the land.

I yield the floor.

The PRESIDING OFFICER. The Senator from Wyoming.

Mr. BARRASSO. Mr. President, with this vote on the motion to proceed to S. 1140, the Federal Water Quality Protection Act, the Senate really has a unique opportunity today to pass a strong bipartisan bill—a bill that will direct the EPA to write a reasonable rule to protect our navigable waterways.

As I mentioned before, I introduced this legislation with my Democratic colleagues Senators DONNELLY, HEITKAMP, and MANCHIN, as well as many of my Republican colleagues. I appreciate all my colleagues who spoke out in favor of this legislation.

Let me just conclude this discussion with these thoughts. Our beautiful rivers and lakes deserve protection, and this bill does nothing to block legitimate efforts to safeguard the waters of the United States. By striking the right balance, we will restore Washington's attention to the country's traditional waterways, protecting these cherished natural resources. At the same time, we will give certainty to farmers, ranchers, and small business owners that they can use their property reasonably without fear of constant Washington intervention.

The existing rule on waters of the United States is the poster child of EPA overreach. The courts have already begun to weigh in with their concerns and have stayed the rule nationally. There is a great legal uncertainty about whether this waters of the United States rule will survive these legal challenges. These challenges could take years. Meanwhile, a long-term viable solution to protecting our waterways will not be in place.

Now, many of my colleagues, both Democratic and Republican—and particularly those from rural States—have talked about their concern with this rule, so I urge them to join with us today by showing their constituents they are ready to do something about it. I urge them to vote for this motion to proceed to S. 1140 and to work with me through an open amendment process to create an even better bill—a better bipartisan bill and a bill that gives the EPA the certainty they need to craft a rule to protect our Nation's waterways for the long term.

I urge a ''yes'' vote on the motion to proceed to S. 1140.

I yield the floor.

The PRESIDING OFFICER. The Senator from Maryland.

Mr. CARDIN. Mr. President, this legislation does two things. First, it stops the final rule on the waters of the United States, and second, it weakens the underlying Clean Water Act, something I would hope none of us would want to do. I urge my colleagues to reject the motion to proceed.

Let me tell you what is at risk here. What is at risk is about one-half of our Nation's stream miles from being protected under the Clean Water Act. Their water supply would not be protected. What is at stake here? Twenty million acres of wetlands could go unprotected because of being denied protection under the Clean Water Act. What is at risk here? The water supply

for 117 million Americans—1 out of every 3 Americans. The source of their water could very well come from unregulated supplies being exempt from the Clean Water Act. I don't think we want to do that.

I agree with my colleagues that we want to have certainty. That is why we want the rule to move forward. But it does more than that—the underlying bill. It also changes the standard that would be judged in deciding what is to be regulated waters. The current law says it is to ''restore and maintain the chemical, physical, and biological integrity of the Nation's waters.''

In other words, it is science-based. If we need to regulate in order to protect our water supply, we can regulate. That is what we are trying to achieve—regulating waters that end up in our streams, waters that end up in our water supply. If, on the other hand, we take what is being done under this legislation to protect traditional navigable waters from pollution, we are exempting so many of the waters that are critically important. I mentioned a little earlier that it has to have a continuous flow. Well, there are seasonal variations of what enters into our water supply in this country. That would be exempt.

I want to dispel two things. First, this bill would remove certainty, not give certainty. The Supreme Court cases caused us to lose our traditional definitions of what was covered under the Clean Water Act. We need that. It returns certainty, which I think is in everyone's interest. The last point is—and I have said it many times, and the Department has confirmed this—this final rule on waters of the United States does not change the regulatory structure for permitting for agriculture. There are no additional requirements. They are exempt. The exemptions that exist today will continue to be exempt. The agency responded to the concerns of the agricultural community as they should.

The bottom line is that clean water and agriculture go together, and we all need to work together in that regard. So I urge my colleagues to allow this rule to go forward. I urge my colleagues not to have a legacy of weakening our protections for clean water in America, and that is what this bill would do.

I yield the floor.

CLOTURE MOTION

The PRESIDING OFFICER. Pursuant to rule XXII, the Chair lays before the Senate the pending cloture motion, which the clerk will state.

The senior assistant legislative clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to Calendar No. 153, S. 1140, a bill to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term ''waters of the United States,'' and for other purposes.

Mitch McConnell, Dean Heller, Jeff Flake, Steve Daines, Johnny Isakson, Mike Rounds, Ben Sasse, Roy Blunt, Daniel Coats, John Cornyn, John Boozman, Richard Burr, Cory Gardner, Shelley Moore Capito, Richard C. Shelby, David Perdue, John Barrasso.

The PRESIDING OFFICER. By unanimous consent, the mandatory quorum call has been waived.

The question is, Is it the sense of the Senate that debate on the motion to proceed to S. 1140, a bill to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term ''waters of the United States,'' and for other purposes, shall be brought to a close?

The yeas and nays are mandatory under the rule.

The clerk will call the roll.

The senior assistant legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from Utah (Mr. HATCH).

Further, if present and voting, the Senator from Utah (Mr. HATCH) would have voted ''yea.''

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) is necessarily absent.

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

The yeas and nays resulted—yeas 57, nays 41, as follows:

[Rollcall Vote No. 295 Leg.]

YEAS—57

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

NAYS—41

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

NOT VOTING—2

Brown	Hatch

The PRESIDING OFFICER. On this vote, the yeas are 57, the nays are 41.

Three-fifths of the Senators duly chosen and sworn not having voted in the affirmative, the motion is rejected.

The majority leader.

Mr. MCCONNELL. Mr. President, I withdraw the motion to proceed to S. 1140.

The PRESIDING OFFICER. The motion is withdrawn.

DEPARTMENT OF DEFENSE APPROPRIATIONS ACT, 2016—MOTION TO PROCEED

Mr. MCCONNELL. Mr. President, I move to proceed to Calendar No. 118, H.R. 2685.

The PRESIDING OFFICER. The clerk will report the motion.

The bill 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.

CLOTURE MOTION

Mr. MCCONNELL. Mr. President, I send a cloture motion to the desk.

The PRESIDING OFFICER. The cloture motion having been presented under rule XXII, the Chair directs the clerk to read the motion.

The bill clerk read as follows:

CLOTURE MOTION

We, the undersigned Senators, in accordance with the provisions of rule XXII of the Standing Rules of the Senate, do hereby move to bring to a close debate on the motion to proceed to H.R. 2685, a bill making appropriations for the Department of Defense for the fiscal year ending September 30, 2016, and for other purposes.

Mitch McConnell, James M. Inhofe, John Hoeven, John Thune, Lamar Alexander, Richard Burr, Jerry Moran, John Cornyn, James E. Risch, Mike Crapo, Steve Daines, Jeff Flake, Cory Gardner, John Boozman, Thad Cochran, Pat Roberts, David Perdue.

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the mandatory quorum call be waived.

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

The Senator from Nebraska is recognized for his inaugural address.

SENATE CULTURE

Mr. SASSE. Mr. President, I rise to speak from the floor for the first time. I have never been in politics before, and I intentionally waited to speak here.

I wish to talk about the historic purposes and uses of the Senate, about the decades-long decline of the legislature relative to the executive branch, and about what baby steps toward institutional recovery might look like.

Before doing so, let me explain briefly why I chose to wait a year since election day before beginning to fully engage in floor debate. I have done two things in my adult work life. I am a historian by training and a strategy guy by vocation. Before becoming a college president, I helped over a dozen organizations through some very ugly strategic crises, and one important lesson I have learned again and again when you walk into any broken organization is that there is a very delicate balance between expressing human empathy on the one hand and not becoming willing to passively sweep hard

truths under the rug on the other. It is essential to listen first, to ask questions first, and to learn how a broken institution got to where it is because there are reasons. People very rarely try to break special institutions that they inherit. Things fray and break for reasons.

Still, empathy cannot change the reality that a bankrupt company is costing more to produce its products than customers are willing to pay for them, that a college that has too few students is out not only of money but out of spirit. This is the two-part posture I have tried to adopt during my rookie year here. Because of this goal of empathetic listening first and interviewing first and because of a pledge I made to Nebraskans—in deference to an old Senate decision—last year I have waited.

Please do not misunderstand. Do not confuse a deliberate approach with passivity. I ran because I think the public is right that we are not confronting the generational challenges we face. We do not have a foreign policy strategy for the age of jihad and cyber war, and our entitlement budgeting is entirely fake. We are entering an age where work and jobs will be more fundamentally disrupted than at any point in human history since hunter-gatherers first settled in agrarian villages, and yet we do not have many plans. I think the public is right that the Congress is not adequately shepherding our Nation into the serious debates we should be having about the future of this great Nation.

I will outline the key observations from my interviews with many of my Senate colleagues in summary form on another day, but for now let me flag just the painful top-line takeaway. I don't think anyone in this body truly believes we are laser-focused on the greatest challenges our Nation faces—no one. Some of us lament this fact, some of us are angered by this fact, some of us are resigned to it, some try to dispassionately explain how we got to the place where we are, but I don't think anyone actually disputes it.

If I can be brutally honest for a moment, I am home basically every weekend, and what I hear every weekend, I think, are most of the same things most all of my colleagues hear every weekend, which is some version of this: a pox on both parties and all of your houses. We don't believe that the politicians are even trying to solve the great problems we face—the generational problems.

To the Republicans, those of us who would claim that the new majority is leading the way, few people believe it. To the grandstanders who would try to use this institution chiefly just as a platform for outside pursuits, few believe that the country's needs are as important to you as your own ambitions.

To the Democrats who did this body great harm through nuclear tactics, few believe that bare-knuckled politics are a substitute for principled governing.

Who among us doubts that many—both on the right and on the left—are now salivating for more of these radical tactics? The people despise us all.

Why is this? Because we are not doing our job. We are not doing the primary things that the people sent us here to do. We are not tackling the great national problems that worry our bosses at home. I therefore propose a thought experiment. If the Senate isn't going to be the venue for addressing our biggest national problems, where should we tell people that venue is? Where should they look for long-term national prioritization if it doesn't happen on this floor? To ask it more directly of ourselves, Would anything really be lost if the Senate didn't exist?

To be clear, this is a thought experiment, and I think that many great things would be lost if the Senate didn't exist, if our Federal Government didn't have the benefit of this body, but game out with me the question of why. What precisely would be lost if we only had a House of Representatives, a simple majoritarian body instead of both bodies? The growth of the administrative state, the fourth branch of government, is increasingly hollowing out the Senate and the entire article I branch, the legislature. Oddly, many in the Congress have been complicit in this hollowing out of our own powers. Would anything really be lost if we doubled down on Woodrow Wilson's obsession and inclination toward greater efficiency in government, his desire to remove more of the clunkiness of the legislative process? What would be lost? We could approach this thought experiment from the inside out and ask: What is unique about the Senate? What can this body do particularly well? What are the essential characteristics of just this place, which has often been called the gem of the Founders' structure. What was the Senate built for? Let's consider its attributes.

We have 6-year terms, not 2-year terms, and the Founders actually deliberated about whether Senators should have lifetime appointments. We have proportional representation of States, not of census counts, reflecting a Federalist concern that we would always maintain a distinction between perhaps agreeing that government has a responsibility to address certain problems and yet guarding against a routinized assumption that only a centralized, nationalized, one-size-fits-all government could tackle X or Y.

Third, we have rules designed to empower individual Senators, not to the end of obstruction but for the purpose of ensuring full debate and engagement with dissenting points of views, for the Founders didn't share Wilson's concern with governmental efficiency, they were preoccupied with protecting minority rights and culturally unpopular views in this big and diverse Nation.

Fourth, we didn't even have any rules in this body that recognized political parties until the 1970s. There was merely an early 20th century convention that gave right of first recognition in floor debate to the leaders of the two largest voting blocks. We have explicit constitutional duties related to providing the Executive with advice—it is a pretty nebulous thing—about building his or her human capital team and about the long-term foreign policy trajectory of this Nation. Six-year terms, representation of States, not census counts, nearly limitless debate to protect dissenting views, almost no formal rules for political parties, what does all this add up to? What is the best answer to the question, What is the Senate for?

Probably the best shorthand is this: to shield lawmakers from obsession with short-term popularity so we can focus on the biggest long-term challenges we face.

Why does the Senate's character matter? Precisely because the Senate is built to insulate us from ''short-termism.'' That is the point of the Senate. This is a place built to insulate us from opinion fads and from the bickering of 24-hour news cycles. That is the point of the Senate. The Senate is a place to focus on the biggest stuff. The Senate was built to be the antidote to sound bites.

I have asked many of you what you think is wrong with the Senate. What is wrong with us? As in most struggling organizations, in private it is amazing how much common agreement there actually is. There is so much common agreement about what around here incentivizes short-term thinking and behavior over long-term thinking, behaving, and planning.

The incessant fundraising, the ubiquity of cameras everywhere that we talk, the normalization over the last decade of using many Senate rules as just shirts-and-skins exercises, the constant travel—again, fundraising—meaning, sadly, many families around here get ripped up. That is one of the things we hear about most in private in this body. This is not to suggest that there is unanimity among you in these private conversations. The divergence is actually most pronounced at the question of what comes next and whether permanent institutional decline is inevitable in this body. Some of you are hopeful for a recovery of a vibrant institutional culture, but I think the majority of you, from my conversations, are pessimistic. The most common framing of this question or this worry is this: OK. So maybe this isn't the high moment in the history of the Senate, but isn't the dysfunction in here merely an echo of the broader political polarization out there? It is an important question. Isn't the Senate broken merely because of a larger shattered consensus of shared belief across 320 million people in this land? Surely that is part of the story, but there is much more to say.

First, the political polarization beyond Washington is so often overstated. We could talk about the election of 1800, the runup to the Civil War, the response to Catholic immigration waves at the beginning of the last century, the bloodiest summers of the Civil Rights movement, the experience of troops returning from Vietnam, if you want to mark some really high-water marks of political polarization in American life.

Second, civic disengagement is arguably a much larger problem than political polarization. It isn't so much that most regular folks we run into back home are really locked into predictably Republican and predictably Democratic positions on every issue, it is that they tuned us out altogether. Despite the echo chambers of those of us who have these jobs, are we aware that according to the Pew Research Center, the 24-hour viewership of CNN, FOX, and MSNBC is about 2 million. That is it.

Third, one of our jobs is to flesh out competing views with such seriousness and respect that we, the 100 of us, should be mitigating, not exacerbating, the polarization that does exist. This is one of the reasons we have a representative rather than a direct democracy.

Fourth, surveys reveal that the public is actually much more dissatisfied with us than they are even scared about the intractability of the big problems we face. Consider the contrast. Somewhere between two-thirds and three-quarters of the country think the Nation is on a bad track; that the experiences of their kids and grandkids will be less than the experience of their parents and grandparents. That is bad. Consider this: Only 1-in-10 of them is comforted that we are here doing these jobs.

Let's be very clear what this means. If the American people were actually given a choice to decide whether to fire all 100 of us and all 535 people in the Congress, do any of us doubt at all what they would do?

There are good and bad reasons to be unpopular. A good reason would be to suffer for waging an honorable fight for the long term that has near-term political downsides, like telling seniors the truth that the amount they have paid in for Social Security and Medicare is far less than they think and far less than they are currently receiving. That would be a good reason to be unpopular, but deep down we all know the real reason the political class is unpopular is not because of our relentless truth-telling but because of politicians' habit of regularized pandering to those who most easily already agree with us.

The sound-bite culture, whether in our standups for 90-second TV in the Russell rotunda or our press releases or what we all experienced on our campaigns—both for and against—the sound-bite culture is everywhere around us. We understand that, but do we also understand and affirm in this body that this place was built expressly to combat that kind of reductionism, that short-termism?

The Senate is a word with two meanings. It is the 100 of us as a community, as a group, as a body—that is an important metaphor—and it is this room. This is the Chamber where we assemble supposedly to debate the really big things. What happens in this Chamber now is what is most disheartening to a newbie like me. As our constituents know, something is awry here. We, in recent decades—again, this is a body and not just us but what we have inherited—have allowed short-termism and the sound-bite culture to invade this Chamber and to reduce so many of our debates to fact-free zones.

I mentioned that I have done two kinds of work before coming here. I was a historian/college president and crisis turnaround guy. Although they sound very different, they actually have a lot of similarities because they are both driven by a kind of deliberation, a Socratic speech.

Good history is good storytelling, and good storytelling demands empathy. It requires understanding different actors, differing motivations, and competing goals. Reducing everything immediately to good versus evil is bad history—not only because it isn't true and because it is unpersuasive but because it is really boring. Good history, on the other hand, demands that one be able to talk Socratically so you can present alternate viewpoints, not straw-man arguments, and explain how people got to where they are.

Similarly, can you imagine a business strategist who presents just one idea and immediately announces that it is the only right idea, the only plausible idea, and every other idea is both stupid and wicked? How would companies respond to such a strategist? They would fire him. A good strategist, by contrast, puts the best construction on a whole range of scenarios, outlines the best criticisms of each option, especially including the option you plan to argue for most passionately, and then you assume that your competitors will upgrade their game in response to your opening moves. This is a kind of Socratic speech. But bizarrely, we don't do that very much around here. We don't have many actual debates.

This is a place that would be difficult today to describe as the greatest deliberative body in the world, something that was true through much of our history. Socrates said it is dishonorable to make the lesser argument appear the greater or to take someone else's argument and distort it so that you don't have to engage their strongest points. Yet here, on this floor, we regularly devolve into a bizarre politician speech. We hear the robotic recitation of talking points.

Well, guess what. Normal people don't talk like this. They don't like that we do, and more important than whether or not they like us, they don't trust our government because we do.

It is weird, because one-on-one, when the cameras are off, hardly anyone around here really thinks the Senators from the other party are evil or stupid or bribed. There is actually a great deal of human affection around here, but again, it is private, when the cameras aren't on.

Perhaps I should pause and acknowledge that I am really uncomfortable with this as an opening speech. It is awkward, and I recognize that talking honestly about the recovery of more honest Socratic debate runs the risk of being written off as being overly romantic and naively idealistic. To add to the discomfort, I am brand new to politics, 99th in seniority, and occasionally mistaken for a page. But talking bluntly about what is not working in the Senate in recent decades—not just this year or last year—but talking bluntly about what is not working around here is not naive idealism; it is aspirational realism. Here is why. I think that a cultural recovery inside this body is a partial prerequisite for a national recovery.

I don't think that generational problems such as the absence of a long-term strategy for combatting jihad and cyber war, such as telling the truth about entitlement overpromising, and such as developing new human capital and job retraining strategies for an era of much more rapid job change than our Nation has ever known—I don't think that long-term problems such as these are solvable without a functioning Senate. And a functioning Senate is a place that rejects short-termism, both in substance and in tone.

The Senate has always had problems. This is a body made up of sinful human beings, but we haven't always had today's problems. There have been glorious high points in the Senate. There have been times when this place has flourished, and I believe a healthier Senate is possible again. But it will require models and guides.

To that end, I have been reflecting on three towering figures over the last half-century who used this floor quite differently than we usually use it today, and who thereby have much to teach us. Before naming them, let me clarify my purpose. I don't think there is a magic bullet to the restoration of the Senate. My purpose in speaking today is really just to move into public conversations I have been having with lots of you in private as I try to define a personal strategy for how to use the floor. I want advice, and I am opening a conversation on how to contribute to the broader theme. There are many of you here who want an upgrading of our debate, of the culture, of the prioritization, and of our seriousness of what are truly the biggest long-term challenges we face.

Two weeks ago, in a discussion with one of you about these problems, I was asked: So you are going to admit our institutional brokenness and issue a call for more civility? No. While I am in favor of more civility, my actual call here is for more substance. This is

not a call for less fighting. This is a call for more meaningful fighting. This is a call for bringing our A game to the biggest debates about the biggest issues facing our people and with much less regard for 24-month election cycles and 24-hour news cycles. This is a call to be for things that are big enough that you might risk your reelection over.

So let's name the three folks who have something on which to instruct us because they brought a larger approach to the floor.

First, I sit quite intentionally at Daniel Patrick Moynihan's desk. The New Yorker who cast a big shadow around here for a quarter century famously cautioned that each of us is entitled to our own opinions, but we are most certainly not entitled to our own set of facts. He read social science prolifically and sought constantly to bring data to bear on the debates in this Chamber. Like any genuinely curious person, he asked a lot of questions. So you couldn't automatically know what policy he might ultimately advocate for because he asked hard questions of everyone. He had the capacity to surprise people. We should do that.

Second, in a time when circling partisan wagons and castigating the opposing party feels reflexively easy, we can all benefit from reading again Margaret Chase Smith's heroic ''Declaration of Conscience'' speech on this floor in June of 1950. The junior Senator from Maine was a committed anti-Communist. She was also called the first female cold warrior in the Nation. For her, that meant not knee-jerk opposition to competing views but rather the full-throated defense of what she called ''Americanism.'' She defined it as ''the right to criticize; the right to hold unpopular beliefs; the right to protest; and the right of independent thought.'' Senator Smith was rightly worried about Alger Hiss and the infiltration of the State Department by actual Communist spies. This was actually happening. So for her, grandstanding and lazy character smearing were not only dishonest, they were distracting and therefore inherently dangerous. Thus, the freshman Senator—at this point she was the only woman in the body—came to the floor to demand publicly what she repeatedly sought unsuccessfully in private from Joe McCarthy. Was there any evidence for all of these scandalous claims? Think of that. As a committed truth-teller, she was willing to challenge someone not just in her own party but someone with whom she had lots of ideological alignment. She wanted to reject straw-man arguments and disingenuous attacks. Because of that moment, 4 years later the Senate would censure McCarthy and banish McCarthyist tactics from this floor.

Finally, and for my purposes today most importantly, I would like us to recall Robert Byrd, one of the larger figures in the two-and-a-half-century history of this body. As a historian, I have long been a student of the West Virginian, troubled though he was.

We sometimes conceive of our role today here as merely policy advocates—as those who argue for our respective party's position on short-term policy fights, and that is sometimes important, but that is only one of our roles, for we don't have a parliamentary system and we don't have one on purpose. With Moynihan and Margaret Chase Smith, we also need to contextualize our debates about our largest national challenges with facts and data. We need to agree on what problems we are trying to solve before we bicker about which programs would be more or less effective toward those ends. We need to challenge those in our own party not to construct straw-men arguments with those we are debating. But there is something else we need as well.

Beyond policy advocating and policy clarifying, we need an overarching shared narrative of what America means. We need to pause to regularly recall the larger American principles that bind us together—our constitutional creed, our shared stories, and our exceptional American commitment to a dream of life, liberty, and the pursuit of happiness for all 320 million of our country men and women.

We all know in our marriages that sometimes the only way around a small disagreement is to pause to embrace again our larger shared commitments and our history. We need more of that here. We need to be able to more often agree on some big things before we get to the work of honorably disagreeing about smaller things.

One of the important legacies of Senator Byrd—and again this is no commentary on other aspects of his messy past—but one of the important legacies of Senator Byrd is that he forced this Senate to grapple with our history, with the 100 of our specific duties, and with the unique place in the architecture of Madisonian separation of powers that this body and this body alone sets.

To return to our thought experiment, do we think the Founders would have regarded a 9-percent congressional approval rating—a stunning level of distrust in representative government—do we think they would have regarded that as an existential crisis? Is it conceivable we can get away with just drifting along like this or must we fix it? Count me emphatically among those who think we need to fix it. We should not be OK with this.

If we are going to restore this place, part of it will center on recovering the executive-legislative distinction. The American people should be demanding more of us as legislators, and they should be demanding more of the next President as a competent administrator of the laws that we pass. This is possible only if we again recover a sense of our identity that has some connection not just to Republican and Democrat but to the Constitution's article I legislative duties and some tension on purpose with the duties of the article II executive branch. Everything cannot be simply Republican versus Democrat. We need Democrats who will stand up to a Democratic President who exceeds his or her power, and I promise you that I plan to speak up the next time a President of my party seeks to exceed his or her legitimate constitutional powers.

Despite all of his other failings, Robert Byrd labored hard to mark these nonpartisan lines, and we should too. To that end, in the coming months I plan a series of floor speeches on the historic growth of the administrative state. This will not be a partisan effort. It will not be a Republican Senator criticizing the current administration because it is Democratic. Rather, it will be a constructive attempt to try to understand how we got to the place where so much legislating now happens inside the executive branch. Our Founders wouldn't be able to make sense of the system we are living right now.

This kind of executive overreach came about partly because of a symbiotic legislative underreach. Republicans and Democrats are both to blame for grabbing more power when they have the Presidency. Republicans and Democrats are both to blame in this legislature for not wanting to take on hard issues and to lead through hard votes but rather to sit back and let successive Presidents gobble up more and more power. We can and we must do better than this.

A century-long look at the growth of executive branch legislating over the next many months will be an attempt to contribute to the efforts of all here, both Republicans and Democrats, who want to see the Senate recover some of its authorities and to recover some of its trustworthiness in the eyes of the people for whom we work.

Each of us has an obligation to be able to answer this question: Why doesn't Congress work and what is your plan for fixing the Senate? If your only answer to this question is to blame the other party, then you don't get it, and the American people think you are part of the problem, not part of the solution.

This institution wasn't built for the two political parties, and this institution wasn't built just to advocate policy X versus new policy Y for next month. We must serve as a forum for helping our Nation understand and navigate the hardest generational debates before us. Our ways of speaking should mitigate, not exacerbate, the polarization that does exist. As was well said around here last week:

> We will not always agree—not all of us, not all of the time. But we should not hide our disagreements. We should embrace them. We have nothing to fear from honest differences honestly stated . . . [for] I believe a greater clarity between us can lead to greater charity among us.

Again, saying that we should be reducing polarization doesn't mean we

should be watering down our convictions. I mean quite the contrary. We do not need fewer conviction politicians around here; we need more. We don't need more compromising of principles; we need a clearer articulation and understanding of the competing principles so that we can actually make things work better and not merely paper over the deficits of vision that everyone in the country knows exist.

We should be bored by lazy politician speech. We should be bored by knee-jerk certainties on every small issue. We should primarily be doing the harder work of trying to understand competing positions on the larger issues.

Good teachers don't shut down debate; they try to model Socratic seriousness by putting the best construction on their arguments, even and especially to those on which they don't agree. Our goal should not be to attack straw men but rather to strengthen and clarify meaningful contests of ideas for the American people.

Representative government will require civic reengagement. Our people need to know that we in this body are up to the task of leading during a time of nearly universal angst about whether this Nation is on a path of decline.

A 6-year term is a terrible thing to waste. A 2-year term requires hamster-wheel frenzy; our jobs do not. I think we can do better, and I pledge to work with all of those who want to figure out how.

Thank you, Mr. President.

(Applause, Senators rising.)

The PRESIDING OFFICER (Mr. LANKFORD). The majority leader.

CONGRATULATING SENATOR SASSE

Mr. MCCONNELL. Mr. President, I would like to congratulate our new colleague, Senator SASSE. There was a good deal of suspense attached to wondering what the junior Senator from Nebraska would have to say, as he chose to wait until the end of the year and to listen and begin to study the institution. I expect most people would not have predicted that the best lesson we were to hear about what is wrong with the Senate and what needs to change would come from somebody who just got here.

I think the fact that there were so many Senators on the floor to listen was a tribute to the great work the Senator has done here and the study he has put into this institution and what needs to be done on all of our parts to make it work better.

On behalf of all of the Senate, I congratulate the junior Senator from Nebraska on an extraordinary maiden speech.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. ALEXANDER. Mr. President, that was a wise speech. It was a speech that made me think of the comment someone once said—that the Senate was the one authentic piece of genius in the American political system. What Senator SASSE has done is put fresh eyes on a subject, and sometimes fresh eyes are the best eyes.

What he has reminded us is to remember what a privilege it is to serve here and that if we are temporarily entrusted with the responsibility and opportunity to give real meaning to the idea that this is the one authentic piece of genius in the American political system, we have some work to do.

I am delighted he is here. I am delighted he took the time to wait, study, listen, and make his comments. I listened very carefully. I hope every single Member of the Senate did. I pledge to work with him toward the goal he set out. I look forward to serving with him for a long time.

The PRESIDING OFFICER. The majority leader.

Mr. MCCONNELL. Mr. President, for the information of all Senators, we should expect a rollcall vote around 4 o'clock on the motion to proceed to S.J. Res. 22, which is the Congressional Review Act on the waters of the United States.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The bill 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.

WATERS OF THE UNITED STATES RULE

Mrs. ERNST. Mr. President, I rise today to talk about this ill-conceived and harmful waters of the United States rule—better known as WOTUS—and how its implementation threatens the livelihoods of many of my fellow Iowans.

As the Presiding Officer knows, recent court decisions have forced this rule—EPA's latest power grab—to come to a screeching halt across the country because of the likelihood that EPA has overstepped its authority. To be clear, it is not just me saying that; it is the court.

As my colleague and friend, the senior Senator from Iowa, CHUCK GRASSLEY, often says, Washington is an island surrounded by reality. There is not a more perfect phrase to describe how the events and processes have unfolded surrounding this confusing rule. Only in Washington do unelected bureaucrats take 300 pages to simplify and provide clarity. This rule is so complex and so ambiguous that folks in my State are concerned that any low spot on a farmer's field or a ditch or a puddle after a rainstorm may now fall under the EPA's watch.

We all want clean water and clean air. That is not disputable. Time and again, I have emphasized that the air we breathe and the water we drink need to be clean and safe. Statements suggesting otherwise cannot be further from the truth. It is unfortunate that the EPA continues to fuel that line of false attack through their election-style tactics and controversial lobbying efforts on social media.

This rule and this debate are not about clean water. The heart of this debate is about how much authority the Federal Government and unelected bureaucrats should have to regulate what is done on private land.

You can see the map behind me. Look at my State of Iowa. This rule would give the EPA extensive power to regulate water on 97 percent of the land in the State of Iowa—97 percent. If you compare that to Iowa's Federal land percentage in acreage of 0.3 percent, it is quite a shift in the current makeup of Federal authority over the land in Iowa.

I spent the weekend going back through letters my fellow Iowans have sent me on this issue. So many of them are frustrated with the lack of common sense coming out of Washington. They are taking this issue personally because their livelihood depends on it. Many of the letters I get are from farmers who spend their days working land that has been in their families for generations, some going back over 100 years. They have an incentive to take care of their land and conserve it for future generations. Caring for the land and conserving is a way of life in the heartland. It is as if the EPA turns a blind eye to that fact.

One Iowan wrote:

> This proposed rule is so vague, long, and very unclear, that I feel they are wanting farmers to fail so a large fine can be assessed. Why am I taking this so personal? Because for me and my family, we live off this land. If we don't take care of it, it will not take care of us. So I will do whatever I can to protect this land and water for my children. My family lives on well water. My cattle drink from the same wells. I don't want either to get sick.

That is what one Iowan wrote. I believe the same exactly.

This rule would give EPA the authority to expand its power over family farms, small businesses, ranches, and other landowners in our rural community. Iowans are so concerned about this rule because they know it will actually create a negative impact on conservation and it is contradictory to the commonsense and voluntary work that is taking place in communities across Iowa today.

In Iowa, we have had a State-level clean water initiative in place for several years now. It is a partnership between the State legislature, the Department of Natural Resources, the Iowa Department of Agriculture and Land Stewardship, Iowa State University, and a myriad of stakeholders across the State.

The voluntary Nutrient Reduction Strategy is based on extensive research and provides a path forward for conservation efforts that individual farmers can pursue with matching funds from the State. This science-based approach provides incentives for farmers and other landowners to make sustainable decisions on their own land rather than be forced to adhere to a one-size-fits-all regulation that would do far more harm than good. A farm in Iowa is not the same as one in Montana, and the rolling plains of Texas are very different from the hills and valleys of

Pennsylvania. This is simply one more reason this WOTUS rule is the wrong approach. A one-size-fits-all solution from inside the beltway could have disastrous effects nationwide.

As I mentioned, I have heard from constituents across the State of Iowa who have grave concerns with the ambiguity of this rule. They are holding off on making conservation improvements to their land for fear of being later found out of compliance with this WOTUS rule and facing significant fines. Maybe it is because we are so ''Iowa nice'' that we are inclined to work together collaboratively rather than simply issuing more onerous regulations.

Take the Middle Cedar Partnership, for example. This project in Eastern Iowa uses local dollars and State funding, coupled with Federal grants from the USDA, to organize and advocate for land practices that improve water quality downstream. The coalition is made up of city, county, and State officials, businesspeople, farmers, environmentalists, and other concerned citizens. Together they are making meaningful progress on multiple watershed projects within the Cedar River basin and sharing what they have learned. This approach is now being adopted by other municipalities within the State.

Contrary to what some claim, Iowa has done all of this on its own, not at the behest of the EPA. In fact, the EPA has asked the leaders of Iowa's efforts to come to DC and explain how they are able to get such grassroots buy-in on voluntary conservation projects and programs. The other States in the Mississippi River Basin look to Iowa as a leader on water quality and are modeling their own State-level efforts after ours in the State of Iowa. While there are clear indications that this WOTUS rule is illegal and likely to be scrapped by the courts, that process could take years to play out—and all at the expense of the average American.

Let's not wait around for the inevitable and force our small farmers and businesses to operate in the dark while they wait. Let's fix this now and give American families the certainty they deserve. We can do that by passing the legislation before us.

I have led the charge in the Senate on this joint resolution of disapproval which would scrap the rule entirely. My legislation is the necessary next step in pushing back against this blatant power grab by the EPA. We will send this to the President, and he will be forced to decide between the livelihood of our rural communities nationwide and his unchecked Federal agency.

I also voted for S. 1140, which provides the EPA with clear principles and directions on how best to craft a waters of the United States rule. It spells out steps they should have taken prior to finalizing this rule to guarantee they can take into consideration the thoughtful comments from folks such as farmers, ranchers, small businesses, and manufacturers. Congress is acting because it is evident that the EPA did not seriously consider the comments and perspective from those whom this rule will directly impact, and it is clear they are far outside the bounds of the congressional intent of the Clean Water Act.

Iowa is bounded by rivers. The very shape of our State is dictated by the mighty Mississippi and Missouri Rivers. Take one look at commerce and recreation happening on them, and it is easy to see why these are considered navigable waters. When Congress passed the Clean Water Act, this was the type of water it intended to protect, not a grass waterway running across a farmer's field or a ditch bordering it. This rule ignores congressional intent and is nothing more than a power grab by the EPA.

The EPA continues to run roughshod over Iowans, acting as if they are a legislative body—something they have no business doing. It is no wonder they have lost the trust of the American people and many in Congress. Every community wants clean water and to protect our Nation's waterways, but we simply cannot allow mounting, unnecessary regulations to overwhelm the commonsense voice of hard-working Americans, especially when they are not based on sound science. Again, it is not just me saying that, the courts and the Army Corps have both called the EPA on their shaky data, or lack thereof. Yet unelected bureaucrats remained committed to making a political decision instead of the right decision.

As Iowa's U.S. Senator, it is my responsibility to speak for the folks I represent and hold the Federal Government accountable when it is clear they have gone too far. And make no mistake—they have here.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Missouri.

Mr. BLUNT. Mr. President, I rise in strong support of this effort to turn back this rule. The rule has been well explained by the Senator from Iowa. Her efforts are about all that Congress can currently do. Frankly, I would hope that we can figure out how to go further so that the Congress has to approve every rule that is issued by every agency of government that has significant economic impact.

It is, frankly, hard to imagine a rule that has a more wide-ranging impact or more economic impact than this one does. As has been well pointed out, the authority given to the EPA under the Clean Water Act was very consistent with Federal discussions and debates for 170 years. I think 1846 was the first time the term ''navigable waters'' was used in Federal law, in a bill that James Knox Polk—President Polk actually vetoed the bill, but the term was understood, and it quickly came back into Federal law, and it meant exactly what it said: navigable waters of the United States.

Why would that be a Federal responsibility? Because ''navigable'' means you can move something on it. ''Moving something on it'' means commerce, and one of the principal reasons for the Constitution was to regulate interstate commerce. So this is a long-established principle. Yes, there is some Federal responsibility for those avenues of commerce in the country—areas, rivers, waterways you can navigate. But, of course, that is not good enough for the EPA—170 years of Federal law, total and complete understanding around the country and, it appears, even on the part of Federal judges of what ''navigable'' means.

There is a way to get expanded jurisdiction if the EPA wanted expanded jurisdiction, and that is to come to Congress and say: Give us not just responsibility over navigable waters but all the water that can run into all of the water that can run into any water that can run into any water that can run into navigable waters.

If the EPA got this jurisdiction, you wouldn't be able to come up with enough Federal bureaucrats to oversee this level of jurisdiction. In a map that is not nearly as large as the map we have on the poster but a map that the Missouri Farm Bureau put out in our State, this is how much of the State of Missouri would be under the jurisdiction of the EPA under this law.

Even if you are standing very close to this map, you can't see the non-red areas. The red area is the new Federal jurisdiction. The non-red area is three-tenths of 1 percent of the State. So anything that goes on in 99.7 percent of our State is really founded on the basis of the rivers that cut through the middle of it, that bind it on the east, and would be, obviously, waters that are in most cases navigable and inarguably navigable, but all the water that runs into any water that could ever run into any water that runs into that water is clearly not navigable.

That is why county commissioners all over our State are calling and saying: If this passes, what does it mean? Can we mow the right-of-way without a Federal permit?

There is no question that if this passes, every roadside ditch in the entire State of Missouri would be navigable waters. There is nowhere outside the offices of the EPA and the most extreme among us where anybody would want to argue that every ditch along every road and highway is navigable waters. The EPA wants jurisdiction they couldn't exercise.

This is a moment when Congress can stand and say: We do not want this rule to go into effect. We are going to pass a resolution that puts this on the President's desk, and if the President is going to be for this no matter what the courts say, no matter what the Corps of Engineers says, no matter what the Congress says, the President has to take a position on this rule. It is his EPA; it is out of control on this rule.

I hope my colleagues join the Senator from Iowa and me and many others in saying we don't want this rule to go into effect.

I yield the floor.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

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

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

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

Mr. MCCONNELL. Mr. President, pursuant to the provisions of the Congressional Review Act, I move to proceed to S.J. Res. 22, a joint resolution providing the congressional disapproval of the rule submitted by the Corps of Engineers and the EPA relating to the definition of ''waters of the United States'' under the Federal Water Pollution Control Act.

The PRESIDING OFFICER. The clerk will report the motion.

The legislative clerk read as follows:

Motion to proceed to Calendar No. 286, S.J. Res. 22, a joint resolution 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.

Mr. MCCONNELL. 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 question is on agreeing to the motion.

The clerk will call the roll.

The legislative clerk called the roll.

Mr. CORNYN. The following Senator is necessarily absent: the Senator from South Carolina (Mr. GRAHAM).

Mr. DURBIN. I announce that the Senator from Ohio (Mr. BROWN) is necessarily absent.

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

The result was announced—yeas 55, nays 43, as follows:

[Rollcall Vote No. 296 Leg.]

YEAS—55

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

NAYS—43

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

NOT VOTING—2

Brown	Graham

The motion was agreed to.

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

The PRESIDING OFFICER. The clerk will report the joint resolution.

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. Pursuant to 5 USC 802(d)(2), there is 10 hours of debate, equally divided, on the joint resolution.

The Senator from Iowa.

Mrs. ERNST. Madam President, I wish to take a quick moment and thank my friends, my colleagues for supporting this effort, and I look forward to some lively discussion on the EPA's overreach and this WOTUS rule. I encourage my fellow Republicans and my fellow Democrats to carefully consider what this overreach by the EPA does to their home States. Just as it does in Iowa—it covers 97 percent of our land. I encourage them to listen to their constituents very carefully as we move forward on this debate and this vote.

Again, I thank my colleagues for supporting this effort.

The PRESIDING OFFICER. The Senator from Texas.

Mr. CORNYN. Madam President, I wish to congratulate our friend and colleague, the Senator from Iowa, on this strong vote on the motion to proceed to this congressional resolution of disapproval of this overreaching regulation issued by the Environmental Protection Agency. I want to talk a little bit about this rule, but I also want to talk about how symptomatic this is of the overreach we are seeing coming from the executive branch, particularly when it involves rulemaking.

This rule is a response to a Supreme Court decision and a number of other decisions by the lower courts which held previously that the Federal Government had overreached when it comes to trying to regulate so-called navigable waters of the United States.

I think there is no real question in anybody's mind that under the interstate commerce provisions of the U.S. Constitution, the Federal Government has a responsibility when it comes to navigable waters, but, as the Sixth Circuit Court of Appeals said in a decision it handed down on October 9, the plaintiffs in the case against the Environmental Protection Agency and this particular rule established a substantial possibility of success on the merits of their claims where they said that the rule's treatment of tributaries, adjacent waters, and waters having a significant nexus to navigable waters is at odds with the Supreme Court's decision in the Rapanos case, which was handed down in 2006. It said also that the provisions of the rule make it unclear as to the distance limitations, whether it is harmonious with the decisions of the Supreme Court. So, for example, if you could say the tributary that feeds another body of water that feeds another body of water that then feeds another body of water that eventually gets into navigable water is subject to the rulemaking authority of the Environmental Protection Agency is in conflict with the decision in the Rapanos case, and I don't believe it would ever withstand constitutional scrutiny.

Moreover, the Sixth Circuit Court of Appeals said the rulemaking process by which the so-called distance limitations were adopted is suspect. They said it did not include any proposed distance limitation in use of the terms such as ''adjacent waters'' or ''significant nexus.'' So under the opinion of the Sixth Circuit Court of Appeals, a body of water could be far removed from that navigable water and still be determined as an adjacent water or have a significant nexus and be subject to the far-reaching provisions of the rule.

The Sixth Circuit Court of Appeals also said that there was no scientific support for the distance limitations that were included in the final rule.

The plaintiffs contended and the Sixth Circuit agreed that this rule is not the product of reasoned decision-making and is vulnerable to attack as impermissibly arbitrary or capricious under the Administrative Procedure Act.

Ordinarily, the Court of Appeals for the Sixth Circuit said, they would not issue a stay pending the resolution of the challenge to the rule, but they said the sheer breadth of the ripple effect caused by the rule's definitional changes counsel strongly in favor of maintaining the status quo for the time being. They also noted that the rule had already been stayed in 13 different States where previous litigation had been filed and decided. So, as a result, on October 9, the Sixth Circuit

Court of Appeals issued a nationwide stay for the very rule that is the subject of this Congressional Review Act vote that we just had and that we will have after 10 hours of debate.

But beyond the arcane provisions of the Administrative Procedure Act and what is navigable water and what is adjacent water, what has a sufficient nexus and the like, I think what we need to recognize is that this rule represents the single largest private property grab perhaps in American history because it claims as Federal jurisdiction private property that previously had not been thought of as having any nexus or connection with Federal authority or even interstate commerce—potholes, drainage ditches, culverts, stock ponds, things such as that that are arguably now within the ambit of this rule, and that cannot be the case.

That is why so many of us have heard not just from our farmers, cattle raisers, and agriculture producers, but we have heard from people in the construction business, people who are concerned about this private property grab, and they said this cannot be the case. As I said, farmers and ranchers, homebuilders, manufacturers, utilities, the concrete industry—any entity that builds or develops on real estate will likely be impacted.

I am very happy that under the leadership of the Senator from Iowa, we have gotten this far on this congressional resolution of disapproval, and I hope that after this debate—perhaps tomorrow—we will be in a position to send this to the President of the United States stating views of the U.S. Senate and Congress that this rule simply is too broad and cannot stand.

The Sixth Circuit Court's opinion is not a substitute for what we do under the Congressional Review Act. It is part of our responsibility as Members of the U.S. Congress.

In my State, as, I am sure, in other places around the country, farming and ranching is more than a job. It is a way of life. It is part of our culture and very definitely a family affair. In fact, about 98 percent of all farms and ranches in Texas are family-owned. When I am back home and have the chance to visit with those who provide the food and the fiber to feed and clothe us, they are very concerned about this legislation—as they should be—because it not only represents a threat to their way of life and their ability to provide for their families and for our States and our country, it is a power grab unprecedented in U.S. history.

In May, the Environmental Protection Agency released the final rule that is supposed to protect our water. Who could be opposed to that? Well, nobody if they had done it within the Constitution and within the law. That sounds innocuous enough. But in reality, it acts as a Federal land grab, one which would add significant costs to our farmers and ranchers and which has the potential to greatly intrude on the private property of landowners.

While we all can agree that clean water is a priority, the Obama administration has overstepped that goal and pitted the EPA and the Army Corps of Engineers against the hard-working farmers and ranchers in Texas and across the country. But it is not just the agriculture sector, as I mentioned a moment ago. I have been hearing from a lot of stakeholders back home who are incredibly concerned about the negative potential impact this rule will have on their business. This rule is such a vast expansion of Federal jurisdiction that multiple sectors of our economy could be adversely affected—as I said, homebuilders, the oil and gas industry, mining companies, and manufacturers.

This rule is not just some simple, straightforward provision to protect water; it is a veiled threat against the private sector and a blueprint for stifling economic growth in our country.

In 2014 the economy in my State grew roughly 5.2 percent. We were among the most fortunate States in the Nation to see a lot of job growth and opportunity. That is why people are moving to Texas—because that is where the jobs are. Conversely, in 2014 we saw across the country our economy grow at roughly 2.2 percent.

While we have been encouraged to see the unemployment rate tick down little by little, the truth is that when you start getting into the numbers, you realize that the labor participation rate—the percentage of people actually actively looking for work—is at a 30-year low, thus making that lower unemployment rate look better than it really is.

This is an important piece of legislation, and I know a lot of people are paying attention to it back home and across the country because of its impact. I am frustrated we weren't able to move the earlier legislation forward due to a filibuster by the minority, in this case, who are clearly trying to do everything they can to protect this administration and its overreach, but of course all of us are going to be held accountable at the ballot box, as we should be. Anyone who has voted against proceeding with this commonsense legislation to rein in an out-of-control Federal agency, I believe, will live to regret that decision.

CONGRATULATING SENATOR GRASSLEY ON CASTING HIS 12,000TH VOTE

Madam President, I just have one other thing to say on a different topic. It has sort of been the quiet after we celebrated the 15,000th vote by the Senator from Vermont very publicly the other day. Our more reticent, and perhaps even occasionally shy, Mr. CHUCK GRASSLEY, the senior Senator from Iowa, celebrated his 12,000th vote in the Senate.

Senator GRASSLEY is well known for his consistency and steadfast commitment to the people of Iowa. I have to say, I don't know of any Senator who works harder to get and to keep the trust and confidence of the people he represents. This 12,000th vote should come as no surprise. He actually hasn't even missed a vote since 1993. Every year for more than 30 years, Senator GRASSLEY has demonstrated his commitment to the people of Iowa by visiting every one of the State's 99 counties.

I know he keeps his colleague, the junior Senator from Iowa, Mrs. ERNST, running just trying to keep up with him. That is an impressive record for anyone, and one that many—including our Presidential candidates—sometimes need to try to duplicate.

I will speak, for just a second, beyond statistics about Senator GRASSLEY because I have the honor of serving with him on both the Finance and Judiciary Committees. He has worked tirelessly, not just for the people of Iowa but for all Americans. Indeed, my colleague shares my concern for creating a more open and transparent government. As somebody who is conservative by ideology and by nature, I was not sent by my constituents in Texas to pass more rules and regulations. I am here to hold the government, and particularly the bureaucracy, accountable. One way we can do that, without adding additional regulations, rules, and costs to the taxpayer, is by encouraging an open and more transparent government because with that comes accountability.

Senator GRASSLEY has used his role as chairman of the Judiciary Committee to advance these values and to hold government and the bureaucracy accountable for the benefit of not just Iowans but for the benefit of the American people.

I thank the Senator from Iowa for the great example he sets for the rest of us and applaud him for casting his 12,000th vote.

I yield the floor.

The PRESIDING OFFICER. The Senator from West Virginia.

Mrs. CAPITO. Madam President, I rise to speak in support of the CRA, Congressional Review Act amendment on the waters of the United States, of my colleague from Iowa. West Virginia is no stranger to the crushing consequences of harmful regulations. Our unemployment rate is the largest in the Nation. Layoff notices keep coming and declining revenues from coal severance taxes are eroding our State's budget. I read an article earlier today saying that this far into the fiscal year in the State of West Virginia we have a deficit of $91 million.

The EPA and the Army Corps of Engineers waters of the United States rule, known as the WOTUS rule, is just the latest example of a regulatory environment that threatens to put West Virginians and other Americans out of business. Everyone can agree—and the Senator from Texas just talked about this and I know the Senator from Iowa has talked about it frequently—that we must protect our drinking water resources, and we also must protect our precious natural resources, but a rule that subjects puddles and ditches to

regulations just goes too far. The EPA's unprecedented expansion of Federal authority has very serious consequences, both in the State I represent, West Virginia, and throughout the rest of the country.

In my State of West Virginia, the steep mountainous terrain means that the EPA would have oversight over any land located in the valley or low-lying area. If you have been to West Virginia, you know you are either on a mountain or in a valley in a low-lying area. There is very little flat land.

The West Virginia Coal Association pointed out that the WOTUS rule would trigger ''an alphabet soup of statutes, regulatory programs and federal regulatory agencies'' involved in traditionally nonregulated activities. Something as simple as digging a ditch on a farm or building a home on privately owned property could be under the purview of the EPA and a failure to comply with that rule could result in fines as high as $37,500 a day.

A county commissioner from Monongalia County recently wrote to my office expressing concerns that this WOTUS rule would impede the county's attempt to create developable tracks of land needed to attract large employers in West Virginia.

I will remind everyone that developable land in a State like mine is very difficult to create because it is not natural and it would create a lot of those low-lying areas, ditches, and puddles that this regulation goes way beyond to regulate.

A small business owner in Scott Depot, WV, shared her concern that small businesses were not adequately considered in the WOTUS rule. She said:

> Government regulations, like the proposed rule, are complicated, expensive to navigate, and a real obstacle to my growing business. This change, and its ridiculous overreach and restrictions could decrease land value and hinder my ability to expand, develop and use my own private land.

We talk a lot about creating jobs in this country. This is a quote from a small business owner who is concerned about her ability to control her own destiny with her own small business on her own privately owned land. I think this is the reason that 31 States, including West Virginia, are suing to overturn this misguided rule, and two courts have already found it likely illegal.

Rather than incorporating thoughts from Congress and concerned Americans, this misguided rule doubles down on overreach and threatens to impede small businesses, agriculture, manufacturing, coal, natural gas production, and many other vital sectors of the economy as the Senator from Texas just talked about.

The decision by the Sixth Circuit Court of Appeals to block the implementation of the WOTUS rule nationwide confirms that WOTUS was the wrong approach to protecting our water resources and reinforces the need to rein in this administration's unprecedented and overreaching regulations.

Along with colleagues on both sides of the aisle—just this afternoon at 2:30 p.m.—I proudly supported Senator BARRASSO's Federal Water Quality Protection Act, which would have directed the EPA and the Corps of Engineers to withdraw this rule, go back to the drawing board, and issue an alternative approach that is crafted in consultation with State and local governments and small businesses.

The bill we voted on earlier today received bipartisan support from 57 Senators but only partisan opposition. Both Republicans and Democrats supported moving forward on the Federal Water Quality Protection Act because we wanted to offer a real solution that would bring clarity and common sense to the protection of our Nation's waters.

This legislation would have provided certainty to farmers, manufacturers, energy producers, State and local governments, and anyone seeking to do virtually anything on private land. Unfortunately, 41 Democrats stopped a bipartisan majority from considering this bill. We must now consider other options to block the misguided WOTUS regulation issued by the EPA and Corps of Engineers.

I am glad we will have the opportunity to vote on a Congressional Review Act resolution of disapproval offered by the Senator from Iowa. This resolution would protect hard-working West Virginia families, small businesses, energy producers, and others across the country who would be unfairly burdened by this onerous and deeply flawed WOTUS rule. The WOTUS rule would lead to a massive expansion, again, of costly permitting requirements and hinder our already struggling economy, an outcome West Virginia and the Nation simply cannot afford.

I urge my colleagues to join with me and the Senator from Iowa, who is leading the charge in such an admiral way in supporting this important effort to block the harmful WOTUS rule.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Nebraska.

FEDERAL WATER QUALITY PROTECTION BILL

Mrs. FISCHER. Madam President, I rise not only in support of the critical bipartisan legislation that was before the Senate earlier today but also in support of the proposal of the Senator from Iowa that is before us now. While the measure failed to secure the necessary votes earlier today, the fight is not over.

The Federal Water Quality Protection Act would have enabled American citizens to maintain control over their water resources, and it would have stopped the administration's WOTUS rule. Congress has already limited the Federal Government's regulatory authority under the Clean Water Act to only navigable waterways, but instead of following the law, this administration has broadened the definition of ''waters of the United States'' and extended Federal authority far beyond the law's original intent.

The rule, which is commonly referred to as WOTUS, exponentially expands Federal jurisdiction over all water—from prairie potholes to ditches and everything in between. Ultimately, this rule prevents State and local agencies from effectively regulating our water by placing control in the hands of Washington bureaucrats.

I am proud to have worked with my colleagues on a bipartisan effort to overturn this dangerous rule and force both the EPA and the Army Corps of Engineers to go back to the drawing board. Our legislation, known as the Federal Water Quality Protection Act, would have required the administration to consult with States and local stakeholders before imposing the Federal regulations on our State-owned water resources. Additionally, the bill would have ensured a thorough economic analysis to make sure that was conducted before restricting States from managing their own natural resources.

The importance of allowing our States to manage these resources hit home during a Senate Environment and Public Works Committee field hearing that I chaired in Lincoln, NE, this past March. At the hearing, a wide variety of Nebraska stakeholders provided personal accounts of how this will affect families, businesses, and communities all across our State.

One witness from the Nebraska State Home Builders Association noted that 25 percent of the current cost associated with building a new home are due to existing regulations. Adding more Federal rules and regulations will only put that American dream of owning a home out of reach for most of us. That is not right, and that is not the kind of government people want.

Additionally, the Common Sense Nebraska Coalition noted that the sweeping impact of this rule would affect everyone, from county officials trying to build a road to farmers trying to manage that rainwater runoff.

The WOTUS rule affects much more than rural America. Our municipalities are charged with wastewater, storm water, and flood control systems, as well as providing drinking water, electricity, and natural gas to our citizens. Taxpayers will shoulder these added costs. We are going to pay more for road construction. We will pay more for levees that protect our drinking water. We will pay more for wastewater improvements, and that will cost our families. Those higher taxes will hurt our families.

With the expanded definition of ''navigable water'' under this rule and our extensive aquifer system, the Federal Government can assert control over nearly all the water in the State of Nebraska. Nebraskans take their role in protecting and conserving our natural resources very seriously. Responsible

resource management, including the careful stewardship of our water, is the cornerstone of my State's economy.

We all also understand that the people closest to a resource are the ones who manage it best. That is a principle that is shared across this country. That is why I am committed to working with my colleagues to manage responsibly our Nation's water for our current and future generations. I don't believe the Federal Government should focus on ways to make life harder for people. That is not what we were sent to do. Instead we need to explore policy options that will promote growth and conservation.

I am proud to be an original cosponsor of the Federal Water Quality Protection Act. This important bipartisan legislation would have set clear limits on the Federal regulation of water. I am disappointed the Obama administration would force this irresponsible, overreaching rule on hard-working Americans. We have a duty to roll back this rule. We have a duty to prevent the harm it will inflict.

I encourage all of my colleagues to come together on this so we can ensure that job creators, communities, and families from across the country can continue to prosper.

Thank you, Madam President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The senior assistant legislative clerk proceeded to call the roll.

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

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

Mr. GARDNER. Madam President, there is a saying by Thomas Hornsby Ferrill engraved on the walls of the Colorado State Capitol that reads, ''Here is a land where life is written in water. . . . '' I come to the floor to talk about the most precious natural resource in the West; that is, of course, our water. Water in the West has helped shape communities, agriculture, tourism, and industry. The management of that water has been traditionally controlled at the State and local level, not the Federal Government.

Colorado is the State of origin for four major river basins: The Colorado, the Arkansas, the Platte, and the Rio Grande. These water basins help make for a robust agricultural economy throughout the State. According to the Colorado Department of Agriculture, this industry contributes nearly $41 billion to the State economy and employs nearly 173,000 people. Colorado has more than 35,000 farms and ranches and more than 31 million acres for farming and ranching.

The State ranks in the top five nationwide for production of products ranging from potatoes and cantaloupes to sunflowers and wheat. Unfortunately, the Environmental Protection Agency has decided to put forth a rule that would endanger many of these farms as well as the jobs and local economies they help support. The waters of the United States rule, known as WOTUS, would significantly expand the definition of navigable waters under the Clean Water Act. With this rule, the EPA and the Army Corps of Engineers have unilaterally decided that isolated ponds and irrigation ditches may be subject to the same Federal oversight as the Mississippi River. They are doing all of this based on authority passed by Congress more than 40 years ago.

Instead, this rule could have significant negative impacts on agriculture, industry, local utilities, and water districts, merely by the uncertainty it creates with local entities trying to determine if their water is subject to Federal oversight.

According to the Colorado Farm Bureau, an additional 1.3 million acres of land and an additional 170,000 stream miles in Colorado alone could be subject to Federal Government jurisdiction. It is important to point out that Colorado is a lower 48 State, one of the only lower 48 States that has all water flowing out of it and no water flowing into it. Farmers and ranchers would likely be subjected to increased permitting requirements under Section 404 of the Clean Water Act to canals and ditches on their own land. Even if their land is exempted, as some would have you believe from the WOTUS rule under the proposed exclusions, there is already an air of uncertainty for these farmers and ranchers who will have to try and navigate the Federal bureaucracy to determine if they have to apply for the increased permitting requirements.

It is no secret that the Environmental Protection Agency often works very slowly in the regulatory and permitting process. Two water projects in Colorado with bipartisan support, the Northern Integrated Supply Project and Gross Reservoir Expansion, have languished in the regulatory process for more than a decade. The waters of the United States rule is simply not the answer.

The Federal Government should not be passing expansive new laws without the consent of Congress to regulate every drop of water. The EPA wants you to believe that the proposed WOTUS rule is not a major expansion of power and that this rule does not add any new requirements for agriculture or interfere with private property rights or include the regulation of most irrigation ditches.

Fortunately, our Nation maintains a separation of power. On October 9, the U.S. Court of Appeals for the Sixth Circuit issued a nationwide stay for the waters of the United States rule after a lawsuit was filed by 18 States, including the State of Colorado. The order of stay specifically states that the rule effectively redraws the jurisdictional lines over our Nation's waters and that the States and others would be harmed if the justice system did not act.

I applaud the Sixth Circuit for their action and for the 18 States that moved forward to protect control of the water within their boundaries. Now I believe it is time for Congress to act. Unfortunately, yesterday we watched as a strictly partisan minority blocked S. 1140, the Federal Water Quality Protection Act authored by Senator BARRASSO of Wyoming.

This legislation, which had moved through the Senate under regular order and in a bipartisan fashion, would seek to have the EPA and others make significant revisions to the WOTUS rule and would throw out the current rule. It calls for significant consultations with State and local governments who actually control the water. I believe this consultation process is a significant step forward.

I have heard from many water districts and utilities throughout Colorado. They all have major concerns with the WOTUS rule in its current form and the unintended consequences of the rule. But because of this partisan minority of Senators blocking the legislative vehicle to try to address the many shortcomings of the WOTUS rule, I believe we have no other choice but to move forward in disapproving of the rule in its entirety. I applaud my friend and colleague Senator ERNST of Iowa for her work in introducing S.J. Res. 22, which provides for Congressional disapproval of the waters of the United States rule.

That is why I have come to the floor today, to urge a ''yes'' vote on S.J. Res. 22 because in Colorado, we know that we have to stick up for our water rights. In Colorado, we know we have to stand up for our water law. In Colorado, we know that we have to keep the Feds' hands off our water rights. I urge the adoption of this measure.

I yield the floor.

The PRESIDING OFFICER. The Senator from North Dakota.

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

The PRESIDING OFFICER (Mr. GARDNER). Without objection, it is so ordered.

Mr. HOEVEN. Mr. President, I am here to actually address some of the recent developments on the Keystone XL Pipeline. Before going into that, I would like to take a minute, though, and mention the Congressional Review Act that is before us now and how important it is that we pass it.

I want to commend Senator ERNST for her diligence on this very important matter. The waters of the United States is a regulation issued by the EPA that goes far beyond their statutory authority, far beyond the statutory authority that Congress has given them under a legal theory referred to as ''significant nexus.'' It is something I have worked on for a long time. In fact, I have included a bill that would defund the regulation as part of the EPA appropriations bill in our appropriations, both at the subcommittee and the full committee level.

So I certainly hope and feel that the good Senator from Iowa will be successful in this CRA effort, as far as getting it through Congress. I think it will go through in strong fashion in both the Senate and the House, thanks to her good work and, of course, the underlying importance of the issue.

Of course, our challenge will be with the administration. I hope the administration will look at the strong support here in Congress and listen to the people of this great country, the farmers and ranchers across our country, and the small business people across the country who know so well that WOTUS is a serious problem for them. I hope the President will consider them and not veto the legislation, but I am concerned that he will veto it. And if he does, then we will continue to work through the appropriations process to defund this legislation.

Again, even if we are not able to deauthorize it through the CRA process, we will work to defund it. Of course, the disadvantage with defunding is that only goes for a year, but obviously that would take us through most of the balance of the Obama administration and hopefully get us to a fresh start.

I think the key point, though, is that we rescind this onerous regulation. That can be through deauthorizing it, it can be through defunding it, and, in fact, it can be through litigation. I think in excess of 30 States have joined in litigation across the country pushing back on this onerous regulation. In fact, the Federal district court in North Dakota stayed the regulation. That stay was upheld, that injunction was upheld by the Sixth Circuit Court of Appeals in Cincinnati, OH. So right now there is a national stay on this regulation, which I think just goes to show that we are on the right track here because we are coming at it from so many angles with so many people who are saying: Look, this is common sense. This is a big-time overreach by EPA. It adversely affects farmers, ranchers, small businesses, and property rights. In fact, in this great country, it adversely affects property rights. So through deauthorization, defunding, and the legal process, we will work to rescind it.

Again, I wish to echo the strong comments of my esteemed colleague from the great State of Colorado and also acknowledge and commend the good Senator from the State of Iowa on her efforts to lead the charge.

KEYSTONE XL PIPELINE

Mr. President, I wish to speak, as I said, for up to 10 minutes as in morning business on the subject of the Keystone XL Pipeline.

Yesterday, after 7 years—7 years starting in September of 2008—the TransCanada company asked the U.S. State Department to pause or suspend its application to build the Keystone XL Pipeline. The company asked for that pause because it is working through an application process for route approval by the Public Service Commission in Nebraska. The Governor and the legislature in Nebraska actually approved the route for the pipeline in Nebraska, but after many lawsuits in the State of Nebraska and demonstrations, often led by movie stars and other celebrities, the company has chosen what I would call a belt-and-suspenders approach. Essentially, they have decided that in spite of the fact that they have received approval from the Governor, the legislature, and that that decision has been upheld by the Nebraska Supreme Court, they are going back and they are going through the process with the Nebraska Public Service Commission. So that is why I say it is really a belt-and-suspenders approach. Now they are going back, and in addition to the approvals they have already received, in addition to the decision by the Nebraska Supreme Court, now they are going back through the Public Service Commission process in Nebraska as well. The thing about that is it will take about a year to do it.

So now TransCanada is asking for forbearance from the Obama administration—not because the company hasn't met all the legal and regulatory requirements. It has. It has met all of them and it spent millions of dollars doing so. But, rather, TransCanada is asking for forbearance on the project because the company is once again going through all of the requirements, all the regulations, and all the redtape to get every approval—State, local, and ultimately Federal—for the project. That is why I call it, as I said, the belt-and-suspenders approach.

Now we will see what the Obama administration does with TransCanada's request. Will they now hold off or wait on their denial decision, which the Obama administration obviously wants to make based on their environmental agenda, or will they honor TransCanada's request to pause or suspend the project, just as they have made TransCanada wait now for 7 years pending all of the administration's requirements, including the Obama administration's adamant concern that the process in Nebraska be fully completed before the administration render a decision. Remember, this administration made a big deal about waiting until the Nebraska process was fully completed before the administration would make a decision. So let's see what they do. As I have just outlined, that process would probably take another year.

So will they forbear on making a decision now after they held the process up 7 years? Will they honor the request by TransCanada to pause while the company completes this process in Nebraska or will they say no, in spite of their concern that that be fully completed? Will they go ahead and in essence reverse themselves on process and deny the project? Well, we will see. We will see what they do. But if they don't grant this pause or suspend the application pending completion of the project in Nebraska, it seems to me like a double standard. On the one hand, they hold up the project for 7 years and they say the company must go fully through the process in Nebraska. So for them now to say ''No, we are not going to provide the time to do that'' seems, in fact, very much like a double standard.

As I have talked about in this Chamber before and as I think the administration is very well aware—and I think that is part of the reason they have held up on making a decision rather than turning down the project—this is a project which is overwhelmingly supported by the American people. In poll after poll, there is 65 percent to 70 percent support by the American people. Also, it is supported by Congress. It passed overwhelmingly with more than 60 votes in this Chamber. It passed with a big bipartisan majority in the House.

Another consideration obviously now for the administration is, what about the new administration in Canada? The Trudeau administration is coming in, and the new Prime Minister in Canada supports the project. So what is the message to Canada if the administration says ''No, we are not going to honor that company's request for a stay or a pause or an extension on the project now'' and instead goes ahead and turns it down?

The administration's own Quadrennial Energy Review dedicates a whole chapter to the benefits of integrating North American energy markets. The administration states that ''energy system integration is in the long term interest of the United States, Canada, and Mexico, as it expands the size of energy markets, creates economies of scale to attract private investment, lowers capital costs, and reduces energy costs for consumers.'' That is right out of their own Quadrennial Energy Review, prepared by their own Department of Energy, which says we need to work with Canada on energy.

So what will they do? In spite of all of that, will they turn down the project now or will they treat the company fairly and give them due process?

Well, regardless of the decision the Obama administration makes, I think in the final analysis the project will be approved. It might take a year, it might take a little over a year, but I think in the final analysis this project will be approved. It should be approved because the people of this country overwhelmingly support it and recognize that it is in their interest and to their benefit. But what it really comes down to is the merits. In the final analysis, a project should be approved or disapproved on the merits, right? And the merits are these, very simple: To build the kind of energy plan that we want for this country, where we are energy secure—meaning we produce more energy than we consume—we have to build the energy infrastructure we need to move that energy safely and efficiently from where it is produced to

where it is consumed. That means we need pipelines, we need transmission lines, we need rail, and we need road to move that energy as safely and cost-effectively as possible.

If you think about it, that doesn't mean just oil and gas; that means all types of energy. That means renewables too, right, to move those electrons through transmission lines. We need the energy infrastructure for the right kind of energy plan for this country—energy from sources, traditional and renewable, to move that energy as safely and as cost-effectively as possible.

So what is the message here? The message is very simple: If we want companies to step up and invest the hundreds of millions and billions of dollars it takes to build that infrastructure, then we have to have a legal and regulatory process where they know that if they go through it and they meet all the requirements, they can then get approval for the hundreds of millions that they invest to get that done and to build these projects.

That is energy infrastructure we need to build so that we don't continue to rely on OPEC or let Russia dominate the energy markets or rely on countries such as Venezuela, and ultimately, that is what the American people want. That energy security, that energy independence, if you will, working with our closest friend and ally, like Canada, and developing energy in this country, is what the American people want. That is what the American people want because it makes us strong and secure.

This is just one project, but it is about all of the projects we need to build to make this Nation energy secure. That is why ultimately this project will be approved on the merits.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Pennsylvania.

THE BUDGET

Mr. TOOMEY. Mr. President, I wish to speak this evening a little bit about the budget deal that was recently enacted. There are three parts of that I wish to address. One is the spending increases, another is the debt ceiling, and finally there is the Crime Victims Fund, which—I am very upset about this.

Starting with spending, it shouldn't be controversial—but of course it is—that we spend too much money here. We spend way too much money. There are any number of metrics that would confirm and demonstrate how much we overspend, but I think the most compelling is the size of the deficit that all this spending is creating, with record revenue. I want to underscore that. The Federal Treasury is taking in record amounts of tax revenue. So with alltime-record levels of revenue, we are still spending so much above and beyond that that this year we are going to run about a $450 billion deficit.

There are some people in this town who practically sprained their arms patting themselves on their backs because it used to be a $1 trillion deficit. That is true, but $450 billion is still way too much. We have too much debt now, and a $450 billion deficit this year is going to add $450 billion to a debt level that is already too big. And guess what. All forecasts, everybody's forecasts—liberal, conservative, Democrat, Republican, CBO, private sector—everybody agrees the deficits are on path to get worse. So we are spending too much. Our deficits are too big. They are adding to a debt that is already too high, already doing damage to our economy, our ability to create jobs, because of all the uncertainty and the risk that all this debt creates. And what happens? The only spending discipline we have been able to achieve in recent years—the spending caps that were enacted in 2011—the President insists we have to bust them.

Many of us believe we should be spending more on defense. If we are going to do that—I think part of our job is to prioritize spending. National security, defending our country, should be our No. 1 priority, and since we need to spend more there, you offset that with spending reductions somewhere else. That would be the prudent thing to do. But that is not what the President insisted on. The President insisted that if we were going to spend anything more on defense, we had to match that dollar-for-dollar with increased spending elsewhere. So not only were we not offsetting the increase in defense spending, but we were compounding the spending by increasing the nondefense spending. So this deal busts the spending caps, and, in fact, the deficits will be larger than they otherwise would be.

That leads me to the second point, and that is the debt ceiling. Let's think about the context of where we are. When President Obama took office, the total amount of debt owed to the public—the amount of money the Treasury had borrowed because of previous deficits was less than $6 trillion. It was a very big number, but it was less than $6 trillion. By the end of next year, it is going to be over $13 trillion. So this President, by the time he leaves office, will have more than doubled the total amount of debt we have borrowed to fund these deficits. Another way to think about it is that this President will have added to our debt burden by an amount greater than the sum total of every single one of his predecessors combined, from George Washington to George W. Bush. This is a staggering amount of debt that we have imposed on ourselves, our kids, our grandkids, our economy, and on our ability to be a productive country.

And what did the President say in response to all this debt? Give me the authority to borrow more with no conditions. We are not even going to have a discussion or a negotiation about the underlying problem that is causing all of this debt.

I think that is, frankly, outrageous, and it is extremely unusual because for decades now American Presidents have met with Congress, and when we have had discussions in the past about the level of debt and what we are going to do about it—when the Presidents have said we need to increase our debt ceiling so that we can borrow more money—that has very typically included a discussion about dealing with the underlying problems.

There are many examples of this. Back in 1985, during the Reagan administration, it was in the context of a debt ceiling debate that we passed the Gramm-Rudman-Hollings measure, which was about limiting our deficits and reducing the amount of debt we would incur going forward. In 1990 George Herbert Walker Bush negotiated with Congress the Budget Enforcement Act, which again was related to a debt ceiling increase at the time and which adopted measures to deal with the deficits of that day. In 1997, William Jefferson Clinton—President Clinton—with a Republican Congress sat down and negotiated a balanced budget agreement. And you know what happened? They balanced the budget. So President Clinton decided to work with Republicans in Congress to deal with this underlying problem, and within a few years we actually had balanced budgets.

Then in 2011, in the context of the debt ceiling increase that was discussed at the time and eventually raised, these spending caps were established as a way to at least do something about this runaway spending and these excessive deficits and the debt. But this time the President had a different view. His view was that he would not even have a discussion. There would be no negotiations, no consideration. We are not even going to talk about the underlying problem. He wanted to have unlimited authority to borrow more money through the end of his Presidency, and that is what is in this deal.

So what can we expect? We can expect a whole lot more debt. That is exactly what is going to happen. By the way, contrary to what some in the administration like to say, this has nothing to do with paying for past bills. We have paid for those bills. This is to enable excessive spending going forward—the deficits we are going to incur because this President is insisting on this overspending.

Let me get to the last point I wanted to stress today, which is one of the really disturbing things about this budget deal and what it has done with the Crime Victims Fund. By way of background, the Crime Victims Fund was a fund established in 1984. It consists exclusively of monies that are assessed to convicted criminals—corporate or individuals. As part of their punishment, they are made to pay a fine, and the fine goes into an account with the Federal Government. It actually is quite substantial. Year in and year out this ends up being actually billions of dollars.

The statute requires, first of all, that all this money go to victims of crimes and their advocates, and specifically, it requires a priority for victims of child abuse, sexual assault, and domestic violence and that those three categories of crimes be given a special priority. There are organizations that do wonderful work across Pennsylvania and across the country in helping people who are victims of these terrible, terrible crimes that are so difficult to recover from. There are groups of people who do great work in helping these victims to recover.

The whole idea of the Crime Victims Fund is to take these dollars from the criminals—not a penny of tax dollars—and give it to the victims of crimes and the people who are advocates for them. But what this budget deal does is it takes $1.5 billion out of the Crime Victims Fund and it spends it on other things.

I think this is outrageous. This is not taxpayer money in the first place. It is not as though we don't have victims of crimes anymore. Obviously, we still do. And we have organizations that can do great work if they had the resources. But in the absence of resources, it means that children who are victims of child abuse don't get the counseling and the care they need. It means a victim of domestic violence doesn't have a place to stay when she needs protection from an abusing spouse. It means people who really need these services are going to go without because we are diverting this money that is supposed to be going to crime victims and we are spending it somewhere else.

The most important thing I want to say tonight is that it is not too late to fix this. What the Congress passed and the President signed last week paves the way to misallocate this money from the Crime Victims Fund, but it doesn't require that to happen. So I have a bill that will fix this problem. I have a bill called the Fairness for Crime Victims Act, and what it will do is it will require that the money go to the victims, as it was always intended.

By the way, the idea that we should not be diverting the Crime Victims Fund to these other miscellaneous spending categories is a bipartisan idea. There is broad bipartisan support for the idea that the money in the Crime Victims Fund should go to victims of crime. The Wall Street Journal ran an article on Sunday, and they quoted a crime advocate describing the budget deal saying, this deal ''violates the integrity of a decades-old program that funds safe havens for domestic violence victims, counseling for abused children and financial aid for murder victims' families, among other programs.''

Josh Shapiro is the chairman of the Pennsylvania Commission on Crime and Delinquency, and he wrote about this provision in the budget deal. He said that it ''puts in danger our commitment to victims of crime throughout our country.'' Democratic members of the Pennsylvania State House agree with me that this money should not be diverted this way. They sent a letter, among other things, saying that the budget deal increases spending to ''the detriment of current and future crime victims'' and that this constitutes ''a terrible precedent.''

I couldn't agree more, and that is why I hope we will pass my legislation, the Fairness for Crime Victims Act. It ends this injustice. Here is the way it works. It is very simple. It simply requires that Congress allocate to crime victims and their advocates an amount equal to the sum of the previous 3-year average that went into the fund. So the short way to think about it is that it means we are going to send to crime victims the money that comes in for crime victims, and we are not going to send it somewhere else.

This means that victims of crime and their advocates are going to see a big increase in this funding, because for years Congress has refused to allocate all of the money that has been coming in. In the past, they just refused to allocate it. There are budgetary gimmickry reasons for doing that, and this needs to come to end. We certainly can't continue diverting this fund for other purposes.

We have had colleagues—Members of this body—come to the floor and make the point that we shouldn't use Medicare and Social Security funds as an ATM to fund other programs. I agree. We also shouldn't use the Crime Victims Fund, which is not a single dime of taxpayer money. We shouldn't use that to fund other programs either. It is not too late to do the right thing for victims of some of the most heinous crimes that are committed anywhere.

I urge my colleagues to help pass this piece of legislation. This was reported out of the Committee on the Budget unanimously. There was very broad bipartisan support. What happened in this budget deal is an illustration of why my legislation is necessary. Money that is left around in a pot somewhere in this town gets spent pretty quickly by someone for something. This money needs to go to crime victims. If we pass my legislation, that is where it will go.

I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. SULLIVAN. Mr. President, I want to talk about what we have been debating today on the Senate floor, the waters of the United States rule, and legislation that has received bipartisan support so far. We think it needs a lot more support on why this is so important for the country.

I was a cosponsor of Senator BARRASSO's bill. Unfortunately, that bill didn't get the 60 votes necessary, but Senator ERNST has a resolution that I think is going to be very important to pass that would stop this rule from being enacted by the EPA. Hopefully, we will see if the President, once this is put on his desk, has the common sense to sign it rather than veto it.

I want to put this rule in a much broader context, to put the debate we are having on the waters of the United States rule into the broader context of actually what is happening in our country and how the EPA's waters of the United States rule is actually a symbol for much broader problems that I think the vast majority of Americans recognize.

The other night I went to a premiere of a short film on the Trans-Alaska Pipeline system, what we call in Alaska TAPS. It is Alaska's 800-mile artery of steel that was done in the most responsible manner, in terms of the environment, that brings much energy to our country. When it was built, it was actually one of the biggest private sector construction projects ever in the history of our great Nation, and literally directly and indirectly employed tens of thousands of Americans. It has carried almost 17 billion barrels of American oil to energy-thirsty American markets and continues to provide thousands and thousands of jobs, not only in Alaska but throughout the country. It is certainly a technological and environmental marvel. Here is the thing: That kind of huge project was built in 3 years.

Think about that, 800 miles of steel pipeline, crossing 3 mountain ranges, more than 30 major rivers and streams, and it took Americans 3 years to build it. Go to Alaska and it is functioning incredibly well today. We are reminded of how, when this Nation puts its mind to something, we can get great things done. In many ways, Congress played a critical role in making sure that incredible energy infrastructure system happened.

We are a great nation, but I must admit when I was watching this movie last week with a bunch of Alaskans—Senator MURKOWSKI, DON YOUNG, and others—I did feel a sense of unease, almost a little nostalgia, when we were watching this film about this great project that Americans came together from all over the country to build. We all know we used to do great things here and built great things. Let me give a few examples.

In Alaska is what is called the Alcan Highway, the Alaska-Canada Highway, through some of the world's most rugged terrain, 1,700 miles, built in under 1 year. We built the Empire State Building in 410 days. We built the Pentagon in 16 months, the Hoover Dam, the Interstate Highway System, putting a man on the Moon—I could go on and on and on. When we look at the history of this country, it is a history of getting big things done, and it is not just getting big things done. These projects were a symbol of American pride, of American greatness, and they also created tens of thousands of jobs—great jobs, middle-class jobs, which gave workers a sense that what they were doing was very important in their daily lives and very important to their country.

In Alaska still, when you talk to someone who worked on TAPS, who

constructed this—for the country—they talk about it in terms of pride, in terms of what they were doing for their State but also what they were doing for America and how everybody came together to build this.

Here is a sad fact: These kind of projects are not being built today. Instead, we have become a redtape Nation. Instead of symbols of technological wonder, national pride, and American ingenuity, we now hear story after story—and we have all heard them in the Senate—of delay and discord and disappointment, all of which symbolizes a country that can't get things done. The main culprit—the main culprit—is right here: Washington, DC, the ''Capital of Dysfunction.'' Whether it is the Keystone Pipeline, transmission lines in California or bridges or highways or runways across the country, killing crucial development in infrastructure projects through permitting and regulatory delay and Federal agency overreach with new rules upon new rules—and all they do is stop development—this certainly has been a hallmark of the Obama administration. The WOTUS rule—the EPA's waters of the United States rule—is just the latest manifestation of this. As we know, this is happening all over the country.

Frequently, because of the political risks, the President and members of his administration, like Gina McCarthy, will not openly oppose economic development projects. Instead, they will wrap them in redtape until they delay them to death. Let me give some examples.

In 2008, Shell acquired leases in the Arctic Ocean off the coast of Alaska for over $2 billion. That is a company going to the Federal Government. The Federal Government is saying: We want to lease this land to you. A company says: We will give you billions in return—the Federal Government; that money has already been spent, the billions—to develop natural resources. Of course, this was big news in Alaska. New production of oil would have filled up three-quarters of TAPS, which I talked about earlier. It would have created jobs, some estimates are in the tens of thousands of jobs, direct and indirect jobs, and provided much needed State and local revenue and energy security for our country.

So what happened? Remember, the Federal Government is inviting a private sector company to do this. It didn't take long for this project to run into a maddening array of often conflicting and confusing permitting challenges, drilling moratoriums, new regulations, environmental lawsuits, permitting confusions, that year after year kept the drill bit above the ground.

Now, jump to 2015. What had once been a very robust exploration program has resulted in what happened this summer: The permission, finally, to drill one exploration well off the coast of Alaska where hundreds of wells have already been drilled safely. We have been doing this safely in Alaska for decades.

Let me sum it up. It took 7 years, $7 billion, to get permission to drill one exploration well in 100 feet of water; 7 years, $7 billion, to finally get the Federal Government's permission to drill one single exploration well in 100 feet of water. No company in the world can endure that. This was a project that was meant to be delayed, delayed, delayed until it was killed.

Some of my colleagues have been celebrating this—celebrating this. I think that is sad because what they are really celebrating is the loss of very good jobs for Americans throughout the country. In many ways they are celebrating what is a symbol of America's decline.

These resources in the Arctic are going to be developed one way or the other, and it is either going to be by countries like us who have the highest, most responsible standards on the environment or countries like Russia and China who don't. So the Russians and Chinese are now going to be in charge. They are going to be producing the energy, they are going to be getting the jobs, and they are not going to care at all about the environment. So instead of a win-win-win for the United States, this is a lose-lose-lose. Yet we have Members of this body celebrating this. Again, this is not a problem confined to my State or energy programs in terms of the delay, delay, delay. Let me provide a few examples.

We had a recent Senate commerce committee hearing on aviation infrastructure. Everybody thinks aviation infrastructure is important. I certainly do. The manager of the Seattle airport was testifying. As part of his role as CEO of the American Association of Airport Executives, he talked about how it took almost 4 years to build the Seattle airport's new runway. It seems like a fair amount of time. Maybe a construction project like that takes a fair amount of time. I had a question for him, which I didn't know the answer to. I asked him: How long did it take to get the Federal permits, to go through the Federal permitting system to build this additional runway at the Seattle airport?

His answer: 15 years—15 years to get the Federal permits to build a runway. You could have heard—well, you did hear the whole committee, the whole audience. They gasped. Then he said: They built the Great Pyramids of Egypt faster than that.

This is what is going on in our country, and this town is to blame. It is happening all over the country. Americans need to know this. It only took 9 years to permit a desalinization plan, which would provide much needed fresh water to drought-stricken California. Simply razing a bridge in New York—not building a new bridge, razing one—took 5 years and 20,000 pages of Federal permitting requirements.

The average time it now takes in America to get Federal approval for a major highway project is more than 6 years—again, not to build a highway but to get the Federal permission. It took almost 20 years, if you include the litigation, to get Federal permission to build a single gold mine in Alaska—20 years. We had to take that all the way to the U.S. Supreme Court because the Federal Government was not supporting us. Now the Kensington mine employs over 300 people at an average wage of $100,000 per person. Those are great jobs. We have a Federal Government that wants to delay, delay, delay.

Let's talk about the Keystone Pipeline. We had a debate here—7 years and counting to build a pipeline in terms of the Federal permits. Who is hurt by this? Our friends on the other side talk a lot about the companies and everything—TransCanada. The people who are hurt by this are American families, middle-class workers, union members.

One of the most surprising things I saw as a freshman this year when we were debating the override of the Keystone Pipeline—the State Department had predicted this would create as many as 30,000 jobs. These are good jobs—construction jobs, real jobs, real Americans working to build something important. I was presiding in the Chair like you, Mr. President, and some of the Members on the other side of the aisle started arguing that these aren't real jobs because they are temporary, that this isn't going to create 30,000 jobs because they are temporary jobs. I about fell out of my chair. Construction jobs aren't real jobs? Since when is that the case?

According to the President's own Small Business Administration, the regulatory costs on small businesses in the United States are close to $2 trillion per year. That is $15,000 per family. The bottom line is, we know we can do better. We have to do better if we want to grow this country and create jobs.

I believe there is a silver lining. I believe things have gotten so bad that this delay is happening everywhere on projects that matter to us as a nation. Projects that are so weighted down under redtape are making Americans, regardless of party, start to take note. I have seen a silver lining here. Both Democrats and Republicans are starting to demand change. They are demanding bold and serious regulatory reform.

I have had conversations with Members of both sides of the aisle here about how important this is for our economy, how important it is for jobs. That is why this debate today on the waters of the United States is so important.

Unfortunately, we didn't get the number of bills. We did have a pretty strong bipartisan group. I think we would have gotten to 59—1 vote short to move forward. It is unfortunate that the other side couldn't see the merits of this. But this rule will not help grow our economy. This rule will continue to stifle growth. This rule will certainly continue to kill jobs. It takes

what we all want—certainly, the whole idea of protecting our water, clean water. In my State of Alaska we have the cleanest water of any State in the country. We win awards every year for our clean, pristine water. It is not because the EPA is making that happen; it is because Alaskans are making that happen. But it takes the Clean Water Act and somehow, through a rule that the EPA itself has devised, it gives the EPA the power to regulate not major rivers but water in our backyards, literally.

Almost certainly this rule doesn't comport with Federal law. We have now had two courts say that. There is a stay on it nationally. The Sixth Circuit has put a stay on this rule. Over 30 States have sued to stop this rule—a bipartisan coalition of States—because it is almost certainly not legal.

I asked Administrator McCarthy about the legal opinion, the legal basis they had for this rule. I have never gotten an answer from the EPA Administrator. I am not sure they even care. In the last two Supreme Court terms, the EPA has lost two big cases in the U.S. Supreme Court. They have lost the Sixth Circuit case for now. Unfortunately, we had the Administrator of the EPA on TV a few months ago, on the eve of this Supreme Court case—EPA vs. Michigan. When asked if she was going to win the case, she said: We think we are going to win, but ultimately it doesn't really matter because the companies have already had to comply with hundreds of millions of dollars. Think about that. Think about what she said.

This rule is going to have a huge, profound impact on my State. Alaska has more waters under the jurisdiction of the Clean Water Act than any other State in the country. Over 50 percent of America's wetlands are located in Alaska.

I held multiple field hearings as a chairman of the subcommittee on fisheries, water, and wildlife on the waters of the United States rule. It is clear to me that Alaskans of vastly different backgrounds, ideologies, and different parts of the State are opposed to this rule. One group in my State said the rule would ''straitjacket any development.'' Another said that it would have negative impacts on ''virtually any economic development project'' in Alaska.

One project we are very focused on in Alaska—we are having a special session right now in our State legislature—is the Alaska LNG Project, a very large-scale LNG project that, like TAPS, will be great for the country and create thousands of jobs and energy security for Americans and our allies. This rule, if left in its present form, will very negatively impact the cost and timeline of that project.

Simply put, the waters of the United States is one of the largest land grabs in history, and it is an example of the kind of challenges we need to address here to get our economy moving again, to create good jobs for Americans. It is why this debate we are having is so important.

These are problems we can fix. We know we can fix them. Americans sent us here to fix these problems, and we need to start by stopping rules like the waters of the United States that undermine our country's future and the jobs that we need throughout this country.

Mr. President, I yield the floor.

Mr. WHITEHOUSE. Mr. President, I see a number of Senators on the floor. I don't know if there is an order at this point that has been established. What is our manner of proceeding? Senator ISAKSON is here.

The PRESIDING OFFICER. There is no time agreement.

Mr. ISAKSON. I ask unanimous consent that the Chair recognize Senator WHITEHOUSE from Rhode Island, followed by Senator ISAKSON, and then Senator DAINES.

The PRESIDING OFFICER. Is there objection?

Mr. WHITEHOUSE. Before that matter is settled, reserving the right to object, I will be speaking for about 15 minutes. If one of you is going to be quicker than that, particularly significantly quicker—not 14 minutes—I would be happy to yield and let somebody go first.

Mr. ISAKSON. The Senator from Montana is going to preside at 6:30 p.m., so I think he is the one who will need to go, and I will go after the Senator from Rhode Island.

Mr. WHITEHOUSE. Why doesn't the Senator from Montana proceed with his remarks.

Mr. ISAKSON. Mr. President, I ask unanimous consent that the Chair recognize the Senator from Montana, Mr. DAINES, followed by Senator WHITEHOUSE, followed by Senator ISAKSON.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

The Senator from Montana.

Mr. DAINES. Mr. President, today the Senate came a few votes shy of passing legislation to protect our farmers, ranchers, and small business owners from major new costs and regulatory burdens. I appreciate the bipartisan support demonstrated today by four key Senate Democrats. I have to say, I am disappointed that others chose instead to put loyalty to President Obama before the concerns of the constituents, the concerns of those people they represent.

Montanans know that this power grab has more to do with controlling Montanans' land-use decisions than ensuring access to clean water as the Clean Water Act intended. This is an ill-conceived rule that provides the EPA unprecedented power to regulate virtually any spot across Montana that is occasionally wet. This could have a devastating impact on Montana jobs, on Montana's natural resources and ag industries, and on Montanans' property rights.

Don't just take my word for it. POLITICO recently described it as having the potential to ''give bureaucrats carte blanche to swoop in and penalize landowners every time a cow walks through a ditch.'' The EPA's own estimates show this rule will cost Americans between $158 million and $465 million a year.

The New York Times describes how harrowing this situation is for Montana farmers: ''Farmers fear that the rule could impose major new costs and burdens, requiring them to pay fees for environmental assessments and obtain permits just to till the soil near gullies, ditches, or dry streambeds where water flows only when it rains.''

In Montana, this rule has received a severe rebuke from our farmers, our ranchers, and our small businesses who simply can't afford this overreach. The Montana chamber president and CEO, Webb Brown, said:

> If this rule stands, there will be tremendous cost to our states, our economies, and our employers, and their employees' families. Under this unprecedented extension of federal power, land and water use decisions will be made in Washington, D.C., far from the affected local communities.

Here is what Gene Curry of Valier, MT, from the Montana Stockgrowers Association says: ''This rule is an unwise and unwarranted expansion of EPA's regulatory authority over Montana's waters, and would have a significant detrimental impact on Montana's ranchers.''

Listen to Charlie Bumgarner, president of the Montana Grain Growers. I met with Charlie a week ago in Montana. Charlie says this: ''If implemented, the final WOTUS rule would have a devastating impact on grain growers across the state.''

Listen to Dustin Stewart with the Montana Homebuilders Association. I grew up in the home building industry. My dad is a home builder. Here is what Dustin had to say: ''The EPA's waters of the U.S. regulation is an incurably flawed rule. . . . ''

Dave Galt, the executive director of the Montana Petroleum Association, said:

> The EPA's new water rule is an unnecessary expansion of jurisdiction for the Federal Government. The EPA's rule will negatively impact all land-use industries including agriculture and energy production.

Yet, despite this broad opposition, President Obama is moving forward with yet another out-of-touch Washington, DC, regulation. But already two Federal courts have issued a stay on this misguided rule, demonstrating the questionable legal ground this regulation stands on. This is a rule issued by the same Federal Agency that has continued to perpetuate a war on American energy. In fact, earlier this year we saw the Supreme Court issue a severe rebuke of the EPA's mercury and air toxic standards which would have a direct and lasting impact on our economy in Montana. This MATS rule, just like WOTUS, is just one of the new, burdensome regulations cooked up by the Obama administration and

has the potential to eliminate good-paying jobs and devastate the livelihoods of hard-working Montana families and hard-working American families.

Throughout my home State of Montana, we have tremendous opportunities to develop our State's natural resources and create new jobs, and that is a good thing. Rather than hitting pause on our energy production, we need to encourage it. But the Obama administration is doing exactly the opposite.

President Obama's full assault on American energy independence has most recently resulted in TransCanada's decision to suspend its application to build the commonsense Keystone XL Pipeline, which, by the way, first enters Montana from Canada. This pipeline would have created new opportunities for good-paying jobs, helped advance American energy independence, and lowered American energy prices.

Well, the suspension on Keystone is bad news, but it is not the end of the line. We are going to keep fighting for this job-creating project that has the overwhelming bipartisan approval of Congress as well as the support of the American people because America can and America should power the world. But the Obama administration's relentless attacks on affordable energy and good-paying union jobs, as well as tribal jobs, through this so-called Clean Power Plan continue to hinder innovation. Under the final so-called Clean Power Plan, the Colstrip powerplant in Montana will likely be shuttered, putting thousands of jobs at risk.

Our farmers, ranchers, and local business owners should be empowered to drive local land use decisions, not a bunch of Washington, DC, bureaucrats who can't even find Montana on a map. We can only do it if the Obama administration steps back from its extreme overreach and allows American innovation to thrive once again.

I look forward to casting my vote tomorrow to permanently stop this misguided waters of the United States rule. It is time to ditch this rule.

The PRESIDING OFFICER. The Senator from Rhode Island.

CLEAN POWER PLAN

Mr. WHITEHOUSE. Mr. President, I guess in the order proceeding here, I am here to bring the opposing views. Every week we are here, I remind this body of the damage carbon pollution is doing to our atmosphere and to our oceans. I have traveled to Senator ISAKSON's State to see what the University of Georgia is measuring off of Sapelo Island, and I hope to have the chance to go west to continue this.

We have to wake up to climate change, and we have to move toward a clean-energy economy and the jobs and innovation that support it. Clear measurements exist of the harm that is already happening: climbing sea levels, we measure; climbing global temperatures, we measure; acidifying oceans, we measure.

Virtually every respected scientific and academic institution agrees that climate change is happening and that human activities—specifically carbon emissions—are driving it. Carbon pollution is affecting our economy, it is affecting agriculture and wildfires, and it is affecting storms and insurance costs.

There are so many people—doctors and health professionals, military and security leaders, insurance and reinsurance industry folks, our major utilities, American corporations, and our faith leaders all agree that climate change is a serious challenge and an important priority. Yet here, despite the growing chorus around the country calling for climate action, we hear congressional Republicans, such as the majority leader, claim they are here to stand up for our people by blocking the President's Clean Power Plan.

As carbon pollution piles up in the atmosphere, who are they standing up for? Certainly not the American people. Eighty-three percent of Americans, including 6 in 10 Republicans, want action to reduce carbon emissions. The Clean Power Plan delivers.

For the first time, we have a national plan to reduce carbon pollution from the largest source of U.S. carbon emissions, which is powerplants. The 50 dirtiest coal plants in America together emit more carbon pollution than all of South Korea and more than all of Canada. Are we going to do nothing about that?

Too often we hear on the Republican side folks who trumpet these industry-backed, one-sided reports that point only to the cost of action. They don't even measure or consider the cost of inaction. If you were an accountant and did the books that way, you would go to jail. Well, if you look at both sides of the ledger, the EPA shows that the projected health benefits of the Clean Power Plan will avoid 300,000 missed work and school days, 1,700 heart attacks, 90,000 asthma attacks, and 3,600 premature deaths every year. Every dollar invested through the Clean Power Plan will keep up to $4 in American families' pockets. The savings are also passed on to electricity consumers, with the average American family projected to save almost $85 per year on their electric bill by 2030.

I am from New England. We have the Regional Greenhouse Gas Initiative, RGGI, and it is proving that States grow their economies at the same time that they cut emissions. Putting a price on carbon and plowing that money back into clean energy products is saving us billions of dollars and helping to reduce carbon pollution.

The EPA put the States in the driver's seat to come up with plans that suit them. An analysis from the Union of Concerned Scientists shows that ''31 States are already on track to be more than halfway toward meeting their 2022 Clean Power Plan benchmarks.'' These States include both cap-and-trade States, such as California and the Northeast RGGI States, and coal-heavy States, such as Iowa, Ohio, and Kentucky.

''We can meet it,'' says Kentucky energy and environment secretary Leonard Peters about the plan. ''We can meet it.'' In fact, Dr. Peters praised the EPA for working with States like Kentucky to build this rule. ''The outreach they've done, I think, is incredible,'' he said. The EPA had an ''open door policy. You could call them, talk to them, meet with them.''

The Kentucky experience was echoed around the country, as EPA listens closely to hundreds of concerns, holds hundreds of public meetings, and the final rule includes significant adjustments to accommodate individual State's concerns.

Even with all of this, the majority leader, the senior Senator from Kentucky, will brook no serious conversation about climate change. We just never have that come up as a subject. The Republican leader, in a modern, massive resistance effort, wrote to all 50 Governors urging defiance of Federal regulation, calling the regulations ''extremely burdensome and costly.'' That might have been a more credible allegation about the regulations if he had not reached it months before the regulations were even finalized.

The Clean Power Plan, says the majority leader, is the latest battle in a great ''War on Coal.'' He says, ''[W]e have a depression in central Appalachia created because of the President's zeal to have an impact worldwide on the issue of climate.'' It seems that the head of one of his region's biggest electric utilities doesn't agree. Appalachian Power president and CEO Charles Patton told a meeting of energy executives last week that coal can no longer compete against cheaper alternatives such as natural gas and wind power. Coal, he said, will continue to decline with or without the Clean Power Plan. It has nothing to do with the President. ''If we believe we can just change administrations and this issue is going to go away,'' Patton said, ''we're making a terrible mistake.''

Mr. President, I ask unanimous consent that the article titled ''Coal not coming back, Appalachian Power president says'' and editorial titled ''Reality check on coal, future'' be printed in the RECORD at the conclusion of my remarks.

It says:

> With or without the Clean Power Plan, the economics of alternatives to fossil-based fuels are making end roads in the utility plan, companies are making decisions today where they are moving away from coal-fired generation. The debate largely at this time has been lost.

Mr. Patton is not alone. In September, financial giant Goldman Sachs released several bleak reports on the future of the global coal market. The latest report was in September, where they drew the conclusion that ''[t]he industry does not require a new investment given the ability of existing assets to satisfy flat demand, so prices

will remain under pressure as the deflationary cycle continues.'' In plain English, market forces are driving coal's decline. I seriously doubt that any colleague would think Goldman Sachs is a bunch of liberal greenies who launched a war on coal. This is their clear economic thought.

Since the clean power rule was finalized in August, the massive resistance the majority leader sought has not ensued.

Kentucky Governor Steve Beshear has so far not heeded the majority leader's call to rebel.

Oklahoma Governor Mary Fallin, the first to publicly pledge to resist the President's plan, recently hinted that Oklahoma would submit a compliance plan after all.

Indeed, even while West Virginia leads the multistate lawsuit against EPA, Governor Earl Tomblin announced last week that his administration will begin working on a compliance plan. In the heart of coal country, in Charleston, WV, the newspaper, Gazette-Mail, praised the Governor's move, writing on its editorial page:

> It is the right thing to do—both to decrease emissions that contribute to human-caused climate change—

Here is a newspaper in the heart of coal country conceding that emissions contribute to human-caused climate change, and I don't know why we can't get over that in the Senate—

> and as the governor says, to make sure West Virginia's interests are best represented in how the plan is carried out.

They described Kentucky Senator MITCH MCCONNELL's urge to rebel against the rule as petulant and foolish. That is from the heart of coal country.

The coal industry, like an aging ship at sea, is taking on water. Between the costs of old, dirty powerplants and the competitive advantage of cheaper natural gas, coal is struggling to stay afloat. As Mr. Patton from Appalachian Power pointed out, those circumstances have nothing to do with whoever is sitting in the Oval office.

For States that have relied on coal for generations, the Clean Power Plan is actually a lifeboat. It is a chance to kick-start new industries and innovative technologies and to choose the path forward that is best for your State and your citizens. It is a way off a sinking ship.

Recognizing the costs of carbon pollution is another lifeboat. I know this sounds strange to my colleagues, but please bear with me. You can't build the carbon capture plants that could keep coal plants operating if they are free to pollute. There is no economic value to a carbon capture plant if it is free to pollute. The truculent insistence on this market failure by Big Coal is ironically coal's own undoing. Yet congressional Republicans won't engage. They waste time with the useless Gingrich-era Congressional Review Act efforts to block carbon pollution controls on powerplants—controls that Americans overwhelmingly support.

Beyond that, our Republican friends simply have no plan—nothing. There is no plan B to the President's Clean Power Plan. If you have something else, please bring it forward. We can debate which is better, but you can't just pretend this isn't a problem. They have no plan to deal with climate change, no plan to help coal-reliant communities find safe passage to a more sustainable economic future.

I ask my colleagues to please read what the CEO of Appalachian Power said. Please take it to heart. Please read the Charleston Gazette-Mail editorial. Please engage with us while we can still do some good because when the market completely collapses, when there is nothing left to do, when coal is priced out by solar and wind and natural gas and other fuels, then it is too late to come back and say: Now we need help. When the market has acted and someone suffers as a result, they don't get any sympathy in this building.

Now is the time when people who want to make this a smooth transition for coal economies need to come forward in the interests of their own people, in the interests of their own miners who need their pensions filled and fixed, in the interests of communities that need transitions, in the interests of their economy.

I thank the distinguished Senator from Georgia for his patience.

I yield the floor.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Charleston Gazette-Mail, Oct. 27, 2015]

COAL NOT COMING BACK, APPALACHIAN POWER PRESIDENT SAYS

(By David Gutman)

ROANOKE.—Coal consumption is not likely to increase, regardless of whether new federal regulations on power plants go into effect, and, from coal's perspective, the national debate on coal and climate change has largely been lost, the president of West Virginia's largest electric utility told a roomful of energy executives Tuesday.

The Clean Power Plan, the Obama administration's proposal to regulate greenhouse gas emissions from power plants, would cut coal consumption—but even if the regulations are blocked, coal consumption will not increase, Appalachian Power President Charles Patton said at the state Energy Summit at the Stonewall Resort.

''You just can't go with new coal [plants] at this point in time,'' Patton said. ''It is just not economically feasible to do so.''

Patton acknowledged that entire communities, particularly across Southern West Virginia, are being decimated by coal's decline. However, he laid out a series of stark economic realities.

By 2026, Patton said, Appalachian Power expects its use of coal power to be down 26 percent, with or without the Clean Power Plan.

That's because of cheaper alternatives and already-imposed environmental regulations that make coal uncompetitive, Patton said.

The cost of natural gas electricity, including construction of power plants and infrastructure, is about $73 per megawatt hour, Patton said. For a conventional coal plant, it's $95 per megawatt hour.

Even wind power, which is less dependable than coal, is still significantly cheaper, at $73 per megawatt hour, when a longstanding tax credit for wind energy production is factored in.

An advanced coal power plant, with carbon capture and storage to lower emissions, costs nearly twice as much, at $144 per megawatt hour, Patton said.

''With or without the Clean Power Plan, the economics of alternatives to fossil-based fuels are making inroads in the utility plan,'' Patton said. ''Companies are making decisions today where they are moving away from coal-fired generation.''

What's more, the debate over the ''war on coal,'' which sucks up so much of the political air in West Virginia, has largely been settled in other states, Patton said

He said 72 percent of Americans believe the earth is getting warmer and that man-made causes are partly attributable. Nearly two-thirds of Americans favor stricter emissions limits on greenhouse gases, Patton said, with even larger majorities among young people.

''Americans believe there is a problem, and while we in West Virginia believe that's ludicrous and we have our view on coal, it's really important to understand, if you're not in a coal-producing state, your affinity for coal is not there,'' Patton said. ''The debate largely, at this point in time, has been lost.''

Patton reminded the audience that the closest the United States ever came to a carbon tax was the cap-and-trade bill pushed by Sens. Joe Lieberman and John McCain. ''I don't see John McCain as a flaming liberal,'' Patton said.

He said he opposes the Clean Power Plan and said West Virginia should continue its lawsuit to block it. However, Gov. Earl Ray Tomblin said Tuesday that West Virginia will submit a plan to comply with the Clean Power Plan—despite Republican calls to boycott it—while those lawsuits play out.

Patton said the federal regulations, intended to help stave off the worst effects of climate change, would cause a reduction in coal use, but even defeating the regulations won't make the push to address climate change disappear.

He urged the crowd to ''think globally'' and work to advance cleaner-burning coal technologies.

''If we believe that we can just change administrations and this issue is going to go away,'' Patton said, ''we're making a terrible mistake.''

[From the Charleston Gazette-Mail, Oct. 30, 2015]

GAZETTE EDITORIAL: REALITY CHECK ON COAL, FUTURE

To his credit, Gov. Earl Ray Tomblin says West Virginia will participate in the federal Clean Power Plan by submitting its own proposal for cutting greenhouse gas emissions. He may be doing it with an air of resignation and distaste, but then again, no one likes the fact that West Virginians are struggling as market forces undercut an industry that has employed generations of people.

It is the right thing to do—both to decrease emissions that contribute to human-caused climate change, and as the governor says, to make sure West Virginia's interests are best represented in how the plan is carried out. States that choose not to come up with their own plan, as Kentucky's Sen. Mitch McConnell has petulantly and foolishly urged, will be handed one by the federal government. Gov. Tomblin is right. Better to have a say in how drastic changes will play out in your own state.

Arguments against trying to head off the worst effects of climate change are hollow.

Some elected officials (and their fossil fuel industry promoters) seem to think that because China is a big polluter, for example, the United States should just shrug and give up. That is no way to be a world leader. That is no way to stimulate new technological developments and industries.

Indeed, the Clean Power Plan is part of the reason why China has committed to limiting its own carbon dioxide emissions. Where the United States goes, the world follows.

The War on Coal public relations campaign has been a smashing success, convincing the most vulnerable working people and retirees that if only they could get the nasty federal government off their backs, all would right itself to some vague and misty perfection, circa 1955. West Virginians, in turn, convince their elected leaders to defend the status quo at all costs.

Senators Joe Manchin and Shelley Moore Capito are steady on the job, clinging to the past, signing on to a resolution that seeks to block the Clean Power Plan.

Of course, defeating efforts to further clean up the air locally won't bring coal back. The people pushing the campaign know it. The rest of the country knows it.

Appalachian Power CEO Charles Patton, who buys more coal than anyone, knows it. Also speaking at the state Energy Summit at the Stonewall Resort this week, he reiterated a message he has shared before: Coal isn't coming back, even without the Clean Power Plan, because of price. Coal is more expensive than wind or natural gas, partly because of existing environmental regulations, partly because natural gas is so cheap.

The goal now is to manage this change, to help people into new livelihoods and meaningful work, to minimize the predictable suffering of families and communities. West Virginia has wasted enough time.

The PRESIDING OFFICER (Mr. DAINES). The Senator from Georgia.

Mr. ISAKSON. Mr. President, I appreciate the words of the distinguished Senator from Rhode Island, and I always enjoy his speeches, whether I am on the floor or watching him back in my office. He is an articulate spokesman for what he believes, which is one of the things that make this Senate an important body. While from time to time I differ in terms of carbon emissions because of nuclear energy, that is part of the solution to the problems of the future, and I will speak about that on another day.

Mr. WHITEHOUSE. Mr. President, I would be glad to speak with the Senator from Georgia about that because he may find we agree more than we disagree.

Mr. ISAKSON. I think we probably would, and that is why I brought it up, and I look forward to that.

We are hear to talk about the rule for the waters of the United States undertaken by the EPA.

When I started working this afternoon and preparing myself for what I would say to try to make my point and express myself, I listened at 3 p.m. to the speech by Senator BEN SASSE from Nebraska. Today he made his maiden speech on the floor of the Senate. Because I had an important appointment to get to, I do know exactly how long he spoke. He spoke for 27 minutes—because that is how late I was for my appointment. But his speech was so good and so important and it affected so much this rule of the waters of the United States that I wanted to include it in my remarks tonight.

What Senator SASSE said very simply is this: In his 1 year in the U.S. Senate, observing the Senate and how it operates, how we all operate, he went back to his constituents and spoke to them. One thing he talked about is how we are moving more and more toward the government of an executive branch and a judicial branch and moving away from the legislative branch. We have administrations like the current administration which is trying to enforce the law through administrative rules and executive orders, not through legislation. He didn't just point out that being a Democratic situation, it is Republican as well.

If we look over the last 35 years, there has been a growth in the number of edicts that have come down regulatory-wise rather than legislatively. It is important for us to return the legislative branch of government to its appropriate place so we have a balance between legislative, executive, and judicial.

I use the waters of the U.S.A. rule to explain to my colleagues why that is so important. This is a horrible rule. It is a rule that is going to be litigated in court for the next 30 to 40 years. Why? Because the clean water bill, which is its predecessor, has been litigated for 30 or 40 years, and eventually we have come to good water policies—not because that is where we started, it is because that is where we ended.

I wish to take a few experiences that I had working on the Clean Water Act in the 1970s, 1980s, and 1990s to make the point of why the waters of the United States bill is so dangerous.

The Clean Water Act passed with almost unanimous support. There was some opposition. Almost everybody said: I can't be against clean water; everybody wants clean water. But then there is the word ''promulgate.'' We passed a law that expressed the intent of Congress, and then we said it is up to the agencies responsible for promulgating the laws, the rules, and regulations necessary to carry out the intent of the law. Therein lies the problem because agencies like the EPA start promulgating rules which take the force and effect of the law, which cause the wrong thing to happen.

Let me tell my colleagues what is going to happen with the waters of the U.S.A. if it becomes a rule. We are going to give the power to the EPA that we have given under eminent domain to cities and counties and States in the United States. Eminent domain is the way the government was allowed under the Constitution to take property but reimburse the owner of the property for the damage done by the government in the taking for road rights-of-way, sewer lines, water projects, and things of that nature. This is a grant for eminent domain to an agency without any requirement to compensate the person from whom they have taken the land or restricted the use of the land.

The Presiding Officer mentioned that his father and family were in the homebuilding industry. I was in the homebuilding industry too and the land development industry. What we do is we add value to the land. We add value to its resources. We improve its drainage and use of water. But if we have a regulatory agency that makes it too expensive to develop the land, we go out of business and the community goes out of business because there is no new housing. The effect of the rule is it shuts down the economy, growth, and opportunity; it doesn't add to it.

So it is very important to understand that when somebody says ''We are going to pass a waters of the U.S.A. rule that is going to improve the quality of our water, and we are going to do so by delegating to the EPA—an unelected appointment agency—the power to tell you what you have to do,'' they are in effect saying that they are giving the power of eminent domain to the EPA without a requirement that you as a landowner be compensated.

The reason America is different from every other country on the face of this Earth is because we are a nation of individual landowners. We own our country, and we are still good stewards of our land, and we appreciate that opportunity. In most countries around the world, people don't have the opportunity to own the land and have private ownership. They lease their little place in life and that is where they go. America is different, and that is what made us different. But if we are landowners and we come under a waters of the U.S.A. rule and the EPA provides edicts that have the force and effect of law without the requirement to be compensated by an unjust agency that is enforcing a rule or regulation, we are becoming nothing better than a European country or, worse than that, a country that no longer has the benefit of private ownership of land.

So it is very important that we understand that the quality of water is important, protecting our water is important, but it is a balance, and it is a balance between the user, the landowner, and the government. What we need to do is come together to develop policies that are necessary to see to it that we have a good quality of water and we have good use of our water but not a dictatorial agency in the Federal Government given the total priority to control our land and its use.

I love this country. I love the opportunity it has given to me and the opportunity to serve in the U.S. Senate, to take my life experiences and try to add to the quality of legislation we pass here. I hope we will pass the Ernst legislation and stop the growth of the waters of the U.S.A. rule and get everybody—all the users—to come to the table and talk about positive ways to protect the quality of our water and

the use and the management of our water but not the confiscation of our property and the dictates of an agency rather than an elected body.

We do not need America to become a dictatorial country. We need to continue to be a country of participation and negotiation, where everybody at the table has a stake and where in the end we work for the best interests of all, not just the interests of an agency or, worse than that, a central belief within that agency.

This rule is a rule that is bad for farmers, developers, landowners, cities, counties, water authorities, wastewater authorities, sewer treatment plants, and anybody else who has water.

I want to read what the EPA's coverage is in this bill. It says:

> The flawed rule of the EPA to regulate nearly all water includes manmade water management systems, water that infiltrates into the ground or moves over land, and any other water the EPA decides has a significant nexus to downstream water based on the use by animals, insects, birds, and on water storage considerations.

There is no other provision in there. It includes all water. It is the authority for EPA to regulate it.

We have a farm bureau in Georgia that came up with the right slogan. They just simply said, after talking about the rule, after talking about waters in the U.S.A., there is only one thing we need to do: We need to ditch the rule.

It is time tonight for the Senate to adopt the Ernst provision, ditch the rule, and go back to the table and pass laws that are partnership laws between landowners, land developers, the local communities, local city councils, local county commissions, the local States. Let's not be a nation that edicts from the top down, but let's have solutions from the bottom up that always protect land ownership and land distribution and never take control of the water out of the hands of the States and move it to Washington, DC, where there is no accountability.

Last but not least, do not give the power of eminent domain—by that name or any other name—to the U.S. Government and take away the right to compensate because if you do, you become no better than a third-world nation, and it would be no good for the United States of America.

I see the majority leader has come to the floor, and I am anxious to hear his remarks because I know his name was invoked a few moments ago, so I will yield back my time. I am sure the majority leader would like to speak.

MORNING BUSINESS

Mr. PORTMAN. Mr. President, I ask unanimous consent that the Senate be in a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

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

REMEMBERING JOHN DAVID GOODLETTE

Mr. MCCONNELL. Mr. President, I wish to pay tribute to a distinguished Kentuckian who is being honored by the Commonwealth and by the many people who know and respect his life's work. The late John David Goodlette came from small town beginnings: he was born in Hazard, KY, in 1925 to Dudley and Lillian Goodlette. He would go on to become a highly respected rocket engineer who was instrumental in the Viking missions to land American spacecraft on the surface of the planet Mars.

From a young age, John had a passion for flight and aircraft. He would assemble model aircraft as a hobby, and this hobby soon grew to include piloting gliders and small aircraft. John's interest in flight led him to study engineering, and after graduating from Hazard High School in 1943, he would enroll at the University of Kentucky, where he studied mechanical engineering. His studies were interrupted by his service in the U.S. Army during World War II, when John served as a tugboat captain in the South Pacific. After resuming his studies at UK, he graduated in 1949.

The majority of John's professional career was spent at the Martin Marietta Corp., now known as Lockheed Martin, where he worked for 39 years. His research initially focused on jet propulsion, heat transfer, and thermodynamics, but he soon found himself immersed in developing rocket programs for the company.

In 1956, John was selected to lead Martin Marietta's Titan intercontinental ballistic missile project. The project led him to increase his familiarity with nuclear physics, high-speed gas dynamics, and electrical engineering.

Then came the project that would be the highlight of John's career: the Viking project. John served as chief engineer on this project for 10 years, which culminated with the successful landing of two Viking spacecraft on the surface of Mars in July and September of 1976.

''The Viking was one of those heart-in-the-mouth things,'' John has been quoted as saying. ''We never knew for sure it was going to work. That kept us going at a fever pitch to make sure all went right.''

The Viking program was the most expensive and ambitious mission to Mars to that point and resulted in the bulk of our knowledge of the Red Planet for the next several decades. They were highly successful missions for which John Goodlette rightfully deserves a large share of the credit.

John is being inducted into the Kentucky Aviation Hall of Fame for his pioneering role in aviation and space exploration. Students and aviation enthusiasts from all over the Commonwealth, but especially from Hazard, can be proud of what this son of Kentucky accomplished in a brilliant career devoted to technology and science.

John also serves as an inspiration at the Challenger Learning Center of Kentucky, which uses space exploration as a tool to excite and inspire students to learn science, technology, engineering, and mathematics. The Center is located in Hazard, John's hometown.

John would go on to serve as a vice president of Martin Marietta and retire in 1991 after 39 years with the company. He has sadly passed on now and is unable to witness this historic occasion in his honor, but members of his family will be present at the Kentucky Aviation Hall of Fame induction ceremony.

I know John's three children, Sarah, David, and Alice, must be proud of all their father accomplished in his remarkable career. John not only served his country in uniform, he also added greatly to the sum total of knowledge in the universe for the benefit of his country and all of mankind.

On behalf of the Commonwealth of Kentucky, I want to thank the Goodlette family and express my admiration and respect for John David Goodlette's life and work. We are truly grateful for his passion to exploration and his service.

RECOGNIZING THE 125TH ANNIVERSARY OF THE ESTABLISHMENT OF YOSEMITE NATIONAL PARK

Mrs. BOXER. Mr. President, I ask my colleagues to join me in celebrating the 125th anniversary of Yosemite National Park, a California treasure nestled against the stunning backdrop of the Sierra Nevada mountain range.

In 1864, President Abraham Lincoln signed the Yosemite Grant Act, a landmark bill granting 39,000 acres of Yosemite Valley and the Mariposa Big Tree Grove to the State of California. This was the first time the United States had ever set aside land to protect it for the public to enjoy. Three decades later, Yosemite became the Nation's third national park—1,500 square miles of stunning waterfalls, magnificent sequoia trees, breathtaking mountain peaks, and portions of ancestral homeland for several American Indian tribes and groups.

Over the years, Yosemite National Park has been a leader, becoming the first national park to hire a female law enforcement ranger, open a museum, and establish partnerships to help preserve Yosemite for future generations. Yosemite has also championed efforts to reduce waste and pollution by establishing recycling programs in the 1970s and operating a fleet of hybrid electric shuttle buses.

Since its earliest days, Yosemite National Park has provided sanctuary, comfort, and inspiration to millions of visitors from across the globe who come to experience its natural splendor, rich geologic history, and abundant wildlife. The timeless beauty of Yosemite National Park is a testament to the vision and commitment of countless dedicated people and institutions over the past 125 years. I want to

express my deep gratitude to the staff, volunteers, and friends of Yosemite for all they do to protect this natural wonder, and I am pleased to join in honoring this special anniversary occasion.

OBSERVING ADOPTION AWARENESS MONTH

Mr. KING. Mr. President, each November we celebrate National Adoption Awareness Month to recognize the families that choose to adopt and the organizations that support them. During this month, we honor those who welcome these children into their homes and hearts, help them to grow to their full potential, and give them a better future. Today I would like to draw attention to the importance of adoption and raise awareness about youth in foster care programs, especially in Maine.

There are over 400,000 children in the foster care system, many of them waiting and hoping that the right family will come to adopt them. While many of these children are successfully returned to their birth parents and relatives, almost half are left in the system to fend for themselves. The absence of a stable family structure can be disastrous for children who are still developing psychologically and are trying to find their way in the world.

This issue has very real impacts on the future of these children and our society as a whole. Young adults who age out of the foster care system before being placed with a family are at a significantly higher risk for homelessness, incarceration, and unemployment. Alternatively, children who are adopted from foster care are more likely to achieve academic success and emotional security than their counterparts who remain in foster care. Nearly 80 percent of Americans, myself included, believe that more should be done to encourage adoption; yet, each year, tens of thousands of available children remain in the system, without families. Every child deserves to grow up in a permanent, safe, and loving home. This month, as we thank all those who have opened their hearts and homes to these children, we must acknowledge that there is still much work ahead of us.

I am proud of the important roles Maine citizens have played in promoting adoption awareness. Adoptive & Foster Families of Maine, Inc., AFFM, has been instrumental in helping children find the security they deserve and in providing support to the families who welcome them into their homes. Fostering or adopting a child can be an emotional process, and AFFM offers many services to all Maine adoptive families, including support groups, resource mentors, material goods, and a referral database for legal matters and mental health support. The adoption process is an emotional, transformative, and sometimes even stressful time for children and for their new families; therefore, the services provided by AFFM are an integral aspect of cultivating safe, joyful adoptions across the State. I have witnessed their hard work in action, and I am proud of all they have done for families and children across Maine.

My wife, Mary, and I have been blessed with two adoptions. I know firsthand what an amazing process adoption can be. Our experience would not have been possible without the loving support of our family, friends and community. Mary and I have been so fortunate with the joy all of our children bring to our lives every day, and I am proud to celebrate National Adoption Awareness Month.

I would like to recognize and thank Adoptive & Foster Families of Maine, Inc., and all others who facilitate adoptions throughout the country and make it possible for children in foster care to find their forever homes. Selfless, caring individuals and programs like AFFM help bring children one step closer to their dreams. They offer the hope of love and security to future generations, and for that, they deserve our immense gratitude.

RECOGNIZING COWBOYS AGAINST CANCER

Mr. BARRASSO. Mr. President, today I come to the floor to recognize one of Wyoming's most generous groups, Cowboys Against Cancer. Founded in 1994 by cancer survivor Margaret Parry, Cowboys Against Cancer raises funds for residents of Sweetwater County who have been diagnosed with cancer. Touched by those who aided and encouraged her during her own battle with cancer, Margaret created Cowboys Against Cancer in order to provide the same comfort to those battling this awful disease. Margaret's mission—and that of Cowboys Against Cancer—is one of compassion and support. From offering the comfort of a shoulder to lean on to awarding grants to support overburdened individuals and families, Cowboys Against Cancer has waged a tireless battle against cancer.

As a nonprofit volunteer organization, Cowboys Against Cancer is a proud group devoted exclusively to charity. The organization's volunteers work without compensation, and Cowboys Against Cancer employs no staff members. Without staff on the payroll, no office space, and very little overhead, the majority of the profits generated are donated directly to those in need. Since the organization's inception, Cowboys Against Cancer has given hundreds of grants to local cancer patients, including more than 150 grants in 2015 alone. In addition to these grants, the group has also worked to fund the development of cancer treatment infrastructure throughout Sweetwater County to better serve the regional population.

This year marks the 21st and final Cowboys Against Cancer Annual Benefit and Banquet. Over 1,000 people will gather to both celebrate the memories of those who are no longer with us and recognize the exemplary courage and determination exhibited by cancer survivors. Including the donations raised from this capstone gala, Cowboys Against Cancer estimates that they will have awarded a total of $5 million of grants to folks in Wyoming. This is a remarkable achievement.

Margaret has a tremendous team of volunteers who have helped her make this dream a reality. Over the years, dozens upon dozens of folks have worked for this great organization. I would like to recognize the current board of directors and the people who have volunteered for 10 years or more. The Cowboys Against Cancer board of directors are: Margaret Parry, president and founder; George Lemich, vice president and auction officer; Cindy Petersen, historian; Kristi Parry, secretary; Erika Kosher, banquet; Anita Punders, treasurer; Terry Warren, grant disbursements; Kathy Devoy, invitations and tickets; Cindy Rodriguez, advertising; and Geannie Berg, auction item data base.

The kind, generous, and energetic volunteers who have lent a hand for over 10 years are Sandra DaRif, Danella ''Prune'' Devries, Pat Devoy, Debbie Gunn, Mary Hardy, Beth Ice, Mary Juel, Veldon Kraft, Don Melvin, Vance Petersen, Kyle and Patsy Rossetti, Becky Sanchez, Kelly Shablo, Bess Stevenson, Liz Strannigan, Tim Warren, and Donald Wiggen. Students from Western Wyoming Community College, Rock Springs High School, and Green River High School have always been generous with their time. And, finally, a special note of thanks to Al Harris who serves as the event's master of ceremonies.

Please join me in offering my heartfelt congratulations to Margaret Parry and her Cowboys Against Cancer team for their efforts toward creating a cancer-free world. This organization has exemplified the nature of the cowboy spirit: tough, but neighborly. Sweetwater County—and Wyoming—are better, thanks to the selfless contributions of Margaret Parry and Cowboys Against Cancer.

ADDITIONAL STATEMENTS

TRIBUTE TO ASHLEY MITCHELL

• Mr. CASSIDY. Mr. President, I wish to celebrate and congratulate the recent accomplishments of Ms. Ashley Mitchell. At only 4–foot–9–inches tall and 94 pounds, Ashley holds the title of Weight Lifting World Champion.

The daughter of Anticia S. Mitchell and a native of Alexandria, LA, Ashley is a hard-working honor roll senior with a 3.0 GPA at Alexandria Senior High School, ASH. In addition to her academic triumphs, Ashley is also a dynamic athlete. During Ashley's freshman year of high school, ASH powerlifting coach Duane Urbina introduced her to the sport. With her mother's encouragement to take a risk and

to try something new, Ashley embraced the opportunity wholeheartedly.

Ashley has achieved several impressive titles as a result of her hard work. Ashley is a three-time first place North Regional Champion, as well as the North Regional Most Outstanding Lifter on the light-weight platform. Additionally, Ashley broke the bench and deadlift records at North Regionals. Moreover, Ashley is a three-time first place Louisiana State Champion. Ashley has earned the Billy Jack Talton Award for Best Lifter in the State of Louisiana and has placed second at both the national meet in Killeen, TX, for 2013–2014 and the national meet in Milwaukee, WI, for 2014–2015.

On May 15, 2015, Ashley earned first place at the Men's and Women's Powerlifting National Meet in San Antonio, TX; Ashley's first place award qualified her to join TEAM USA and to compete at the International Powerlifting Federation, IPF, Championship held in Prague, Czech Republic, on August 28–September 6, 2015.

Talented competitors from 28 nations competed at the IPF Championship. Ashley rose to the challenge, receiving the gold medal in the 94.5 pound weight class for the Sub-Junior and Junior USA Team. Ashley earned the second place silver medal for squatting 275 pounds, the first place gold medal for benching 159.5 pounds, and the first place gold medal for deadlifting 326.5 pounds. Each lift event included three attempts. On Ashley's second attempt for the deadlift, she broke the world record by lifting 309.1 pounds; Ashley immediately broke this record on her third attempt by lifting 326.5 pounds, now the new world record. Ashley also set the new world record for total weight lifted, by lifting a combined 761 pounds during the squat, bench, and deadlift events.

Powerlifting is both physically and mentally demanding, but not insurmountable for Ashley, who finds support in God, her family, her coach, and her powerlifting team. Through blood, sweat, and tears, Ashley welcomes the challenges and celebrates how the sport teaches her about how to overcome life's obstacles.

Ashley Mitchell makes our community, State, and country very proud. Today I join my colleagues in honoring this young woman's tremendous effort and dedication.●

RECOGNIZING THE 366TH FIGHTER WING

● Mr. CRAPO. Mr. President, I wish to honor Mountain Home Air Force Base's 366th Fighter Wing, which recently earned the Air Force Outstanding Unit Award. Congratulations to the skilled and dedicated men and women who serve in the 366th Fighter Wing for their outstanding service to our Nation.

The Outstanding Unit Award was created 61 years ago. According to the Air Force Personnel Center, it is awarded by the Secretary of the Air Force to units that ''distinguished themselves by exceptionally meritorious service or outstanding achievement.''

The 366th FW earned the award for the period of June 1, 2014, to May 31, 2015, and is credited with 9,200 hours spent in the air. When making the nomination, U.S. Air Force Lt. Gen. Mark C. Nowland cited the fighter wing's ''determination and relentless pursuit of excellence.'' He noted a number of the wing's accomplishments: the successful use of airpower during Republic of Korea theater security package operations; the Gunfighters expanded their airspace by 25 percent, supporting seven military branches from five countries during five major exercises; and the achievement of an impeccable personal training pass rate. Lieutenant General Nowland wrote, ''Whether at home training for current and future contingencies or sending Airmen downrange to complete combat operations, the Gunfighters exemplify the Fly, Fight and Win ethos.''

The more than 4,680 military and civilian members and approximately 4,590 family members of the 366th FW have a long history of excellence. It has been awarded the Air Force Outstanding Unit Award 17 times, dating back to its accomplishments in 1966 and as recent as 2012. The work of the wing's servicemembers also earned Meritorious Unit Awards in both 2008 and 2009. These are just a few of its recognitions.

Various divisions of the wing have also received numerous awards. The wing's maintenance group was acknowledged as ''Outstanding Maintenance Unit'' for their efforts during a massive aerial combat training exercise at Nellis Air Force Base in Nevada. The 366th Security Forces Squadron was also named ''Most Outstanding Security Forces Medium Unit in Air Combat Command.'' The 366th Force Support Squadron was selected as the best force support squadron in Air Combat Command, ACC, and the base's medical group is the top rated in ACC.

The commitment and dedication of the thousands of courageous and accomplished Americans who call Idaho home is beyond impressive. We are blessed to have many knowledgeable and brave individuals and their families protecting our Nation. I congratulate the 366th Fighter Wing on its many successes.●

TRIBUTE TO DR. DONALD WILLIAMSON

● Mr. SESSIONS. Mr. President, it is with great pleasure and the highest regard that I speak on the accomplishments of my valued constituent and friend, Dr. Donald Williamson. On October 31, 2015, Dr. Williamson concluded 23 years as Alabama's State health officer and 29 years of service in the Department of Public Health.

Dr. Williamson has served the public health community for more than 30 years, first in his home State of Mississippi and in Alabama since 1986. He began his career in Alabama as the director of the Division of Disease Control from 1986 to 1988. He then served as the director of the Bureau of Preventative Health Services from 1988 to 1992, when he was appointed as the State health officer and director of the Alabama Department of Public Health.

Dr. Williamson received his medical degree, cum laude, from the University of Mississippi School of Medicine and completed a residency in internal medicine at the University of Virginia Hospital.

His devotion to health and public service has been recognized on numerous occasions. He received the 2011 Nathan Davis Award from the AMA for outstanding public service by a career public servant at the State level; the 2009 Wallace Alexander Clyde Award from Children's Hospital; the 2000 Arthur T. McCormack Award from the Association of State and Territorial Health Officials for dedication and excellence in public health; the 1999 Theodore R. Ervin Award from the Public Health Foundation; and the 1999 Child Health Advocate Award from the American Academy of Pediatrics. He also was the recipient of the 1997 D.G. Gill Award from the Alabama Public Health Association for outstanding contribution to public health in Alabama and the 1998 Internist of the Year Award from the Alabama Society of Internal Medicine. In addition, he has held leadership roles in several national and State organizations, including the Association of State and Territorial Health Officials.

For the last 3 years, Dr. Williamson has held two of the largest jobs in State government, serving both as health officer and chairman of the Alabama Medicaid Transition Taskforce. Governor Robert Bentley appointed Dr. Williamson to serve as chairman of the transition taskforce at a time when the Medicaid Program was on the brink of failing.

During his tenure, All Kids, Alabama's public health insurance for children, was recognized nationally for its success in reducing the number of uninsured children. As the chairman of the Medicaid transition taskforce, he helped rescue the Alabama Medicaid Agency and restructured the Medicaid Program. Under his direction, the Medicaid Program will be transformed into Regional Care Organizations and Patient Care Networks. This new structure represents a shift from treating an illness or injury to focusing on overall health and well-being and will lead to improved health outcomes for many Alabamians.

Dr. Williamson has demonstrated the ability to find solutions for seemingly insurmountable challenges and has been a calm, strong voice of reason and common sense in the most difficult of times. Throughout his career, he continued to find new ways of making Medicaid work for its patients and the physicians who treat them.

However, it is good to note that this is not the end of Dr. Williamson's healthcare service. He will become the CEO and president of the Alabama Hospital Association in November. His tremendous knowledge of health care will continue to be a valuable resource to Alabama and to this critically important organization.

I have known this able, energetic leader for many years. I share the views of the great majority of health professionals that he is a treasure for Alabama and the Nation. No one was surprised and all were pleased when Governor Bentley asked him to take over as chairman of the Medicaid transition taskforce at a truly critical time. His reputation throughout the State, the awards he has received, and the sustained effort he has given for the betterment of the health of all Alabamians, especially the poor, truly sets him apart and makes him worthy of the highest accolades.

In light of these and all of his many accomplishments, I want to congratulate him on his outstanding career and to wish him the very best in his next important and challenging endeavor.●

RECOGNIZING DONG PHUONG BAKERY & RESTAURANT

● Mr. VITTER. Mr. President, Louisianians share a long history of triumph and resilience over hardship, and as a result, folks from all backgrounds pursue the American Dream with dedication and commitment. This is particularly true of the Vietnamese community and local small businesses in southeast Louisiana who came together to rebuild New Orleans East after Hurricane Katrina. In honor of National Women's Small Business Month, I am proud to recognize Dong Phuong Bakery & Restaurant of New Orleans, LA, as this week's Small Business of the Week.

Amidst an intense postwar political climate following the end of the Vietnam war, De and Huong Tran immigrated to the United States in 1980 in search of a more peaceful life and greater opportunities for their young family. The Trans and their three young children settled in an area with a fast-growing Vietnamese presence, the Versailles neighborhood of New Orleans. Shortly after settling into their new community, De enrolled at the University of New Orleans and found work at a local grocery store. Given De's busy class and work schedule, Huong cared for the young Tran children as they adjusted to their new home and culture. Searching for ways to reconnect with her beloved Vietnamese culture and provide extra income for her young family, Huong drew from her past working in her father's bakery in Vietnam and began baking a variety of Vietnamese delicacies, selling them to friends, family, and local shops in her community. Realizing they had a hit, Huong and De opened the Dong Phuong Oriental Bakery in 1981, selling traditional Vietnamese pastries and items with a French flair.

During the rebuilding process after Hurricane Katrina, De and Huong Tran provided support and hope to their community, and today the Dong Phuong Bakery & Restaurant remains in their original location in the Vietnamese neighborhood of Versailles, operating out of a 4,000-square-foot restaurant space. Now under the ownership of Huong Tran and Linh Tran Garza, the bakery continues to prepare and sell traditional French-Vietnamese cuisine, as well as their beloved fresh French bread to restaurants and customers across south Louisiana.

Congratulations again to Dong Phuong Bakery & Restaurant for being Small Business of The Week and to Huong and Linh for their praiseworthy entrepreneurial spirit and for setting an example for women entrepreneurs across the Nation.●

TRIBUTE TO JOSEPH J. COX

● Mr. WHITEHOUSE. Mr. President, it is with gratitude and appreciation that I congratulate Joseph J. Cox of Virginia on his retirement as president and chief executive officer of the Chamber of Shipping of America.

Upon graduating from the U.S. Merchant Marine Academy in 1967, Mr. Cox served honorably as a deck officer on commercial ships in the Vietnam war. He worked for 8 years at the U.S. Department of Labor in the Marine Standards Office. In 1981, he joined the Chamber of Shipping of America, the association of American ship owners, operators, and charterers. He rose to president and CEO and led the organization from 1997 until his retirement earlier this year.

Mr. Cox is widely respected as a valued representative of the American maritime community. He has actively advocated for domestic legislation and regulation to advance the interests of the shipping and maritime industry. He has participated in the development of transnational treaties at the International Maritime Organization and the International Labor Organization.

At the helm of the Chamber of Shipping of America, he elevated the nearly 100-year-old association to its respected status in the global maritime community. He will continue to serve as an adviser to the organization.

I thank Joe Cox for his decades of service to his country and to the marine trades, and I wish him and his family smooth sailing on the next leg of their voyage.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mrs. Neimann, one of his secretaries.

PRESIDENTIAL MESSAGE

NOTIFICATION OF THE PRESIDENT'S INTENT TO TERMINATE THE DESIGNATION OF THE REPUBLIC OF BURUNDI AS A BENEFICIARY SUB-SAHARAN AFRICAN COUNTRY UNDER THE AFRICAN GROWTH AND OPPORTUNITY ACT (AGOA), RECEIVED DURING ADJOURNMENT OF THE SENATE ON OCTOBER 30, 2015—PM 31

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States which was referred to the Committee on Finance:

To the Congress of the United States:

In accordance with section 506A(a)(3)(B) of the African Growth and Opportunity Act, as amended (AGOA) (19 U.S.C. 2466a(a)(3)(B)), I am providing notification of my intent to terminate the designation of the Republic of Burundi (Burundi) as a beneficiary sub-Saharan African country under AGOA.

I am taking this step because I have determined that the Government of Burundi has not established or is not making continual progress toward establishing the rule of law and political pluralism, as required by the AGOA eligibility requirements outlined in section 104 of the AGOA (19 U.S.C. 3703). In particular, the continuing crackdown on opposition members, which has included assassinations, extra-judicial killings, arbitrary arrests, and torture, have worsened significantly during the election campaign that returned President Nkurunziza to power earlier this year. In addition, the Government of Burundi has blocked opposing parties from holding organizational meetings and campaigning throughout the electoral process. Police and armed youth militias with links to the ruling party have intimidated the opposition, contributing to nearly 200,000 refugees fleeing the country since April 2015. Accordingly, I intend to terminate the designation of Burundi as a beneficiary sub-Saharan African country under AGOA as of January 1, 2016.

BARACK OBAMA.

THE WHITE HOUSE, *October 30, 2015.*

MESSAGE FROM THE HOUSE RECEIVED DURING ADJOURNMENT

ENROLLED BILLS SIGNED

Under the authority of the order of the Senate of January 6, 2015, the Secretary of the Senate, on November 2, 2015, during the adjournment of the Senate, received a message from the House of Representatives announcing that the Speaker pro tempore (Mr. MESSER) had signed the following enrolled bills:

H.R. 623. An act to amend the Homeland Security Act of 2002 to authorize the Department of Homeland Security to establish a social media working group, and for other purposes.

H.R. 1314. An act to amend the Internal Revenue Code of 1986 to provide for a right to an administrative appeal relating to adverse determinations of tax-exempt status of certain organizations.

Under the authority of the order of the Senate of January 6, 2015, the enrolled bills were signed on November 2, 2015, during the adjournment of the Senate, by the Acting President pro tempore (Mr. COCHRAN).

MESSAGE FROM THE HOUSE

At 2:15 p.m., a message from the House of Representatives, delivered by Mr. Novotny, one of its reading clerks, announced that the House has passed the following bills, in which it requests the concurrence of the Senate:

H.R. 1853. An act to direct the President to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization, and for other purposes.

H.R. 2494. An act to support global anti-poaching efforts, strengthen the capacity of partner countries to counter wildlife trafficking, designate major wildlife trafficking countries, and for other purposes.

H.R. 3361. An act to amend the Homeland Security Act of 2002 to establish the Insider Threat Program, and for other purposes.

H.R. 3503. An act to require an assessment of fusion center personnel needs, and for other purposes.

H.R. 3505. An act to amend the Homeland Security Act of 2002 to improve the management and administration of the security clearance processes throughout the Department of Homeland Security, and for other purposes.

H.R. 3598. An act to amend the Homeland Security Act of 2002 to enhance the partnership between the Department of Homeland Security and the National Network of Fusion Centers, and for other purposes.

MEASURES REFERRED

The following bills were read the first and the second times by unanimous consent, and referred as indicated:

H.R. 1853. An act to direct the President to develop a strategy to obtain observer status for Taiwan in the International Criminal Police Organization, and for other purposes; to the Committee on Foreign Relations.

H.R. 2494. An act to support global anti-poaching efforts, strengthen the capacity of partner countries to counter wildlife trafficking, designate major wildlife trafficking countries, and for other purposes; to the Committee on Foreign Relations.

H.R. 3361. An act to amend the Homeland Security Act of 2002 to establish the Insider Threat Program, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3503. An act to require an assessment of fusion center personnel needs, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3505. An act to amend the Homeland Security Act of 2002 to improve the management and administration of the security clearance processes throughout the Department of Homeland Security, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

H.R. 3598. An act to amend the Homeland Security Act of 2002 to enhance the partnership between the Department of Homeland Security and the National Network of Fusion Centers, and for other purposes; to the Committee on Homeland Security and Governmental Affairs.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 2232. A bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC–3403. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Teflubenzuron; Pesticide Tolerances'' (FRL No. 9933–25) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3404. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Methoxyfenozide; Pesticide Tolerances'' (FRL No. 9934–14) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3405. A communication from the Director of the Regulatory Review Group, Farm Service Agency, Department of Agriculture, transmitting, pursuant to law, the report of a rule entitled ''Agriculture Priorities and Allocations System'' (RIN0560–AH68) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Agriculture, Nutrition, and Forestry.

EC–3406. A communication from the Under Secretary of Defense (Acquisition, Technology and Logistics), transmitting, pursuant to law, a report relative to the Long Range Strike Bomber (LRS–B) system or program (OSS–2015–1699); to the Committee on Armed Services.

EC–3407. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: New Designated Countries—Montenegro and New Zealand'' ((RIN0750–AI71) (DFARS Case 2015–0049)) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Armed Services.

EC–3408. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Defense Federal Acquisition Regulation Supplement: Removal of Cuba from the List of State Sponsors of Terrorism'' ((RIN0750–AI67) (DFARS 2015-D032)) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Armed Services.

EC–3409. A communication from the Director of Defense Procurement and Acquisition Policy, Department of Defense, transmitting, pursuant to law, the report of a rule entitled ''Requirements Relating to Supply Chain Risk'' ((RIN0750–AH96) (DFARS Case 2012–D050)) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Armed Services.

EC–3410. A communication from the Chief Counsel, Federal Emergency Management Agency, Department of Homeland Security, transmitting, pursuant to law, the report of a rule entitled ''Final Flood Elevation Determinations'' ((44 CFR Part 67) (Docket No. FEMA–2015–0001)) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Banking, Housing, and Urban Affairs.

EC–3411. A communication from the General Counsel, Federal Energy Regulatory Commission, transmitting, pursuant to law, the report of a rule entitled ''Protection System, Automatic Reclosing, and Sudden Pressure Relaying Maintenance Reliability Standard'' (Docket No. RM15–9–000) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Energy and Natural Resources.

EC–3412. A communication from the Director of the Regulatory Management Division, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled ''Revisions to Air Plan; Arizona; Stationary Sources; New Source Review'' (FRL No. 9930–43–Region 9) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Environment and Public Works.

EC–3413. A communication from the Associate Administrator, Office of Congressional and Intergovernmental Relations, Environmental Protection Agency, transmitting, pursuant to law, a report entitled ''2015 Report to the U.S. Environmental Protection Agency Administrator'' ; to the Committee on Environment and Public Works.

EC–3414. A communication from the General Counsel, National Science Foundation, transmitting draft legislation entitled ''Antarctic Environmental Liability Act of 2015'' ; to the Committee on Environment and Public Works.

EC–3415. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Programs; Methods for Assuring Access to Covered Medicaid Services'' (RIN0938–AQ54) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Finance.

EC–3416. A communication from the Deputy Director, Centers for Medicare and Medicaid Services, Department of Health and Human Services, transmitting, pursuant to law, the report of a rule entitled ''Medicaid Programs; Final Waivers in Connection With the Shared Savings Program'' (RIN0938–AR30) received in the Office of the President of the Senate on October 29, 2015; to the Committee on Finance.

EC–3417. A communication from the Assistant Attorney General, Office of Legislative Affairs, Department of Justice, transmitting, pursuant to law, a report entitled ''Report of the Attorney General to the Congress of the United States on the Administration of the Foreign Agents Registration Act of 1938, as amended, for the six months ending December 31, 2014''; to the Committee on Foreign Relations.

EC–3418. A communication from the Acting Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report relative to section 36(c) of the Arms Export Control Act (DDTC 15–098); to the Committee on Foreign Relations.

EC–3419. A communication from the Assistant Secretary, Legislative Affairs, Department of State, transmitting, pursuant to law, a report prepared by the Department of State on progress toward a negotiated solution of the Cyprus question covering the period June 1, 2015 through July 31, 2015; to the Committee on Foreign Relations.

EC–3420. A communication from the Assistant Legal Adviser for Treaty Affairs, Department of State, transmitting, pursuant to the Case-Zablocki Act, 1 U.S.C. 112b, as amended, the report of the texts and background statements of international agreements, other than treaties (List 2015–0117—2015–0133); to the Committee on Foreign Relations.

EC–3421. A communication from the Assistant Secretary for Legislation, Department of Health and Human Services, transmitting, pursuant to law, the Performance Report of the Food and Drug Administration's Office of Combination Products for fiscal year 2014; to the Committee on Health, Education, Labor, and Pensions.

EC–3422. A communication from the Principal Deputy Chief Financial Officer, Office of the Chief Financial Officer, Department of Labor, transmitting, pursuant to law, the report of a rule entitled ''Administrative Wage Garnishment Procedures'' (RIN1290–AA27) received in the Office of the President of the Senate on October 19, 2015; to the Committee on Health, Education, Labor, and Pensions.

EC–3423. A communication from the Acting Director, Merit System Accountability and Compliance, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Solicitation of Federal Civilian and Uniformed Service Personnel for Contributions to Private Voluntary Organizations'' (RIN3206–AM68) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3424. A communication from the Acting Director, Planning and Policy Analysis, Office of Personnel Management, transmitting, pursuant to law, the report of a rule entitled ''Federal Employees Health Benefits Program: Enrollment Options Following the Termination of a Plan or Plan Option'' (RIN3206–AN07) received in the Office of the President of the Senate on October 28, 2015; to the Committee on Homeland Security and Governmental Affairs.

EC–3425. A communication from the Deputy Assistant Administrator, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Table of Excluded Nonnarcotic Products: Nasal Decongestant Inhaler/Vapor Inhaler'' ((RIN1117–ZA30) (Docket No. DEA–409)) received in the Office of the President of the Senate on October 27, 2015; to the Committee on the Judiciary.

EC–3426. A communication from the Deputy Assistant Administrator, Drug Enforcement Agency, Department of Justice, transmitting, pursuant to law, the report of a rule entitled ''Schedules of Controlled Substances: Table of Excluded Nonnarcotic Products: Vicks VapoInhaler'' ((RIN1117–AB39) (Docket No. DEA–367)) received in the Office of the President of the Senate on October 27, 2015; to the Committee on the Judiciary.

EC–3427. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Endangered and Threatened Wildlife and Plants; Final Rule to List the Dusky Sea Snake and Three Foreign Corals Under the Endangered Species Act'' (RIN0648–XD370) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3428. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Fishery Conservation and Management Act Provisions; Fishery Management Council Freedom of Information Act Requests Regulations; Technical Amendments to Regulations'' (RIN0648–BE73) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3429. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Western and Central Pacific Fisheries for Highly Migratory Species; Fishing Effort and Catch Limits and Other Restrictions and Requirements'' (RIN0648–BE84) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3430. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Magnuson-Stevens Act Provisions; Fisheries Off West Coast States; Pacific Coast Groundfish Fishery; 2015–2016 Biennial Specifications and Management Measures; Amendment 24; Correction'' (RIN0648–BE27) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3431. A communication from the Deputy Assistant Administrator for Regulatory Programs, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''International Fisheries; Pacific Tuna Fisheries; Establishment of Tuna Vessel Monitoring System in the Eastern Pacific Ocean'' (RIN0648–BD54) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3432. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Northeastern United States; Atlantic Sea Scallop Fishery; State Waters Exemption'' (RIN0648–BF20) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3433. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Atlantic Highly Migratory Species; Atlantic Bluefin Tuna Quotas'' (RIN0648–BE81) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3434. A communication from the Deputy Assistant Administrator for Regulatory Programs, National Marine Fisheries Service, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Caribbean, Gulf of Mexico, and South Atlantic; Snapper-Grouper Fishery Off the Southern Atlantic States; Regulatory Amendment 22'' (RIN0648–BE76) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3435. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Exchange of Flatfish in the Bering Sea and Aleutian Islands Management Area'' (RIN0648–XE223) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3436. A communication from the Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Reef Fish Fishery of the Gulf of Mexico; 2015 Recreational Accountability Measures and Closure for Gulf of Mexico Greater Amberjack'' (RIN0648–XE182) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

EC–3437. A communication from the Acting Director, Office of Sustainable Fisheries, Department of Commerce, transmitting, pursuant to law, the report of a rule entitled ''Fisheries of the Exclusive Economic Zone Off Alaska; Pacific Ocean Perch in the Western Regulatory Area of the Gulf of Mexico'' (RIN0648–XE168) received in the Office of the President of the Senate on October 27, 2015; to the Committee on Commerce, Science, and Transportation.

PETITIONS AND MEMORIALS

The following petitions and memorials were laid before the Senate and were referred or ordered to lie on the table as indicated:

POM–102. A resolution adopted by the House of Representatives of the State of Michigan urging the President of the United States and the United States Congress to take action to halt the illegal dumping of foreign steel into the U.S. market; to the Committee on Finance.

HOUSE RESOLUTION NO. 87

Whereas, Steel is the backbone of the modern economy, and it contributes to every level of daily life. It supports our bridges, takes our buildings to new heights, and can be found in the everyday appliances in our homes. Michigan's strong manufacturing sector, particularly our automotive industry, relies extensively on the metal, as does the energy sector's domestic oil and gas extraction efforts. In fact, in 2014, Michigan and Minnesota shipped 93 percent of usable iron ore products in the United States; and

Whereas, Iron ore mining and manufacturing has been significantly undermined by low-price steel imports from foreign nations. Companies in places like China, South Korea, India, the Philippines, Vietnam, Thailand, Taiwan, and Saudi Arabia are selling their products in the United States at predatory prices. Some estimates state that certain Chinese steel firms retail their products in the United States at 75 percent of the domestic cost of production. A South Korean firm recently retailed its products even lower at 48 percent of the domestic cost of production. This unfair trade puts American mills, and the mines that feed them, at risk; and

Whereas, The economic consequences of steel dumping have begun and will have a lasting detrimental impact on the Michigan economy and the entire nation. Across the Midwest, thousands of steelworkers have already been laid off in recent years, and as mills continue to operate well below their operational capacity, more steelworkers and miners are at risk. As the percentage of foreign steel used in the United States increases, the impacts on American manufacturing will only increase. This could lead to the erosion of enterprises that are critical to our economy and national defense; and

Whereas, The dumping of foreign steel into the United States is a violation of international trade agreements and must be halted, Article VI of the General Agreement on Tariffs and Trade 1994 states that products

from another country shall not be introduced into the commerce of another country at a value less than the product's normal price in the destination country. The Department of Commerce has used the provisions of this article to investigate and take anti-dumping measures against nations in the past. However, this process is slow. So, while nations and companies are being identified, investigated, and punished, American workers are being laid off. Action must be taken to more aggressively identify those violating international trade agreements and punish them accordingly: Now, therefore, be it

Resolved by the House of Representatives, That we urge the President and Congress of the United States to take action to halt the illegal dumping of foreign steel into the U.S. market; and be it further

Resolved, That copies of this resolution be transmitted to the President of the United States, the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–103. A joint resolution adopted by the Legislature of the State of California urging the President of the United States and the United States Congress to enact S. 664, the Foster Care Tax Credit Act, which would provide tax relief to short-term foster parents by helping to cover the actual costs of caring for a foster child; to the Committee on Finance.

ASSEMBLY JOINT RESOLUTION NO. 17

Whereas, Foster parents make a positive and tremendous difference in the lives of so many vulnerable children by opening their hearts and homes, and yet California faces constant challenges in recruiting and retaining enough foster families to ensure each child is placed in a family-like setting; and

Whereas, Caring for a child in foster care can be more expensive than caring for one's own biological children. Children placed into foster care often have experienced significant emotional and physical trauma and have higher incidences of medical and behavioral health issues, resulting in additional costs to foster parents. On average, current foster care rates would have to increase almost 40 percent nationwide to provide for basic care; and

Whereas, Foster parents do not always begin full-time foster parenting immediately. It is not uncommon for foster parents to first provide shorter-term respite or emergency care before ''graduating'' into more full-time foster parenthood. Likewise, foster parents may intend to be full-time; however, children placed with them may be reunified with their biological families after short lengths of time. Foster parents may have multiple placements for three to four months at a time. According to the Public Policy Institute of California, in California in 2010, 31 percent of children left foster care within three months; and

Whereas, The shortage of foster homes has been widely reported. According to the Los Angeles Times in 2015, ''Demand for foster beds exceeds supply by more than 30% nationally. Forty percent of parents withdraw during their first year, and an additional 20% say they want out, national studies show. Those families that remain are often stuck in deep poverty themselves''; and

Whereas, Encouraging individuals to become foster parents can contribute to a greater number of children being adopted from foster care. According to the United States Department of Health and Human Services, of the children adopted from foster care in 2012, 54 percent were adopted by former foster parents. In 2012, that would have equated to 27,358 children adopted by former foster parents; and

Whereas, Senate Bill 664 of the 114th United States Congress, known as the federal Foster Care Tax Credit Act, would seek to help the many families who care for foster children for six months or less, who unlike longer term foster, families, are not eligible for tax credit assistance under the federal Child Tax Credit, to cover the actual cost of caring for foster children; and

Whereas, The Foster Care Tax Credit Act provides tax relief to short-term foster parents and helps cover the actual costs of caring for a foster child by establishing an inflation-adjusted, refundable tax credit of up to $1,000 per year, per foster child, which is prorated by the number of months a foster child is in a family's care; Now, therefore, be it

Resolved by the Assembly and the Senate of the State of California, jointly, That because foster parents make significant and meaningful contributions to the lives of so many vulnerable children by opening their hearts and homes, the Legislature urges the President and the Congress of the United States to enact Senate Bill 664 of the 114th United States Congress, known as the Foster Care Tax Credit Act, which would provide tax relief to short term foster parents by helping to cover the actual costs of caring for a foster child; and be it further

Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the President and Vice President of the United States, the Speaker and Minority Leader of the House of Representatives, the Majority Leader and Minority Leader of the Senate, and each member of the California delegation to the United States Congress.

POM–104. A resolution adopted by the Senate of the State of Michigan urging the United States Congress to reject the U.S.-led nuclear agreement with Iran and press for a new agreement that will prevent all pathways to an Iranian nuclear weapon; to the Committee on Foreign Relations.

SENATE RESOLUTION NO. 104

Whereas, On July 14, 2015, a six-member coalition of nations, including the governments of Great Britain, France, Russia, China, and Germany and led by the United States, reached an agreement with the Islamic Republic of Iran. This agreement, formally known as the Joint Comprehensive Plan of Action, seeks to limit Iran's capacity to refine, store, and use weapons-grade nuclear material and develop nuclear weapons in exchange for international sanctions relief; and

Whereas, The Joint Comprehensive Plan of Action, commonly referred to as the Iranian nuclear agreement, is not in the strategic interest of the United States and its allies. With the notable exception of the Arak heavy-water nuclear facility, this agreement leaves in place much of Iran's nuclear infrastructure, including 5,060 centrifuges. Moreover, this deal allows Iran to continue researching and developing advanced centrifuges capable of refining weapons-grade nuclear material for use in intercontinental ballistic missiles that can strike the United States and short-range missiles capable of hitting targets throughout the Middle East. This creates a direct threat to our national security at home and the national security interests of Israel and other allies; and

Whereas, The Iranian nuclear agreement legitimizes Iran's nuclear program and does not definitively block a path to a nuclear weapon. While the agreement restricts the amount of nuclear material Iran may store and allows for international inspections, these provisions will slow—but not halt—the advancement of Iran's weapons program. The inspections also do not meet the ''anytime, anywhere'' standard needed in this case, but rather uses the ''managed access'' approach that is insufficient to ensure Iran is not developing or hiding nuclear weaponry and weapon components. Given Iran's history of deceiving the International Atomic Energy Agency and its refusal to recognize its nuclear program's military dimension, the international community will be challenged keeping Iran's nuclear weapons program in line with the agreement. With some of the toughest restrictions ending in ten years, Iran is 15 years from manufacturing a nuclear arsenal, which could sink the Middle East into a nuclear arms race; and

Whereas, International sanctions relief would allow Iran to further support terrorist organizations. The Joint Comprehensive Plan of Action, if enacted, would unfreeze an estimated $150 billion in assets currently isolated in foreign banks almost immediately. These assets, alongside additional revenue from sanctions relief, could be redirected by the Iranian government to more substantially support terrorist organizations in Iraq, Syria, Yemen, Lebanon, Palestine, and others. Sanctions relief could also allow more money to support a domestic military buildup that could be used against area nations, like Israel, which Iran has long committed to destroying. This emboldens the autocratic state to continue its conflict with the United States, destabilize the region, and marginalize Iranian moderates; and

Whereas, The Joint Comprehensive Plan of Action is not the best agreement for the United States, the Middle East, and the world. The agreement fails to set free imprisoned Michigan resident and former Marine Amir Hekmati and other Americans. It fails to address Iran's human rights situation, a situation that, according to a 2015 State Department report, continues to deteriorate. The agreement does not allow the inspection of Iranian military installations, which are needed to ensure secret research is not conducted and weaponry and components are not hidden; and

Whereas, Israel's support of the Iranian nuclear agreement is crucial to reaching long-term peace. However, the agreement does not have the support necessary to reach that goal. Repeated Israeli public opinion polls have shown a broad consensus, seemingly traversing conventional political divides, against the Iranian nuclear deal: Now, therefore, be it

Resolved by the Senate, That we to urge the Congress of the United States to reject the U.S.-led nuclear agreement with Iran and press for a new agreement that will prevent all pathways to an Iranian nuclear weapon; and be it further

Resolved, That copies of this resolution he transmitted to the President of the United States Senate, the Speaker of the United States House of Representatives, and the members of the Michigan congressional delegation.

POM–105. A petition by a citizen from the State of Texas urging the United States Congress to propose an amendment to the United States Constitution which would require both houses of Congress approve, by a three-fifths vote of all members elected and serving in each body, any declaration of martial law, or suspension of the writ of habeas corpus, by the President of the United States, and further providing that such Congressionally-approved martial law declaration, or suspension of the writ of habeas corpus, not exceed 30 days duration, and clearly describe the geographic territory covered by such declaration or suspension; to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. JOHNSON, from the Committee on Homeland Security and Governmental Affairs, with an amendment in the nature of a substitute:

S. 1550. A bill to amend title 31, United States Code, to establish entities tasked with improving program and project management in certain Federal agencies, and for other purposes (Rept. No. 114–162).

By Mr. ISAKSON, from the Committee on Veterans' Affairs:

Report to accompany S. 1082, a bill to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes (Rept. No. 114–163).

By Mr. VITTER, from the Committee on Small Business and Entrepreneurship, with amendments:

S. 2138. A bill to amend the Small Business Act to improve the review and acceptance of subcontracting plans, and for other purposes.

INTRODUCTION OF BILLS AND JOINT RESOLUTIONS

The following bills and joint resolutions were introduced, read the first and second times by unanimous consent, and referred as indicated:

By Ms. AYOTTE (for herself, Mr. WHITEHOUSE, Mrs. CAPITO, and Ms. KLOBUCHAR):

S. 2226. A bill to amend the Public Health Service Act to reauthorize the residential treatment programs for pregnant and postpartum women and to establish a pilot program to provide grants to State substance abuse agencies to promote innovative service delivery models for such women; to the Committee on Health, Education, Labor, and Pensions.

By Mr. MANCHIN (for himself and Mr. WICKER):

S. 2227. A bill to amend the National Telecommunications and Information Administration Organization Act to permit the National Telecommunications and Information Administration to authorize Federal agencies to accept certain payments related to spectrum efficiency and reallocation, and for other purposes; to the Committee on Commerce, Science, and Transportation.

By Mr. GRASSLEY (for himself, Ms. STABENOW, Mr. CORNYN, and Mr. SCHUMER):

S. 2228. A bill to amend title XVIII of the Social Security Act to permit review of certain Medicare payment determinations for disproportionate share hospitals, and for other purposes; to the Committee on Finance.

By Mrs. SHAHEEN:

S. 2229. A bill to require the Comptroller General of the United States to conduct audits relating to the timely access of veterans to hospital care, medical services, and other health care from the Department of Veterans Affairs; to the Committee on Veterans' Affairs.

By Mr. CRUZ:

S. 2230. A bill to require the Secretary of State to submit a report to Congress on the designation of the Muslim Brotherhood as a foreign terrorist organization, and for other purposes; to the Committee on Foreign Relations.

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. MURPHY, Mr. MCCAIN, Mr. REED, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. PETERS, Mr. RUBIO, Mr. MENENDEZ, Mr. CARDIN, Mr. COONS, Mr. MARKEY, and Mrs. FEINSTEIN):

S. 2231. A bill to express the sense of Congress that the Government of the Maldives should immediately release former President Mohamed Nasheed from prison and release all other political prisoners in the country, as well as guarantee due process for and respect the human rights of all of the people of the Maldives; to the Committee on Foreign Relations.

By Mr. PAUL (for himself, Ms. AYOTTE, Mr. BARRASSO, Mr. BLUNT, Mr. BOOZMAN, Mrs. CAPITO, Mr. CRAPO, Mr. CRUZ, Mr. DAINES, Mr. GARDNER, Mr. GRASSLEY, Mr. HELLER, Mr. ISAKSON, Mr. LEE, Mr. MCCONNELL, Mr. PORTMAN, Mr. RISCH, Mr. RUBIO, Mr. TOOMEY, Mr. VITTER, Mr. CORNYN, and Mr. SCOTT):

S. 2232. A bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes; read the first time.

By Mr. VITTER:

S. 2233. A bill to amend section 3716 of title 31, United States Code, to reestablish the period of limitations for claims of the United States that may be collected by garnishing payments received from the Government; to the Committee on Finance.

SUBMISSION OF CONCURRENT AND SENATE RESOLUTIONS

The following concurrent resolutions and Senate resolutions were read, and referred (or acted upon), as indicated:

By Mr. BLUMENTHAL (for himself, Ms. AYOTTE, Mr. WYDEN, Mr. GRAHAM, Mr. BENNET, Mr. KIRK, Mrs. MURRAY, Mr. RUBIO, Mr. SCHUMER, Mr. CORNYN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Mr. CARDIN, Mr. TOOMEY, Mr. PORTMAN, and Mr. HELLER):

S. Res. 302. A resolution expressing the sense of the Senate in support of Israel and in condemnation of Palestinian terror attacks; to the Committee on Foreign Relations.

By Mr. ALEXANDER (for himself and Mr. MERKLEY):

S. Res. 303. A resolution designating the week beginning November 8, 2015, as ''National Nurse-Managed Health Clinic Week''; to the Committee on the Judiciary.

By Mr. VITTER (for himself, Mrs. SHAHEEN, Mr. RISCH, Mr. COONS, Mr. RUBIO, Mr. MARKEY, Mrs. FISCHER, Mr. PETERS, Ms. AYOTTE, Mr. CARDIN, Mr. ENZI, Ms. CANTWELL, Mr. GARDNER, Mr. BOOKER, Mr. SCOTT, Ms. HIRONO, Mrs. ERNST, Mr. SCHATZ, Mr. BOOZMAN, Mr. HOEVEN, Mr. UDALL, Ms. HEITKAMP, Mr. KING, Mr. CRAPO, Mr. DAINES, Mr. INHOFE, Ms. MIKULSKI, Mrs. MURRAY, Mr. TESTER, Mr. PORTMAN, Mr. WYDEN, Mr. ROBERTS, Mr. ISAKSON, and Mr. MANCHIN):

S. Res. 304. A resolution recognizing November 28, 2015, as ''Small Business Saturday'' and supporting efforts to increase awareness of the value of locally owned small businesses; considered and agreed to.

ADDITIONAL COSPONSORS

S. 123

At the request of Mr. RUBIO, the name of the Senator from North Carolina (Mr. TILLIS) was added as a cosponsor of S. 123, a bill to prevent a taxpayer bailout of health insurance issuers.

S. 183

At the request of Mr. BARRASSO, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 183, a bill to repeal the annual fee on health insurance providers enacted by the Patient Protection and Affordable Care Act.

S. 264

At the request of Mr. PAUL, the name of the Senator from Kansas (Mr. ROBERTS) was added as a cosponsor of S. 264, a bill to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

S. 265

At the request of Mr. SCOTT, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 265, a bill to expand opportunity through greater choice in education, and for other purposes.

S. 271

At the request of Mr. REID, the name of the Senator from Missouri (Mr. BLUNT) was added as a cosponsor of S. 271, a bill to amend title 10, United States Code, to permit certain retired members of the uniformed services who have a service-connected disability to receive both disability compensation from the Department of Veterans Affairs for their disability and either retired pay by reason of their years of military service or Combat-Related Special Compensation, and for other purposes.

S. 334

At the request of Mr. PORTMAN, the names of the Senator from Nebraska (Mrs. FISCHER), the Senator from Montana (Mr. DAINES), the Senator from Missouri (Mr. BLUNT), the Senator from Texas (Mr. CORNYN), the Senator from Alaska (Ms. MURKOWSKI) and the Senator from Utah (Mr. HATCH) were added as cosponsors of S. 334, a bill to amend title 31, United States Code, to provide for automatic continuing resolutions.

S. 352

At the request of Ms. AYOTTE, the name of the Senator from Montana (Mr. DAINES) was added as a cosponsor of S. 352, a bill to amend section 5000A of the Internal Revenue Code of 1986 to provide an additional religious exemption from the individual health coverage mandate, and for other purposes.

S. 366

At the request of Mr. TESTER, the name of the Senator from Ohio (Mr. PORTMAN) was added as a cosponsor of S. 366, a bill to require Senate candidates to file designations, statements, and reports in electronic form.

S. 368

At the request of Mr. TOOMEY, the name of the Senator from Alabama (Mr. SESSIONS) was added as a cosponsor of S. 368, a bill to amend title 18, United States Code, to require that the Director of the Bureau of Prisons ensure that each chief executive officer of

a Federal penal or correctional institution provides a secure storage area located outside of the secure perimeter of the Federal penal or correctional institution for firearms carried by certain employees of the Bureau of Prisons, and for other purposes.

S. 391

At the request of Mr. PAUL, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 391, a bill to preserve and protect the free choice of individual employees to form, join, or assist labor organizations, or to refrain from such activities.

S. 439

At the request of Mr. FRANKEN, the name of the Senator from Illinois (Mr. KIRK) was added as a cosponsor of S. 439, a bill to end discrimination based on actual or perceived sexual orientation or gender identity in public schools, and for other purposes.

S. 481

At the request of Mr. HATCH, the name of the Senator from Tennessee (Mr. ALEXANDER) was added as a cosponsor of S. 481, a bill to amend the Controlled Substances Act and the Federal Food, Drug, and Cosmetic Act with respect to drug scheduling recommendations by the Secretary of Health and Human Services, and with respect to registration of manufacturers and distributors seeking to conduct clinical testing, and for other purposes.

S. 488

At the request of Mr. SCHUMER, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 488, a bill to amend title XVIII of the Social Security Act to allow physician assistants, nurse practitioners, and clinical nurse specialists to supervise cardiac, intensive cardiac, and pulmonary rehabilitation programs.

S. 540

At the request of Ms. COLLINS, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 540, a bill to amend the Richard B. Russell National School Lunch Act to require the Secretary of Agriculture to make loan guarantees and grants to finance certain improvements to school lunch facilities, to train school food service personnel, and for other purposes.

S. 569

At the request of Mr. LEAHY, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 569, a bill to reauthorize the farm to school program, and for other purposes.

S. 578

At the request of Mr. SCHUMER, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 578, a bill to amend title XVIII of the Social Security Act to ensure more timely access to home health services for Medicare beneficiaries under the Medicare program.

S. 586

At the request of Mrs. SHAHEEN, the names of the Senator from Alaska (Mr. SULLIVAN) and the Senator from Iowa (Mrs. ERNST) were added as cosponsors of S. 586, a bill to amend the Public Health Service Act to foster more effective implementation and coordination of clinical care for people with pre-diabetes, diabetes, and the chronic diseases and conditions that result from diabetes.

S. 624

At the request of Mr. BLUMENTHAL, his name was added as a cosponsor of S. 624, a bill to amend title XVIII of the Social Security Act to waive coinsurance under Medicare for colorectal cancer screening tests, regardless of whether therapeutic intervention is required during the screening.

At the request of Ms. HIRONO, her name was added as a cosponsor of S. 624, supra.

S. 681

At the request of Mrs. GILLIBRAND, the name of the Senator from Massachusetts (Ms. WARREN) was added as a cosponsor of S. 681, a bill to amend title 38, United States Code, to clarify presumptions relating to the exposure of certain veterans who served in the vicinity of the Republic of Vietnam, and for other purposes.

S. 804

At the request of Ms. COLLINS, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 804, a bill to amend title XVIII of the Social Security Act to specify coverage of continuous glucose monitoring devices, and for other purposes.

S. 849

At the request of Mr. ISAKSON, the name of the Senator from Rhode Island (Mr. REED) was added as a cosponsor of S. 849, a bill to amend the Public Health Service Act to provide for systematic data collection and analysis and epidemiological research regarding Multiple Sclerosis (MS), Parkinson's disease, and other neurological diseases.

S. 862

At the request of Ms. MIKULSKI, the name of the Senator from Delaware (Mr. CARPER) was added as a cosponsor of S. 862, a bill to amend the Fair Labor Standards Act of 1938 to provide more effective remedies to victims of discrimination in the payment of wages on the basis of sex, and for other purposes.

S. 865

At the request of Mr. TESTER, the name of the Senator from Michigan (Ms. STABENOW) was added as a cosponsor of S. 865, a bill to amend title 38, United States Code, to improve the disability compensation evaluation procedure of the Secretary of Veterans Affairs for veterans with mental health conditions related to military sexual trauma, and for other purposes.

S. 898

At the request of Mr. KIRK, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 898, a bill to amend the Public Health Service Act to provide for the participation of optometrists in the National Health Service Corps scholarship and loan repayment programs, and for other purposes.

S. 928

At the request of Mrs. GILLIBRAND, the names of the Senator from Alaska (Mr. SULLIVAN) and the Senator from Nebraska (Mrs. FISCHER) were added as cosponsors of S. 928, a bill to reauthorize the World Trade Center Health Program and the September 11th Victim Compensation Fund of 2001, and for other purposes.

S. 1079

At the request of Mr. CARDIN, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 1079, a bill to amend titles XI and XVIII of the Social Security Act and title XXVII of the Public Health Service Act to improve coverage for colorectal screening tests under Medicare and private health insurance coverage, and for other purposes.

S. 1082

At the request of Mr. RUBIO, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1082, a bill to amend title 38, United States Code, to provide for the removal or demotion of employees of the Department of Veterans Affairs based on performance or misconduct, and for other purposes.

S. 1140

At the request of Mr. DONNELLY, the name of the Senator from Missouri (Mrs. MCCASKILL) was added as a cosponsor of S. 1140, a bill to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term ''waters of the United States'' , and for other purposes.

S. 1149

At the request of Mr. VITTER, the name of the Senator from West Virginia (Mrs. CAPITO) was added as a cosponsor of S. 1149, a bill to amend title XVIII of the Social Security Act to require reporting of certain data by providers and suppliers of air ambulance services for purposes of reforming reimbursements for such services under the Medicare program, and for other purposes.

S. 1169

At the request of Mr. WHITEHOUSE, the name of the Senator from Washington (Mrs. MURRAY) was added as a cosponsor of S. 1169, a bill to reauthorize and improve the Juvenile Justice and Delinquency Prevention Act of 1974, and for other purposes.

S. 1555

At the request of Ms. HIRONO, the names of the Senator from Alaska (Mr. SULLIVAN), the Senator from Oregon (Mr. WYDEN), the Senator from Minnesota (Mr. FRANKEN), the Senator from New Jersey (Mr. MENENDEZ) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S.

1555, a bill to award a Congressional Gold Medal, collectively, to the Filipino veterans of World War II, in recognition of the dedicated service of the veterans during World War II.

S. 1559

At the request of Ms. AYOTTE, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1559, a bill to protect victims of domestic violence, sexual assault, stalking, and dating violence from emotional and psychological trauma caused by acts of violence or threats of violence against their pets.

S. 1711

At the request of Mr. SCOTT, the names of the Senator from Idaho (Mr. RISCH) and the Senator from Georgia (Mr. PERDUE) were added as cosponsors of S. 1711, a bill to provide for a temporary safe harbor from the enforcement of integrated disclosure requirements for mortgage loan transactions under the Real Estate Settlement Procedures Act of 1974 and the Truth in Lending Act, and for other purposes.

S. 1714

At the request of Mr. MANCHIN, the name of the Senator from Illinois (Mr. DURBIN) was added as a cosponsor of S. 1714, a bill to amend the Surface Mining Control and Reclamation Act of 1977 to transfer certain funds to the Multiemployer Health Benefit Plan and the 1974 United Mine Workers of America Pension Plan, and for other purposes.

S. 1798

At the request of Mr. RUBIO, the name of the Senator from South Carolina (Mr. SCOTT) was added as a cosponsor of S. 1798, a bill to reauthorize the United States Commission on International Religious Freedom, and for other purposes.

S. 1831

At the request of Mr. TOOMEY, the name of the Senator from New York (Mrs. GILLIBRAND) was added as a cosponsor of S. 1831, a bill to revise section 48 of title 18, United States Code, and for other purposes.

S. 1883

At the request of Mr. REED, the names of the Senator from California (Mrs. BOXER) and the Senator from California (Mrs. FEINSTEIN) were added as cosponsors of S. 1883, a bill to maximize discovery, and accelerate development and availability, of promising childhood cancer treatments, and for other purposes.

S. 1885

At the request of Mr. BLUMENTHAL, the name of the Senator from New York (Mr. SCHUMER) was added as a cosponsor of S. 1885, a bill to amend title 38, United States Code, to improve the provision of assistance and benefits to veterans who are homeless, at risk of becoming homeless, or occupying temporary housing, and for other purposes.

S. 1926

At the request of Ms. MIKULSKI, the name of the Senator from Alaska (Ms. MURKOWSKI) was added as a cosponsor of S. 1926, a bill to ensure access to screening mammography services.

S. 1942

At the request of Mr. GARDNER, the name of the Senator from Colorado (Mr. BENNET) was added as a cosponsor of S. 1942, a bill to require a land conveyance involving the Elkhorn Ranch and the White River National Forest in the State of Colorado, and for other purposes.

S. 1970

At the request of Mr. SANDERS, the name of the Senator from Vermont (Mr. LEAHY) was added as a cosponsor of S. 1970, a bill to establish national procedures for automatic voter registration for elections for Federal Office.

S. 1982

At the request of Mr. CARDIN, the names of the Senator from Alabama (Mr. SESSIONS), the Senator from Massachusetts (Mr. MARKEY) and the Senator from Ohio (Mr. BROWN) were added as cosponsors of S. 1982, a bill to authorize a Wall of Remembrance as part of the Korean War Veterans Memorial and to allow certain private contributions to fund the Wall of Remembrance.

S. 2042

At the request of Mrs. MURRAY, the names of the Senator from California (Mrs. BOXER) and the Senator from New York (Mrs. GILLIBRAND) were added as cosponsors of S. 2042, a bill to amend the National Labor Relations Act to strengthen protections for employees wishing to advocate for improved wages, hours, or other terms or conditions of employment and to provide for stronger remedies for interference with these rights, and for other purposes.

S. 2044

At the request of Mr. THUNE, the names of the Senator from Connecticut (Mr. BLUMENTHAL) and the Senator from Missouri (Mrs. MCCASKILL) were added as cosponsors of S. 2044, a bill to prohibit the use of certain clauses in form contracts that restrict the ability of a consumer to communicate regarding the goods or services offered in interstate commerce that were the subject of the contract, and for other purposes.

S. 2067

At the request of Mr. WICKER, the name of the Senator from Alaska (Mr. SULLIVAN) was added as a cosponsor of S. 2067, a bill to establish EUREKA Prize Competitions to accelerate discovery and development of disease-modifying, preventive, or curative treatments for Alzheimer's disease and related dementia, to encourage efforts to enhance detection and diagnosis of such diseases, or to enhance the quality and efficiency of care of individuals with such diseases.

S. 2103

At the request of Mr. DONNELLY, the name of the Senator from Minnesota (Mr. FRANKEN) was added as a cosponsor of S. 2103, a bill to modify a provision relating to adjustments of certain State apportionments for Federal highway programs, and for other purposes.

S. 2137

At the request of Mr. BLUNT, the name of the Senator from Connecticut (Mr. BLUMENTHAL) was added as a cosponsor of S. 2137, a bill to amend title 10, United States Code, to provide a period for the relocation of spouses and dependents of certain members of the Armed Forces undergoing a permanent change of station in order to ease and facilitate the relocation of military families.

S. 2144

At the request of Mr. GARDNER, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 2144, a bill to improve the enforcement of sanctions against the Government of North Korea, and for other purposes.

S. 2145

At the request of Mr. LEAHY, the names of the Senator from Delaware (Mr. COONS), the Senator from Oregon (Mr. MERKLEY) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. 2145, a bill to make supplemental appropriations for fiscal year 2016.

S. 2175

At the request of Mr. TESTER, the name of the Senator from Arkansas (Mr. COTTON) was added as a cosponsor of S. 2175, a bill to amend title 38, United States Code, to clarify the role of podiatrists in the Department of Veterans Affairs, and for other purposes.

S. 2220

At the request of Ms. KLOBUCHAR, her name was added as a cosponsor of S. 2220, a bill to amend title XXVII of the Public Health Service Act to provide for a special enrollment period for pregnant women, and for other purposes.

S. 2221

At the request of Mr. ROBERTS, the name of the Senator from Georgia (Mr. PERDUE) was added as a cosponsor of S. 2221, a bill to preserve the companionship services exemption for minimum wage and overtime pay, and the live-in domestic services exemption for overtime pay, under the Fair Labor Standards Act of 1938.

S. 2223

At the request of Mr. THUNE, the name of the Senator from South Dakota (Mr. ROUNDS) was added as a cosponsor of S. 2223, a bill to transfer administrative jurisdiction over certain Bureau of Land Management land from the Secretary of the Interior to the Secretary of Veterans Affairs for inclusion in the Black Hills National Cemetery, and for other purposes.

S. RES. 282

At the request of Mrs. SHAHEEN, the names of the Senator from Virginia (Mr. WARNER) and the Senator from Oklahoma (Mr. INHOFE) were added as

cosponsors of S. Res. 282, a resolution supporting the goals and ideals of American Diabetes Month.

S. RES. 299

At the request of Mrs. FEINSTEIN, the names of the Senator from Wisconsin (Ms. BALDWIN), the Senator from Colorado (Mr. BENNET), the Senator from Massachusetts (Mr. MARKEY), the Senator from Ohio (Mr. BROWN), the Senator from Maryland (Ms. MIKULSKI), the Senator from Washington (Mrs. MURRAY), the Senator from Rhode Island (Mr. WHITEHOUSE), the Senator from New Mexico (Mr. HEINRICH) and the Senator from Washington (Ms. CANTWELL) were added as cosponsors of S. Res. 299, a resolution honoring the life, legacy, and example of former Israeli Prime Minister Yitzhak Rabin on the twentieth anniversary of his death.

STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Mr. LEAHY (for himself, Mr. DURBIN, Mr. MURPHY, Mr. MCCAIN, Mr. REED, Mr. WHITEHOUSE, Mr. BLUMENTHAL, Mr. PETERS, Mr. RUBIO, Mr. MENENDEZ, Mr. CARDIN, Mr. COONS, Mr. MARKEY, and Mrs. FEINSTEIN):

S. 2231. A bill to express the sense of Congress that the Government of the Maldives should immediately release former President Mohamed Nasheed from prison and release all other political prisoners in the country, as well as guarantee due process for and respect the human rights of all of the people of the Maldives; to the Committee on Foreign Relations.

Mr. LEAHY. Mr. President, since January 2015, President Abdulla Yameen of the Maldives has increasingly cracked down on dissent within his own party and the political opposition, presided over the erosion of judicial impartiality, and put increasing pressure on civil society. The arrest of former president Mohamed Nasheed, who was convicted in a widely condemned trial that UN High Commissioner for Human Rights Zeid Ra'ad described as containing ''flagrant irregularities'', and who remains imprisoned today, is indicative of the current situation.

That is why today I am introducing, together with a bipartisan coalition of 13 other Senators, a bill expressing the sense of Congress that the Government of the Maldives should immediately release former president Nasheed and all other political prisoners in the country, and guarantee due process for, and respect the human rights of, all of the people of the Maldives.

The United States and the Maldives have common interests in maritime security, commerce, and addressing climate change. But we also expect our partners to respect the fundamental rights of their people, including those who disagree with the government's policies, and to uphold the basic principles of justice. I thank the cosponsors of this legislation for their support.

SUBMITTED RESOLUTIONS

SENATE RESOLUTION 302—EXPRESSING THE SENSE OF THE SENATE IN SUPPORT OF ISRAEL AND IN CONDEMNATION OF PALESTINIAN TERROR ATTACKS

Mr. BLUMENTHAL (for himself, Ms. AYOTTE, Mr. WYDEN, Mr. GRAHAM, Mr. BENNET, Mr. KIRK, Mrs. MURRAY, Mr. RUBIO, Mr. SCHUMER, Mr. CORNYN, Mrs. GILLIBRAND, Ms. MURKOWSKI, Mr. CARDIN, Mr. TOOMEY, Mr. PORTMAN, and Mr. HELLER) submitted the following resolution; which was referred to the Committee on Foreign Relations:

S. RES. 302

Whereas Israel is a democratic ally and major strategic partner of the United States, as codified by the United States-Israel Strategic Partnership Act of 2014 (Public Law 113–296), and cooperation between Israel and the United States continues to increase in importance with a swiftly shifting security situation in the Middle East and North Africa;

Whereas Jerusalem is an undivided city, eternal capital of Israel, holiest city for the Jewish people, central to the worship of three monotheistic religions, and unique in the Middle East region as a city of religious tolerance where Israel guarantees access, security, and respect for the three monotheistic religions to worship in peace at holy sites;

Whereas, upon Israel securing control of Jerusalem in 1967, it has maintained a policy of keeping the Haram Al Sharif specifically open for Muslim prayer, welcoming over 3,500,000 regular worshipers annually;

Whereas the Government of Israel upholds the 1994 Treaty of Peace Between the State of Israel and the Hashemite Kingdom of Jordan, which states in Article Nine that each party ''will provide freedom of access to places of religious and historical significance,'' as well as ''act together to promote interfaith relations among the three monotheistic religions, with the aim of working toward religious understanding, moral commitment, freedom of religious worship, and tolerance and peace'';

Whereas Yasser Arafat, Chairman of the Palestine Liberation Organization (PLO), committed in his exchange of letters with Israeli Prime Minister Yitzhak Rabin on September 9, 1993, that ''the PLO renounces the use of terrorism and other acts of violence and will assume responsibility over all PLO elements and personnel in order to assure their compliance,'' and under the subsequent 1995 Oslo II Accord, the Palestinians pledged to ''abstain from incitement, including hostile propaganda . . . [and to] take legal measures to prevent such incitement by any organizations, groups or individuals within their jurisdiction'';

Whereas the President of the Palestinian Authority, Mahmoud Abbas, wrongly announced during the tenth anniversary of Yasser Arafat's death in November 2014 that Israel has no claim to Jerusalem, that the Temple Mount will not be allowed to be ''contaminated'' by Jews, and that Jewish prayer on the Temple Mount would lead to a ''devastating religious war'';

Whereas President Abbas falsely claimed during his address to the United Nations General Assembly in September 2015 that the Government of Israel has used ''brutal force to impose its plans to undermine the Islamic and Christian sanctities in Jerusalem'' and announced that the Palestinian Authority is no longer bound by the Oslo Accords;

Whereas Israel has in recent weeks been subjected to an alarming wave of terrorism directed against innocent civilians by Palestinians armed with knives, meat cleavers, guns, and cars;

Whereas there have been approximately 69 such attacks since the beginning of October 2015, leaving 11 Israelis dead and another 145 wounded;

Whereas United States citizens have lost their lives as a result of these terrorist attacks, including Richard Lakin and Eitam Henkin;

Whereas these random, gruesome attacks are intended to instill a sense of fear among the people of Israel leading their normal lives, and also destabilize security for both Palestinians and Israelis;

Whereas Israel, Jordan, and the United States have reached an agreement regarding the installation of surveillance cameras on the Temple Mount in accordance with the respective responsibilities of the Israelis authorities and the Jordanian Waqf.

Whereas President Abbas has helped to fuel the current violence in recent weeks by falsely casting Israel as the brutal aggressor in multiple public speeches, refusing to condemn the lethal terror attacks, and failing to acknowledge Israel's right to self-defense;

Whereas President Abbas' statements are part of a pattern of incitement among Palestinian leaders that includes denial of the Jewish heritage of Jerusalem, paying monthly salaries to the families of imprisoned Palestinian terrorists, praising slain terrorists as martyrs, demonizing Jews in official Palestinian Authority media, and encouraging attacks on social media; and

Whereas Palestinian leaders have repeatedly threatened to suspend cooperation and further encouraged violence by blaming Israel for killing Palestinian perpetrators of these heinous crimes: Now, therefore, be it

Resolved, That the Senate—

(1) condemns these brutal attacks in the harshest terms possible;

(2) welcomes Israel's commitment to the continued maintenance of the status quo on the Temple Mount;

(3) urges the President and the international community to join in forcefully condemning these Palestinian terror attacks;

(4) clarifies that there is no justification for these types of attacks and that there is a direct correlation between the recent upsurge in violence and Arab incitement regarding the Temple Mount;

(5) stands with the people of Israel during these difficult days;

(6) supports Israel's right to self-defense and rejects any suggestion of the moral equivalence of Israeli security personnel protecting its citizens from senseless violence and terrorists intent to deliberately take innocent lives;

(7) supports the agreement reached to install surveillance cameras on the Temple Mount according to the arrangements to be determined between the parties;

(8) calls upon President Abbas to stop all incitement by Palestinian officials and by Palestinian media, to strongly and unequivocally demand an end to the violence, and to take all steps necessary to halt these attacks;

(9) expresses support and admiration for individuals and organizations working to encourage cooperation between Israelis and Palestinians;

(10) encourages President Abbas to continue strengthening and maintaining security cooperation with Israel;

(11) reiterates that Palestinian political goals will never be achieved through violence; and

(12) calls on all parties to return to the negotiating table immediately and without preconditions, as direct discussions remain the best avenue to ending the Israeli-Palestinian conflict.

SENATE RESOLUTION 303—DESIGNATING THE WEEK BEGINNING NOVEMBER 8, 2015, AS ''NATIONAL NURSE-MANAGED HEALTH CLINIC WEEK''

Mr. ALEXANDER (for himself and Mr. MERKLEY) submitted the following resolution; which was referred to the Committee on the Judiciary:

S. RES. 303

Whereas a nurse-managed health clinic is a nonprofit community-based health care site that offers primary care and wellness services based on the nursing model;

Whereas the nursing model emphasizes—

(1) protection, promotion, and optimization of health;

(2) prevention of illness;

(3) alleviation of suffering; and

(4) diagnosis and treatment of illness;

Whereas an advanced practice nurse leads each nurse-managed health clinic and an interdisciplinary team of highly qualified health care professionals staffs each nurse-managed health clinic;

Whereas each nurse-managed health clinic offers a broad scope of services, including—

(1) treatment for acute and chronic illnesses;

(2) routine physical exams;

(3) immunizations for adults and children;

(4) disease screenings;

(5) health education;

(6) prenatal care;

(7) dental care; and

(8) drug and alcohol treatment;

Whereas, as of September 2015, approximately 500 nurse-managed health clinics—

(1) provided care in the United States; and

(2) recorded more than 2,500,000 patient encounters annually;

Whereas nurse-managed health clinics serve a unique, dual role as healthcare safety net access points and health workforce development sites, because the majority of nurse-managed health clinics—

(1) are affiliated with schools of nursing; and

(2) serve as clinical education sites for students entering the health profession;

Whereas nurse-managed health clinics strengthen the healthcare safety net by expanding access to primary care and chronic disease management services for vulnerable and medically under-served populations in diverse rural, urban, and suburban communities;

Whereas research has shown that—

(1) nurse-managed health clinics experience high rates of—

(A) patient retention; and

(B) patient satisfaction; and

(2) nurse-managed health clinic patients, compared to patients of other similar safety net providers, experience—

(A) higher rates of generic medication fills; and

(B) lower hospitalization rates;

Whereas the 2013 Health Affairs article, ''Nurse-Managed Health Centers And Patient-Centered Medical Homes Could Mitigate Expected Primary Care Physician Shortage'', highlights the ability of each nurse-managed health clinic to bring high-quality care to individuals who may not otherwise receive needed services; and

Whereas each nurse-managed health clinic that offers primary care and wellness services provides quality care in a cost-effective manner: Now, therefore, be it

Resolved, That the Senate—

(1) designates the week beginning November 8, 2015, as ''National Nurse-Managed Health Clinic Week'';

(2) supports the ideals and goals of National Nurse-Managed Health Clinic Week; and

(3) encourages the continued support of nurse-managed health clinics so that nurse-managed health clinics may continue to serve as healthcare workforce development sites for the next generation of primary care providers.

SENATE RESOLUTION 304—RECOGNIZING NOVEMBER 28, 2015, AS ''SMALL BUSINESS SATURDAY'' AND SUPPORTING EFFORTS TO INCREASE AWARENESS OF THE VALUE OF LOCALLY OWNED SMALL BUSINESSES

Mr. VITTER (for himself, Mrs. SHAHEEN, Mr. RISCH, Mr. COONS, Mr. RUBIO, Mr. MARKEY, Mrs. FISCHER, Mr. PETERS, Ms. AYOTTE, Mr. CARDIN, Mr. ENZI, Ms. CANTWELL, Mr. GARDNER, Mr. BOOKER, Mr. SCOTT, Ms. HIRONO, Mrs. ERNST, Mr. SCHATZ, Mr. BOOZMAN, Mr. HOEVEN, Mr. UDALL, Ms. HEITKAMP, Mr. KING, Mr. CRAPO, Mr. DAINES, Mr. INHOFE, Ms. MIKULSKI, Mrs. MURRAY, Mr. TESTER, Mr. PORTMAN, Mr. WYDEN, Mr. ROBERTS, Mr. ISAKSON, and Mr. MANCHIN) submitted the following resolution; which was considered and agreed to:

S. RES. 304

Whereas there are 28,443,856 small businesses in the United States;

Whereas small businesses represent 99.7 percent of all businesses with employees in the United States;

Whereas small businesses employ over 48.5 percent of the employees in the private sector in the United States;

Whereas small businesses pay over 42 percent of the total payroll of the employees in the private sector in the United States;

Whereas small businesses constitute 97.7 percent of firms exporting goods;

Whereas small businesses are responsible for more than 46 percent of private sector output;

Whereas small businesses generated 63 percent of net new jobs created over the past 20 years;

Whereas 87 percent of consumers in the United States agree that the success of small businesses is critical to the overall economic health of the United States;

Whereas 89 percent of consumers in the United States agree that small businesses contribute positively to local communities by supplying jobs and generating tax revenue;

Whereas 93 percent of consumers in the United States agree that it is important to support the small businesses in their communities; and

Whereas November 28, 2015 is an appropriate day to recognize ''Small Business Saturday'': Now, therefore, be it

Resolved, That the Senate—

(1) recognizes and encourages the observance of ''Small Business Saturday'' on November 28, 2015; and

(2) supports efforts—

(A) to encourage consumers to shop locally; and

(B) to increase awareness of the value of locally owned small businesses and the impact of locally owned small businesses on the economy of the United States.

AMENDMENTS SUBMITTED AND PROPOSED

SA 2762. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1140, to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term ''waters of the United States'', and for other purposes; which was ordered to lie on the table.

TEXT OF AMENDMENTS

SA 2762. Mr. FLAKE submitted an amendment intended to be proposed by him to the bill S. 1140, to require the Secretary of the Army and the Administrator of the Environmental Protection Agency to propose a regulation revising the definition of the term ''waters of the United States'', and for other purposes; which was ordered to lie on the table; as follows:

Strike section 5 and insert the following:

SEC. 5. SUPPLEMENTAL SCIENTIFIC REVIEW AND ADVISORY COMMITTEE.

(a) SUPPLEMENTAL SCIENTIFIC REVIEW PANEL.—

(1) ESTABLISHMENT.—The Secretary and the Administrator shall establish a panel, to be known as the ''Supplemental Scientific Review Panel'' (referred to in this subsection as the ''Panel''), to submit to the Secretary and the Administrator recommendations regarding metrics, based on the best available scientific information, to quantify the degree of connectivity between any body of water or wetland and a traditionally navigable water.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Panel shall be composed of 9 members, of whom—

(i) 2 shall be appointed by the Majority Leader of the Senate;

(ii) 2 shall be appointed by the Minority Leader of the Senate;

(iii) 2 shall be appointed by the Speaker of the House of Representatives;

(iv) 2 shall be appointed by the Minority Leader of the House of Representatives; and

(v) 1 shall be appointed by the President of the National Academy of Engineering.

(B) DATE OF APPOINTMENTS.—The appointment of a member of the Panel shall be made not later than 45 days after the date of enactment of this Act.

(C) QUALIFICATIONS.—Each member of the Panel shall be appointed from among individuals who possess—

(i) expertise in a field of the biogeosciences, such as hydrology, ecology, or geomorphology;

(ii)(I) academic excellence, as determined in accordance with criteria including peer-reviewed journal publications and invited academic conference presentations; or

(II) practical expertise demonstrated by a record of employment as a professional with equivalent experience as an academic scientist; and

(iii) experience regarding collecting and interpreting field measurements of streams and wetlands.

(D) REQUIREMENT.—In appointing members of the Panel, each appointing officer referred

to in subparagraph (A) shall ensure that the Panel includes balanced representation of research expertise across all Level I ecoregions (as defined in section III of the 1997 publication of the Commission for Environmental Cooperation publication entitled ''Ecological Regions of North America Toward a Common Perspective'').

(E) CHAIRPERSON.—At the first meeting of the Panel, a majority of the members of the Panel present and voting shall elect the Chairperson of the Panel from among the members of the Panel.

(F) VACANCIES.—A vacancy on the Panel—

(i) shall not affect the powers of the Panel; and

(ii) shall be filled in the same manner as the original appointment was made.

(G) COMPENSATION.—

(i) IN GENERAL.—A member of the Panel—

(I) shall not be considered to be a Federal employee for any purpose by reason of service on the Panel; and

(II) shall serve without pay.

(ii) TRAVEL EXPENSES.—A member of the Panel shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Panel.

(H) INITIAL MEETING.—The Panel shall hold the initial meeting of the Panel by not later than 90 days after the date of enactment of this Act.

(I) MEETINGS.—The Panel shall meet at the call of a majority of the members of the Panel.

(J) QUORUM.—Of the members of the Panel, 5 shall constitute a quorum.

(K) RULES OF PROCEDURE.—The Panel may establish rules for the conduct of business of the Panel, subject to the condition that those rules shall not be inconsistent with this Act or any other applicable law.

(3) DUTIES.—The Panel shall—

(A) recommend metrics, based on the best available scientific information and considering the duration, magnitude, and frequency of flows, to quantify the degree of connectivity between any body of water or wetland and a traditionally navigable water;

(B) ensure the recommended metrics account for regional variability in all types of waterbodies and across all States, the District of Columbia, Puerto Rico, and other territories and possessions of the United States; and

(C) not later than 1 year after the date on which the Panel first convenes, submit to the Secretary and Administrator a report describing each recommendation of the Panel to which not fewer than 6 members have agreed.

(4) ADMINISTRATIVE SUPPORT.—

(A) IN GENERAL.—The Secretary and the Administrator shall provide to the Panel such staff and administrative services as may be necessary and appropriate for the Panel to perform the duties under paragraph (3).

(B) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—An employee of the Federal Government may be detailed to the Panel without reimbursement.

(ii) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(5) FUNDING.—The Secretary and the Administrator shall provide to the Panel such funds as the Secretary and the Administrator determine to be appropriate from amounts made available to the Secretary and the Administrator in appropriations Acts.

(6) TERMINATION.—The Panel shall terminate on the earlier of—

(A) the date that is 180 days after the date on which the report is submitted under paragraph (3)(C); and

(B) the date that is 2 years after the date of enactment of this Act.

(7) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

(A) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Panel.

(B) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Panel shall—

(i) hold public hearings and meetings to the extent appropriate; and

(ii) release public versions of the report required under paragraph (3)(C).

(C) PUBLIC HEARINGS.—Any public hearings of the Panel shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Panel as required by any applicable law, regulation, or Executive order.

(b) EPHEMERAL AND INTERMITTENT STREAMS ADVISORY COMMISSION.—

(1) ESTABLISHMENT.—The Secretary and the Administrator shall establish a commission, to be known as the ''Ephemeral and Intermittent Streams Advisory Commission'' (referred to in this subsection as the ''Commission''), to develop criteria to define whether a waterbody or wetland has a significant nexus to a traditional navigable water using the metrics developed by the Panel.

(2) MEMBERSHIP.—

(A) IN GENERAL.—The Commission shall be composed of 15 members, of whom—

(i) 2 shall be appointed by the Majority Leader of the Senate;

(ii) 2 shall be appointed by the Minority Leader of the Senate;

(iii) 2 shall be appointed by the Speaker of the House of Representatives;

(iv) 2 shall be appointed by the Minority Leader of the House of Representatives; and

(v) 7 shall be appointed jointly by the Administrator and the Secretary.

(B) DATE OF APPOINTMENTS.—The appointment of a member of the Commission shall be made not later than the date that is 45 days after the date on which the report of the Panel is submitted under subsection (a)(3)(C).

(C) QUALIFICATIONS.—Each member of the Commission shall be appointed from among individuals who possess—

(i) experience regarding the permitting process under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.);

(ii) experience serving on the Panel; or

(iii)(I) expertise in a field of the biogeosciences, such as hydrology, ecology, or geomorphology; and

(II) academic excellence, as determined in accordance with criteria including peer-reviewed journal publications and invited academic conference presentations.

(D) REQUIREMENTS.—In appointing members of the Commission, each appointing officer referred to in subparagraph (A) shall ensure that the Commission includes—

(i) balanced representation of research expertise across all Level I ecoregions (as defined in section III of the 1997 publication of the Commission for Environmental Cooperation publication entitled ''Ecological Regions of North America Toward a Common Perspective''); and

(ii) equal representation of the following groups:

(I) Individuals who represent—

(aa) the interests of builders and developers;

(bb) agricultural interests;

(cc) energy and mineral development; or

(dd) the commercial timber industry.

(II) Individuals who represent—

(aa) nationally or regionally recognized environmental organizations;

(bb) sport, recreational, and commercial fishing interests;

(cc) sportsman's organizations; or

(dd) municipal water supply interests.

(III) Individuals who—

(aa) hold a State, county, or local elected office;

(bb) are employed by a State agency responsible for the management of the environment or natural interests; or

(cc) represent the affected public at-large.

(E) CHAIRPERSON.—At the first meeting of the Commission, a majority of the members of the Commission present and voting shall elect the Chairperson of the Commission from among the members of the Commission.

(F) VACANCIES.—A vacancy on the Commission—

(i) shall not affect the powers of the Commission; and

(ii) shall be filled in the same manner as the original appointment was made.

(G) COMPENSATION.—

(i) IN GENERAL.—A member of the Commission—

(I) shall not be considered to be a Federal employee for any purpose by reason of service on the Commission; and

(II) shall serve without pay.

(ii) TRAVEL EXPENSES.—A member of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence, at rates authorized for an employee of an agency under subchapter I of chapter 57 of title 5, United States Code, while away from the home or regular place of business of the member in the performance of the duties of the Commission.

(H) INITIAL MEETING.—The Commission shall hold the initial meeting of the Commission not earlier than the date on which the report of the Panel is submitted under subsection (a)(3)(C).

(I) MEETINGS.—The Commission shall meet at the call of a majority of the members of the Commission.

(J) QUORUM.—Of the members of the Commission, 9 shall constitute a quorum.

(K) RULES OF PROCEDURE.—The Commission may establish rules for the conduct of business of the Commission, subject to the condition that those rules shall not be inconsistent with this Act or any other applicable law.

(3) DUTIES.—The Commission shall—

(A) develop criteria to define whether a waterbody or wetland has a significant nexus to traditional navigable water using the metrics developed by the Panel, including the measures of flow described in paragraphs (2)(C) and (3)(E) of section 4(b);

(B) ensure those criteria account for regional variability in all types of waterbodies and wetlands and across all States, the District of Columbia, Puerto Rico, and other territories and possessions of the United States;

(C) not later than 180 days after the date on which the Commission holds the initial meeting under paragraph (2)(H), submit to the Secretary and the Administrator a draft report that—

(i) describes the criteria developed by the Commission; and

(ii) is subject to a 60-day period for public comment; and

(D) after addressing the comments received during the 60-day comment period under subparagraph (C)(ii), submit to the Secretary and the Administrator a final report.

(4) ADMINISTRATIVE SUPPORT.—

(A) IN GENERAL.—The Secretary and the Administrator shall provide to the Commission such staff and administrative services

as may be necessary and appropriate for the Commission to perform the duties under paragraph (3).

(B) DETAIL OF FEDERAL GOVERNMENT EMPLOYEES.—

(i) IN GENERAL.—An employee of the Federal Government may be detailed to the Commission without reimbursement.

(ii) CIVIL SERVICE STATUS.—The detail of the employee shall be without interruption or loss of civil service status or privilege.

(5) FUNDING.—The Secretary and the Administrator shall provide to the Commission such funds as the Secretary and the Administrator determine to be appropriate from amounts made available to the Secretary and the Administrator in appropriations Acts.

(6) TERMINATION.—The Commission shall terminate on the earlier of—

(A) the date that is 180 days after the date on which the final report is submitted under paragraph (3)(D); and

(B) the date that is 3 years after the date of enactment of this Act.

(7) APPLICABILITY OF FEDERAL ADVISORY COMMITTEE ACT.—

(A) IN GENERAL.—The Federal Advisory Committee Act (5 U.S.C. App.) shall apply to the Commission.

(B) PUBLIC MEETINGS AND RELEASE OF PUBLIC VERSIONS OF REPORTS.—The Commission shall—

(i) hold public hearings and meetings to the extent appropriate; and

(ii) release public versions of the reports required under subparagraphs (C) and (D) of paragraph (3).

(C) PUBLIC HEARINGS.—Any public hearings of the Commission shall be conducted in a manner consistent with the protection of information provided to or developed for or by the Commission as required by any applicable law, regulation, or Executive order.

(c) REVISED DEFINITION.—A revision to or guidance on a regulatory definition described in section 4(a) shall have no force or effect until after the Secretary and the Administrator carry out each action described in this section.

AUTHORITY FOR COMMITTEES TO MEET

COMMITTEE ON ARMED SERVICES

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Armed Services be authorized to meet during the session of the Senate on November 3, 2015, at 9:30 A.M.

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

COMMITTEE ON BANKING, HOUSING, AND URBAN AFFAIRS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Banking, Housing, and Urban Affairs be authorized to meet during the session of the Senate on November 3, 2015, at 2:45 p.m.

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

COMMITTEE ON FOREIGN RELATIONS

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations be authorized to meet during the session of the Senate on November 3, 2015, at 9:30 a.m., to conduct a hearing entitled ''Nominations.''

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

SELECT COMMITTEE ON INTELLIGENCE

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Select Committee on Intelligence be authorized to meet during the session of the Senate on November 3, 2015, at 2:45 p.m.

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

SUBCOMMITTEE ON EUROPE AND REGIONAL SECURITY COOPERATION

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on Foreign Relations Subcommittee on Europe and Regional Security Cooperation be authorized to meet during the session of the Senate on November 3, 2015, at 2:30 p.m., to conduct a hearing entitled ''Putin's Invasion of Ukraine and the Propaganda that Threatens Europe.''

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

SUBCOMMITTEE ON PRIVACY, TECHNOLOGY, AND THE LAW

Mr. BARRASSO. Mr. President, I ask unanimous consent that the Committee on the Judiciary, Subcommittee on Privacy, Technology, and the Law be authorized to meet during the session of the Senate on November 3, 2015, at 2:30 p.m., in room SD–226 of the Dirksen Senate Office Building, to conduct a hearing entitled ''Data Brokers—Is Consumers' Information Secure?''

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

PRIVILEGES OF THE FLOOR

Mr. INHOFE. Mr. President, I ask unanimous consent that Chuck Podolack, a legislative fellow in Senator FLAKE's office, be granted floor privileges for the remainder of this year.

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

Ms. HEITKAMP. Mr. President, I ask unanimous consent that Amy Crane, an intern in my office, be granted floor privileges for the duration of today's session of the Senate.

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

The PRESIDING OFFICER. The majority leader.

SMALL BUSINESS SATURDAY

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 304, submitted earlier today.

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

The senior assistant legislative clerk read as follows:

A resolution (S. Res. 304) recognizing November 28, 2015, as ''Small Business Saturday'' and supporting efforts to increase awareness of the value of locally owned small businesses.

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

Mr. MCCONNELL. 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. 304) was agreed to.

The preamble was agreed to.

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

MEASURE READ THE FIRST TIME—S. 2232

Mr. MCCONNELL. Mr. President, I understand there is a bill at the desk, and I ask for its first reading.

The PRESIDING OFFICER. The clerk will read the bill by title for the first time.

The senior assistant legislative clerk read as follows:

A bill (S. 2232) to require a full audit of the Board of Governors of the Federal Reserve System and the Federal reserve banks by the Comptroller General of the United States, and for other purposes.

Mr. MCCONNELL. I now ask for a second reading and, in order to place the bill on the calendar under the provisions of rule XIV, I object to my own request.

The PRESIDING OFFICER. Objection having been heard, the bill will be read for the second time on the next legislative day.

ORDERS FOR WEDNESDAY, NOVEMBER 4, 2015

Mr. MCCONNELL. Mr. President, I ask unanimous consent that when the Senate completes its business today, it adjourn until 10 a.m., Wednesday, November 4; that following the prayer and pledge, the morning hour be deemed expired, the Journal of proceedings be approved to date, and the time for the two leaders be reserved for their use later in the day; further, that following leader remarks, the Senate then resume consideration of S.J. Res. 22, with the time until 12 noon equally divided in the usual form; finally, that at 12 noon, the Senate vote on passage of S.J. Res. 22.

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

ORDER FOR ADJOURNMENT

Mr. MCCONNELL. Mr. President, if there is no further business to come before the Senate, I ask unanimous consent that it stand adjourned under the previous order, following the remarks of Senator PORTMAN.

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

The Senator from Ohio.

TAX CODE REFORM

Mr. PORTMAN. Mr. President, I rise this evening to talk about an issue

that is critical to keeping jobs here in America and keeping investment in this country and not driving it overseas.

We had another reminder just last week of just how broken our Tax Code is when a huge company, Pfizer, a pharmaceutical company, decided it could no longer compete as a U.S. corporation. Instead it is seeking a merger with an Irish-based drugmaker called Allergan. They want to move their corporate headquarters to Ireland. It is another in a long line of companies that have made this decision because our Tax Code is broken.

Unfortunately, these kinds of transactions are called inversions, where a U.S. company buys a smaller company overseas and merges with them to become a foreign company. That is just the tip of the iceberg. It is actually bigger than these inversions. It also has to do with foreign companies buying U.S. companies because they can do so because they have a higher aftertax profit and pay a premium. These kinds of transactions are causing our jobs and investments to go overseas.

Yesterday we had another indication of that. It was announced that the Irish drug company Shire is going to buy the Massachusetts-based biotech company Dyax for $6.5 billion. By the way, this isn't the first acquisition Shire has made this year. In January they acquired a New Jersey-based company NPS Pharmaceuticals, and in August they bought a privately held company called Foresight Biotherapeutics.

A foreign company coming in and buying U.S. companies and moving the headquarters overseas is an example of why what the Obama administration is doing to counter this is not working, because their solution to this is not to reform the Tax Code but rather to change the way the tax laws are interpreted and put out regulations they called a tax notice that tries to block these so-called inversions. This very company we are talking about, Shire, was the subject of an inversion. It is true that AbbVie, a company in Illinois, was going to merge with them and do one of these inversions. They chose not to because of the administration's new tax notice—these new regulations. What happened instead, Shire said: Fine, we will not merge with this U.S. company through an inversion. We will just buy U.S. companies—and they bought three this year. So this is only going to be solved if we actually reform the Tax Code.

Interestingly, we have also seen this with another pharmaceutical company. It is called Salex. Salex wanted to do a merger—one of these inversions—and they were blocked from doing it by the regulations, so then they decided to become a target for a foreign takeover. Sure enough, a Canadian company, Valeant, which had already moved from the United States to Canada in a merger, in an inversion, came to the United States and bought, in this case, Salex, which is a North Carolina company. This is happening just about every week we are hearing about another company that is leaving our shores because of our Tax Code. To the administration's credit they haven't just put out these regulations saying let's slow down on inversions, they have just said we do need to reform the Tax Code. That is the truth.

This town is not doing its work. We are not doing what the people have elected us to do, which is to fix problems like this. We are letting this fester. Again, every week we have another example of this. It is no secret why this is happening. At a combined 39-percent tax rate, the United States now has the highest business tax rate of any of the industrialized countries. It is a No. 1 that you don't want to be.

Second, we don't let companies that are American companies bring their profits back here without paying that prohibitively high tax, so they have locked up their profits overseas. You probably heard this, but they say there is about $2.5 trillion in earnings that are locked up overseas that could come back to create jobs right here, expanding plants and equipment and adding more employees. Instead, because of our Tax Code, it is not coming back—$2.5 trillion.

Importantly, the burden of this falls on American workers—think about it—No. 1, because these companies in America are not as competitive as they should be because of our Tax Code. According to the studies, wages are lower, benefits are lower, U.S. workers are caught. This is one reason among others that we have wage stagnation in this country, because our Tax Code is so out of date. Just by fixing the Tax Code we could give the economy a shot in the arm and help lift up those wages. Instead, so many workers in my home State of Ohio and around this country are working hard, playing by the rules, and doing everything right. Yet their wages are flat—even, on average, declining.

This is a new phenomenon for us in this country, but in the last 6 years wages have gone down, on average, not just stayed flat. By the way, expenses are up: health care, thanks to ObamaCare, tuition costs, energy costs, electricity bills, food costs. It is called the middle-class squeeze—flat wages, higher expenses. One way to fix that is to put forward pro-growth policies that can actually make a difference in getting this economy moving. Specifically, we have an example where if we had a better Tax Code based on the economic analysis, it would result not just in more jobs but better jobs. It is a way we can help, not just to bring back the jobs but to bring back better jobs.

Almost all of our competitors—think of the UK, Japan—have lowered their rates, and they have also gone to a competitive international tax code where their companies can bring their earnings back to invest in their country. So they are beating us. America is falling behind because of this problem.

American companies are much more valuable as foreign headquarters then they are in the hands of U.S. owners. It is the primary reason, by the way, that last year the number of acquisitions of U.S. companies by foreign companies doubled.

Let me say that again. Last year there were twice as many foreign takeovers as there was the year before—twice as many. Something is happening here. By the way, this year the $275 billion worth of takeovers we saw last year is likely to go to over $400 billion, we are told. So it is not quite a doubling this year but pretty darn close. Again, there is something happening.

My concern is, if we don't do something about this, we are going to look back 4 or 5 years from now and say what happened, all these great U.S. companies have gone overseas. It is not just pharmaceutical companies, it is across the board. It is all kinds of industries. Try to buy an American beer. The largest U.S. beer companies are now Sam Adams, with about 1.4 percent market share, and Yuengling, with about the same market share. All the rest are foreign-owned—all of them—because of our Tax Code. Anheuser-Busch went overseas. Miller is overseas. Coors is overseas. You go right down the line of American businesses that are affected by this, and it is thousands and thousands of jobs.

We did a little investigation of this in the subcommittee that I had, called the Permanent Subcommittee on Investigations. I cochair it with CLAIRE MCCASKILL, who is a Democrat from Missouri. We looked into these issues, did some research, and said it was worth having a hearing to bring some of these facts to light. We did this a couple of months ago. This is what we found out. Having reviewed more than a dozen foreign acquisitions of U.S. companies and mergers where the headquarters end up being overseas, we found out that jobs are being lost, investments are being lost—not a surprise. It is not just the headquarters that move, it is the people, the money.

One prominent case study we looked at was the acquisition of this Valeant pharmaceutical company that I talked about earlier. Valeant is now a company in Quebec. They merged with a company in Canada. When they went up there they decided: You know what. We are now going to start buying U.S. companies because we have such an advantage. We can pay a premium. They have now managed to acquire more than a dozen U.S. companies worth more than $30 billion.

We reviewed some of the key deal documents to understand how the tax advantages affected these acquisitions, specifically. How did it affect them? We were able to look at the 2013 sale of the New York-based eye care firm, Bausch & Lomb. Anybody who wears contact lenses has probably heard of them. We looked at the 2015 sale of this North Carolina company called Salex that I talked about a moment ago. In

those two acquisitions alone, Valeant determined they could shave more than $3 billion off the tax bill just by integrating these companies into their Canadian-based operations. Think about that.

What do these deals mean to the American worker? Well, the three recent Valeant acquisitions we studied resulted in the loss of about 2,300 U.S. jobs, plus a loss of about $16 million per year of contract manufacturing that was moved from the United States to Canada—additional jobs being lost. Again, this is happening as we talk tonight. There are companies considering leaving our shores because our Tax Code is so outdated and so antiquated.

We talked about the beer industry. The subcommittee took testimony from a guy named Jim Cook. Jim Cook is the founder and chairman of the Boston Beer Company. You might know him as the maker of Sam Adams. The market share is about 1.4 percent. Mr. Cook testified that if we fail to reform our Tax Code, his company could be next. He explained that he regularly gets offers from investment bankers to facilitate a sale. He comes back to his office after being away for a week and what does he find in his inbox, a bunch of proposals from investment banking firms saying: Why don't you go overseas? We will show you how do it. We will save you all kinds of money. Become a foreign corporation. This is happening all over the country.

Mr. Cook, to his credit, is a real patriot. He doesn't want to become a foreign company. He has declined all these offers, but he also informed us that when he is gone he believes that company will be driven by financial pressure to become an overseas company. He owns a majority of the company's voting shares. He is fortunate. Not all CEOs are in that position, of course. They can't afford—because they have a fiduciary responsibility to their shareholders—to be able to withstand this pressure to go overseas.

So in our subcommittee hearing and in some of the dialogue on the floor and elsewhere, we heard a lot of criticism of these companies that have gone overseas. I will say the plain truth, which is, if there is any villain in this story, it is not those companies. I wish they would stay here, but it is not those companies. It is our Tax Code and it is Washington.

Just another example, along with regulatory relief, as we talked about earlier tonight, along with expanding exporting and being sure imports are fairly traded, along with dealing with our education system and our worker retraining system at the Federal level that is not working—all of these things need to be changed. Our energy approach to have a one-size-fits-all policy, that is Washington that can and should do that.

There are so many issues that we are not addressing in terms of the debt and the deficit, economic issues. This is another one and this one is just so obvious.

Mr. Cook is famous today, the founder and chairman of Boston Beer Company Sam Adams, because he was in a Wall Street Journal editorial. I commend that editorial to you. It talks about exactly what I mentioned earlier, which is because the aftertax profit is greater for a foreign company, they can pay a premium. It talks about the fact that as compared to being able to bring a dollar back from overseas as a U.S. company and having 39 percent of it taxed, with a foreign entity—for instance, what could happen with Pfizer—they can go overseas, become an Irish company, and only pay 12 percent. They can bring 88 cents of that dollar back to this country. What an irony. They can invest more in America by being a foreign company. We would like them to be able to be an American company, bring that money back that is overseas, and build investments, jobs, plants, equipment, and people.

The Wall Street Journal editorial was wrong in one regard; that is, they said Jim Cook is a bearded brewer. He doesn't have a beard, but he is a brewer. They also said this is an issue that divides Democrats and Republicans. I would say with respect, as a Republican on this side of the aisle, it is not that simple. There are Democrats who actually think we should be reforming the Tax Code. There are a lot of Republicans who think that too. In the Presidential debate you can see a lot of Republicans talking about it. Hillary Clinton, on the other hand, doesn't seem much interested in it. She wants to punish these companies that go overseas. That is not going to help. That will cause more companies to go overseas. They will vote with their feet, but I don't believe this is a partisan issue.

I actually believe there are people of good will on both sides of the aisle who get this.

Senator SCHUMER and I did a report after a working group that we were asked to chair by our leadership where we came up with the conclusion that we had to fix this system. Senator SCHUMER is a Democrat and I am a Republican. We don't agree on a lot of things. But we agreed on this because after hearing testimony from people, including CEOs of companies that were struggling with this decision, we realized we had to deal with it. We have to deal with it. I believe ultimately that what we have to do is to overhaul our entire Tax Code. We should deal with the individual side of the code, we should lower that rate and broaden the base, in other words, get rid of a lot of the preferences and loopholes.

On the corporate side, we should do the same thing and get the corporate rate so it is competitive. A 25-percent rate rather than a 35-percent rate would make a big difference.

The overhaul is necessary for us to be able to give the economy the real shot in the arm it deserves. But in the short term, we have a President who refuses to reform the taxes on the individual side without raising significant new revenues—in other words, increasing taxes dramatically, a couple of trillion dollars in his budget. We are not going to do that because that would hurt the economy too much. But even with a President who believes that on the individual side, there does seem to be more consensus on this business issue—what to do with the business tax code—particularly as it relates to the international tax code we talked about. So my feeling is, let's take a first step. Let's do what we can do on a bipartisan basis. Let's build on that consensus that we have reached—that we have to fix this problem now or we are going to see more and more companies and jobs and investment go overseas. Let's come up with something that addresses that specific problem.

In July, in this report that Senator SCHUMER and I released, we suggested three things where we can find a consensus. One, let's move to that international tax system where we can allow people to bring their earnings home. Let's not lock those earnings up overseas. Let's have what you would call a permanent repatriation and allow that money to come back. By the way, that money could be used for all kinds of things, including infrastructure. So it could be tied to the highway bill. But it is important for me that we change the system to allow those funds to come back here and create jobs and opportunity in America. There is $2.5 trillion locked up overseas.

Second, we said we ought to have incentives to be able to keep intellectual property, which is highly mobile, here in America, because a lot of countries around the world now are setting up what they call patent boxes or innovation boxes, and they are attracting our best and brightest. They are creating now a nexus between the lower rate you get if you move that intellectual property overseas and the researchers. In other words, they will give you a low tax rate, but you have to move the expertise there too.

Again, we are going to look back a few years from now if we don't deal with this and say: What happened? Some of our best researchers, some of our best colleges and universities here are now not doing the work anymore because it is being done overseas, because they are providing the inventive and we are not.

Third, we agree we do need to have some sensible base erosion protections that would discourage companies from shifting their income to low-tax jurisdictions, to tax havens, just for that purpose. By the way, the businesses that we talked to around the country agree with that. They would like to see a lower tax rate also. That is incredibly important. That is the obvious next step. But I do think there is an opportunity for us to act and to act now to be able to help give the economy a shot in the arm, to bring back the trillions of dollars from overseas, and to

help us stop this exodus of jobs and investment in U.S. companies overseas.

I also believe we could act this year on this. We know what to do. There have been plenty of reports and studies. There is actually a tax proposal introduced by Dave Camp, who was the chairman of the Ways and Means Committee prior to PAUL RYAN. PAUL RYAN, who is now Speaker of the House, is very interested in this. He has done a lot of good work on this. The Ways and Means Committee and the Finance Committee have held literally dozens of hearings. We know what to do. It is a question of political will to get it done.

As we do that, we should also be sure to address the annual tax extenders. These are provisions for the Tax Code that are only in place for a short period of time. Right now they have already expired. The idea is that at the end of the year we might once again retroactively extend these tax provisions. Think of the R&D tax credit, for instance, or the research and development tax credit. That is very important.

We think we should make those extenders that are good policy permanent. If we did that and we did this tax reform we talked about earlier, which by the way would be revenue neutral, this is the one area where the President of the United States and other Democrats are willing to say: Let's not try to wring more taxes out of the system; let's try to do this on a revenue-neutral basis.

By the way, it is going to be so pro-growth that it will result in more revenue coming in, not because you raise taxes, but because it is the right thing to do to encourage jobs, investment, and opportunity. But if you did these tax extenders along with it, you would be making the policies permanent, which would provide a huge boost to the economy. The Joint Committee on Taxation found that the short-term extenders that were passed by the Senate Finance Committee last month—this is just a short-term one for a 2-year extension, would create $10.4 billion in new tax revenue over the next 10 years. Think about that. That is just a short-term extension. Imagine the growth if those were made permanent.

So we do have the opportunity here to do something good for our country, for our companies, and, most importantly, for American workers, and one that is going to result in growth in the economy and, therefore, in revenue through growth, not through higher taxes but in fact by getting the tax rates down and having a competitive international tax system.

The last thing we want to do is to look back a few years from now and say: We had this opportunity. In this area, at least, we have a President willing to work with us. We have some Democrats and Republicans willing to join hands and get something done. We missed the opportunity. Now we are seeing this unfortunate movement of more and more of our great American companies overseas. We are seeing the American tax base being eroded. We are seeing something that would take away the opportunity for us to help get this economy back on track for everybody, for the shared prosperity that we all seek.

If that happens, we will have no one to blame but ourselves here in this town. So I would encourage my colleagues again: Look at what is happening. Look at what happened with Pfizer last week, with Shire this week, and with yet another company I am sure next week. We need to wake up and realize that if we don't act—and we alone can act because this requires a change in tax policy. It cannot happen through more regulations. It has to happen by changing the law. If we don't act, we are not doing our duty to those who sent us here to represent them.

I yield the floor.

ADJOURNMENT UNTIL 10 A.M. TOMORROW

The PRESIDING OFFICER. Under the previous order, the Senate stands adjourned until 10 a.m. tomorrow.

Thereupon, the Senate, at 7:18 p.m., adjourned until Wednesday, November 4, 2015, at 10 a.m.