



United States
of America

Congressional Record

PROCEEDINGS AND DEBATES OF THE 114th CONGRESS, FIRST SESSION

Vol. 161

WASHINGTON, MONDAY, JULY 27, 2015

No. 119

Senate

The Senate met at 2 p.m. and was called to order by the President pro tempore (Mr. HATCH).

PRAYER

The Chaplain, Dr. Barry C. Black, offered the following prayer:

Let us pray.

Eternal God, incline Your ear and hear our prayer, for without Your presence and power, our striving is in vain. Preserve us with Your loving providence, guiding us through each season of life's sojourn.

Lord, teach our lawmakers Your way, illuminating their path with the lamp and light of Your truth. Remind them that true greatness comes through service, as they remember to esteem others as better than themselves.

You, O Lord, are a God full of compassion. You are gracious, long-suffering, and abundant in mercy and truth.

We praise Your matchless Name. Amen.

PLEDGE OF ALLEGIANCE

The President pro tempore 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.

RECOGNITION OF THE MAJORITY LEADER

The PRESIDING OFFICER (Mr. JOHNSON). The majority leader is recognized.

THE HIGHWAY BILL

Mr. MCCONNELL. Mr. President, "there is no such thing as a Republican road or a Democrat road." That is what Chairman INHOFE said a few days ago, and he is absolutely right. No wonder

Republicans and Democrats continue to rally around a bipartisan, multiyear highway measure that is fiscally responsible and will not raise taxes.

The bill before us would streamline regulations, advance research and innovation in transportation, modernize infrastructure and transportation systems, and inject new accountability measures so Americans can get a better handle on how their tax money is actually being spent.

This multiyear bill also reverses the trend of short-term temporary patches, giving State and local Governments the certainty and the stability they need to better plan road and bridge projects. On top of that, the bill would also provide State and local Governments with more flexible options for stretching those transportation dollars.

So this is a good bill for our country. Substantial numbers of Republicans and Democrats continue to support it. But time is running out to get this bill through Congress. We are up against a deadline at the end of the week. Jobs are on the line. Important infrastructure projects are too. So we have to get the job done—and we are.

We have had to navigate some especially difficult political terrain to get this far already. It hasn't always been easy, but we are now nearing completion of the Senate's work on this bill.

If the bipartisan coalition supporting this fiscally responsible, multiyear bill continues to cooperate and work hard, I know we can get there.

I want to thank every colleague who has worked so hard already on this bill, particularly Chairman INHOFE and Senator BOXER, who have really done magnificent work to get us to this point. Let's hope we can all get it across the finish line.

RECOGNITION OF THE MINORITY LEADER

The PRESIDING OFFICER. The Democratic leader is recognized.

ORDER OF BUSINESS

Mr. REID. Mr. President, I choose not to speak today. So I would ask the Chair to announce the business of the day.

RESERVATION OF LEADER TIME

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

HIRE MORE HEROES ACT OF 2015

The PRESIDING OFFICER. Under the previous order, the Senate will resume consideration of H.R. 22, which the clerk will report.

The senior assistant legislative clerk read as follows:

A bill (H.R. 22) to amend the Internal Revenue Code of 1986 to exempt employees with health coverage under TRICARE or the Veterans Administration from being taken into account for purposes of determining the employers to which the employer mandate applies under the Patient Protection and Affordable Care Act.

Pending:

McConnell modified amendment No. 2266, in the nature of a substitute.

McConnell (for Kirk) amendment No. 2327 (to amendment No. 2266), to reauthorize and reform the Export-Import Bank of the United States.

McConnell amendment No. 2328 (to amendment No. 2327), to repeal the Patient Protection and Affordable Care Act and the Health Care and Education Reconciliation Act of 2010 entirely.

McConnell amendment No. 2329 (to the language proposed to be stricken by amendment No. 2266), of a perfecting nature.

McConnell amendment No. 2330 (to amendment No. 2329), to change the enactment date.

The PRESIDING OFFICER. The Senator from Illinois.

25TH ANNIVERSARY OF THE AMERICANS WITH DISABILITIES ACT

Mr. DURBIN. Mr. President, there are no ideas more central to America's democracy and identity than liberty

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



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and equality. The Declaration of Independence lists liberty among mankind's inalienable rights and states: "All men are created equal." But it wasn't until 1870 that the 15th Amendment to the Constitution was ratified, extending the vote to African-American men, and women were not given the right to vote in America until 1920, when the 19th Amendment was ratified.

America's democracy has indeed been imperfect, but throughout our history, we have sought to address our imperfections. After all, the story of America is not the story of a perfect nation. It is the story of a nation in pursuit of a more perfect nation.

So it is sobering but not surprising that it took us nearly to the end of the 20th century to expand and acknowledge the rights of another group of Americans who suffered discrimination through history—people with disabilities.

This Sunday we mark the 25th anniversary of one of the most important civil rights victories in our nation's history—the enactment of the Americans with Disabilities Act. The Americans with Disabilities Act set forth four great goals for people with disabilities: equal opportunity, full participation, independent living, and economic self-sufficiency. But the fundamental goal of the ADA is simple. In the words of one activist, the ADA is about securing for people with disabilities the most fundamental of rights: "the right to live in the world."

It is worth remembering that this was a bipartisan victory. Senator Bob Dole, a Republican and a veteran wounded by German machine gun fire in World War II, and Tom Harkin, a Democrat from Iowa, teamed up to get this done.

When President George H.W. Bush signed the ADA into law, he said: "Today's legislation brings us closer to that day when no Americans will ever again be deprived of their basic guarantee of life, liberty, and the pursuit of happiness."

Tom Harkin called the day the ADA passed the proudest day of his legislative career. I remember a story he told the Senate a few years ago. When he was first elected to the Senate, his whole family came for the swearing-in ceremony. They sat up in the gallery right behind me. He even arranged a sign language interpreter for his older brother Frank, who was deaf. But he was told by the guard outside of the gallery door that the interpreter was not allowed to stand in the gallery and interpret.

Tom Harkin could not believe it. He came down to the floor and told the majority leader, Bob Dole, the situation. Senator Dole said: "I will take care of it." And he did. It was the first thing they did together. It sure wasn't the last. Five years later they watched President Bush sign the ADA into law.

I want to give credit to some tireless advocates who helped make that a reality: Justin Dart, the "Father of the

ADA," who has passed on, and my great friend from Chicago, Marca Bristo, President and CEO of Access Living.

In 1977, Marca had a serious accident and broke her neck, leaving her paralyzed from the chest down. She lost her job, her house, and her health insurance. A lot of people would have given up—but not Marca Bristo. She led an army of people who could not see, hear, walk, and talk to mobilize and pass the most comprehensive civil rights law since the Civil Rights Act of 1964.

Marca is a force of nature. Every day, Marca and her team are on the frontlines helping people with disabilities. They help people such as Michael Grice. He uses a power wheelchair and has been involved with disability activism for many years. He has a bright personality that draws many people to him.

He speaks with passion and compassion. He calls himself a very active person. He was living on his own in an apartment in Hyde Park on the South Side of Chicago until health complications led him into a group home, where he lived for more than a year. His health continued to deteriorate, and he moved into a nursing home.

Michael and the group home staff planned for him to stay at the nursing home for 6 to 8 weeks and then move back on his own. Those 6 to 8 weeks became nearly 3 years. Michael grew more frustrated. That is when Marca Bristo and Access Living came to the rescue, and they helped Michael find a new place so he could live on his own. Last year Michael was able to move from the nursing home into his own apartment.

I am proud of activists such as Michael and Marca and the folks at Access Living. We owe them a debt of gratitude for helping America realize our full potential.

It is hard to imagine, but before the Americans with Disabilities Act, people with disabilities were denied the opportunity to participate fully in society. Back then, very few transit systems had buses or trains equipped for wheelchairs. If you needed a haircut or to see a doctor or just wanted to meet a friend for a cup of coffee, you probably had to rely on family and friends or a social service agency.

The Americans with Disabilities Act has changed that. The Americans with Disabilities Act has changed America. Every day you can see how far we have come as you walk down the street—with curb cuts, ramps, braille signs, and assisted listening devices. Because of the ADA, thousands of Americans with disabilities get to go to school, get a good education, and enter the workforce.

We still have a long way to go. The unemployment rate for people with disabilities is still too high. Most people with disabilities want to work and have to work. When they do work, that can impact our communities in ways that are hard to imagine.

Let me tell you about the late Bob Greenberg, a legendary sportscaster at WBEZ radio in Chicago. For his loyal Chicago radio audience, Bob described sporting events that they couldn't see. But Bob's story is unique because Bob couldn't see them either. Bob Greenberg was blind. But that didn't stop him from achieving his dreams.

In the early 1980s, Hall of Fame basketball player Kareem Abdul-Jabbar was taking questions from reporters after a hard game. He turned to Bob, who was holding a white cane and a microphone and he said: How did you get here?

It wasn't hard, Bob said. He then explained how he knew the exact number of steps from his home to the Lake Street "L," how he felt for the right combination of coins to put in the turnstile, and then how he knew the exact number of steps to take along West Madison to Chicago Stadium.

Kareem Abdul-Jabbar paused to take that in and finally said: Ask your question, sir.

It was clear. Bob Greenberg worked hard to get where he was.

There is no doubt that laws such as the ADA helped Bob. I just wish we had passed it sooner. Maybe Bob's road to achieving his dream could have been a little smoother.

Let me close by noting this. I wonder if the Americans with Disabilities Act were called before the Senate today, if it would pass. We know how great it is. We know what it has done for America. But there were also always voices then—and there are voices now—that question whether Government ought to have that big a say, that big a role, that big a voice in our private lives and our public lives. Thank goodness Bob Dole, a Republican, and Tom Harkin, a Democrat, put together a coalition that realized that at some moments in history we have to move together as an American family to solve a problem. We use our Government to achieve that goal.

The day the ADA passed, Senator Harkin stood at this podium in the Chamber and gave his entire speech in sign language. Afterward, he said it was the first time anyone ever gave a long-winded speech on the Senate floor and no one ever heard him. He was wrong. His brother Frank heard him. Marca Bristo heard him, Michael Grice heard him, Bob Greenberg heard him, and millions of others with disabilities heard that speech.

Before leaving the Senate, Senator Harkin taught me a wonderful sign for the word "America." It is this: All ten fingers joined together, rotating in a circle around your chest. That is sign language for "America." That is the America that we all are striving to become, a place where no one is left out, where we are all included within the circle of equal opportunity. That is how we honor our Constitution and our great Nation—with liberty and justice for all.

SYRIAN SAFE ZONE ANNOUNCEMENT

Mr. President, I recently spoke on the floor about the terrible humanitarian crisis in Syria. If you had to pick out one place in the world today where more innocent people are dying, it is hard to think of any place that matches Syria. Over 200,000 people have died during the course of the Syrian war, and up to 12 million Syrians have been displaced.

I have a friend of mine in Chicago, he is a Syrian American doctor, Dr. Sahloul, who comes to see me regularly and brings photos back from Syria. They are heartbreaking photos.

Dr. Sahloul and his friends literally sneak across the border into Syria to treat the casualties in this war. He shows me pictures of surgeries performed on the floors of schools and on card tables, and he shows me those who have been maimed and killed by the barrel bombs of Bashar Assad and by the ravages of war.

We will be judged as a generation as to whether we have responded properly to this humanitarian challenge.

In April, Senators KAINE, GRAHAM, and MCCAIN joined me on a letter to President Obama urging him to work with other world leaders to create no-fly zones within Syria where modern medical treatment can be provided and displaced persons can safely escape.

I have raised this with many involved in this extremely difficult issue, including Gen. John Allen, Retired, U.N. Special Envoy for Syria Staffan de Mistura, the Turkish Ambassador, and National Security Advisor Susan Rice.

So, I was heartened today—in fact, exhilarated—to read in the morning paper that the United States is now working with Turkey and other countries to establish a humanitarian safe zone in the northern part of Syria to try to find one patch of real estate in that war-ravaged country where these children, their mothers, families, elderly people, and those who have been hurt can go and safely—safely—be treated and live.

We have to do this. The Turks are going to lead the way. We are going to support them, but it is a challenge not just to our two countries—to us and to Turkey—but to the world to step up and put an end to this bloody, terrible, ruthless war.

There have been so many casualties. The United States—our good people who reach out to help those around the world—should stand and be counted when it comes to the establishment of this humanitarian zone to try to bring some peace to some part of the population living in war-torn Syria.

This won't solve the larger crisis right away, which ultimately will require a political transition in Syria. Without a political dialogue, there is no long-term hope for Syria, only short-term relief.

But this announcement does have the possibility to bring the Syrian civil war one step closer to an end.

Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. WICKER. Mr. President, I once again come to the floor to talk about a Feinstein-Wicker amendment to this Transportation bill, which I hope we can have a vote on and dispose of and let the U.S. Senate work its will on, either late tonight or perhaps tomorrow after the pending business is taken care of.

I would begin by quoting from an editorial that was in yesterday's Post-Gazette, the daily newspaper in Pittsburgh, where it says: "The tractor-trailer roaring by you on the highway could be 9 feet longer next year." It could be this long, as shown on this chart I have in the Chamber. It could be mandated by this Congress on 39 States that do not want it.

The editorial goes on to point out there is legislation pending that would force these longer trucks on these 39 States—on all 50 States—11 of them already allow it, but 39 do not. Unless we act and adopt the Feinstein-Wicker amendment on this bill, a provision in the Transportation appropriations bill will go forward and is likely to be signed into law requiring this. This will have been done, I might add, without a full debate, without a hearing being held in any committee of the Senate on this issue.

So what are we talking about? I have in the Chamber a poster that says: "Would You Feel Safe Driving Next to a Double 33?" As shown here, this is the size of the proposed new longer trucks that we would mandate on all 50 States. As you can see on the chart, here is the size of a typical passenger car. Here is the comparative size of a motorcycle, a bicycle, and, of course, here is a defenseless pedestrian. Compared to the pedestrian down to the passenger car, this Federal mandate that I am trying to at least give a timeout to would mandate on States that they allow these twin 33 trailers, and they would be driving along next to this car that my kids are going to be driving in and my grandchildren are going to be riding in. I do not think it is a good idea.

But I would point out, if a State does think it is a good idea, I am not going to stand in their way. Some 11 States have decided they are willing to take this risk—many of them out in the wide-open spaces of the West. But it is worth saying that these 39 States do not allow longer tandem trucks, and we should ask ourselves whether Congress knows better than these States.

These States do not allow them: Alabama, Alaska, Arkansas, California, Colorado, Connecticut, Delaware, Georgia, Hawaii, and Illinois. As a matter of fact, we have a unanimous resolution from the Illinois State Senate, a bipartisan, unanimous resolution from the Illinois State Senate, saying: Do not mandate these double 33s on us. I go on: Kansas, Kentucky, Louisiana, Maine, Maryland, Michigan, Minnesota, my home State of Mississippi,

Missouri, Nebraska, New Hampshire, New Jersey, New Mexico, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Vermont, Virginia, Washington, West Virginia, and Wisconsin, Mr. President. None of those States allows twin 33s now, but there is a proposal I am trying to stop that would mandate that these States must allow for the longer and, I believe, more dangerous trucks.

The editorial goes on to quote the former head of the National Highway Traffic Safety Administration, who "likens the massive trucks to 'trains on highways' that would damage roads and endanger motorists." I think it makes a lot of sense. I think it would damage roads. I think it would endanger motorists.

Now, if my State of Mississippi, with the considered judgment of the Mississippi Department of Transportation and their commission, the Mississippi Sheriffs' Association, the Mississippi Association of Chiefs of Police—if all of those people are advising us against this, why should we as a Congress tell these States that we know better than they do?

I will just quote one final statement from the editorial before I ask it be printed in the RECORD. The editorial concludes: "With its bridges already in the worst shape in the nation, Pennsylvania doesn't need longer trucks on its roads."

Mr. President, I ask unanimous consent that this editorial be printed in the RECORD.

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

[From the Pittsburgh Post-Gazette, July 26, 2015]

BIGGER'S NOT BETTER: LONGER TRACTOR-TRAILERS SPELL TROUBLE ON THE ROAD
(By the Editorial Board)

The tractor-trailer roaring by you on the highway could be 9 feet longer next year if Congress approves a measure backed by FedEx and other shippers, who want bigger trucks so they can haul more stuff. It's a bad idea everywhere in the nation, but particularly in Pennsylvania with its poorly maintained roads and bridges.

The legislation would force states to allow "twin 33s"—trucks that pull two trailers, each 33 feet long. Only 11 states allow them now, and Pennsylvania is not among them. Double trailers here cannot be more than 28 feet, 6 inches, and single trailers can be no more than 53 feet long.

Supporters say the change would eliminate 6 million trips each year, improve the environment and cut down on crashes. But anyone who has ever held his breath as a massive truck comes within inches of his car while making a turn would be hard to convince that bigger is better.

The former head of the National Highway Traffic Safety Administration likens massive trucks to "trains on highways" that would damage roads and endanger motorists. Trucks weigh 20 to 30 times more than cars, and they take longer than cars to come to a stop, particularly on wet and slippery roads. A U.S. Department of Transportation study found that the twin 33s require 22 more feet

for braking than the current trucks on the road. In 2013, 3,964 people died in crashes involving large trucks.

Pennsylvania Sen. Bob Casey, a Democrat who is crusading against the change, says longer trucks would cause more than \$2 billion in damage to the nation's roads and bridges. With it bridges already in the worst shape in the nation, Pennsylvania doesn't need longer trucks on its roads.

Mr. WICKER. Once again, I stress the point, this is Pennsylvania specific. Pennsylvania has made a considered decision not to allow these. I think it ill-behooves us as a Congress to say we know better about the roads and the condition of the bridges in the State of Pennsylvania than the local authorities do.

So in the interest of deferring to the States, I think we should adopt the Feinstein-Wicker amendment not to mandate these longer trucks on States that do not want them.

Also, I do want to stress a few things. If this goes forward, it will have been done with no hearings in this Congress in any committee. The Appropriations Committee, which voted on this, did not have a hearing. The transportation committee, which I serve on, did not have a hearing. The commerce committee, which is another committee of jurisdiction on this matter, never had a hearing about this. Wouldn't it be a good idea—before we tell States they have to do this—to get proponents of this Federal mandate before us to answer questions about it—perhaps opponents of this Federal mandate to come and give us their considered opinion, experts about the safety issues, experts about what this will do to bridges, about what it will do to tear up our highways. Wouldn't that be a good idea before we decide in our wisdom inside the beltway in Washington, DC, that we know better than 39 States? I think it would be a good idea.

We might want to hear from AAA. We might want to hear from officials of the State of Missouri who have memorialized this Congress not to mandate this on the very people whom they are trying to represent on a State-by-State basis. I would like to get the Mississippi Trucking Association here. They have come out against this Federal mandate. They are in favor of the Feinstein-Wicker amendment to continue to leave this up to the States. I would like to get them before a hearing and hear them out. Perhaps Members of Congress and members of the various committees could be convinced, as I have become convinced, that they are correct.

Why would any trucker be opposed to this? I will simply tell you, a lot of truckers are small businesspeople. We honor small business people. We know they are the engine of job creation in the United States of America. Many of the small truckers have told me—and they make up organizations like the Mississippi Trucking Association—they cannot compete in an environment in which this becomes the norm. The big guys can easily move to the tandem 33

trailers, but the small business people cannot. It is much harder for them to get a loan. It is much harder for them to come up with the capital expenditure of moving to this, and many of them feel as though they will be put out of business.

So I think we should be very careful about saying we are going to run over the considered opinion of people in 39 States, we are going to disregard the Mississippi Association of Chiefs of Police and a host of other State chiefs of police associations, we are going to disregard the Mississippi Sheriffs' Association and a laundry list of other sheriffs associations from all around the United States of America.

I think the better approach is the Feinstein approach, which lost on a tie vote in the Appropriations Committee. The Feinstein approach says: Let's make sure we have a full and comprehensive study about this and get back to us, and if we implement it, let's do it in the normal course of events with the rulemaking process and comments from all sides.

So all this Feinstein-Wicker amendment does is say we cannot mandate this this year. Instead, we are going to ask the leading experts in this city to come back to us and tell us if, in their opinion, this is safe, to tell us, in their opinion, what this will do to bridges and infrastructure. I think that is the better approach.

There were 30 members of the Appropriations Committee who voted on this issue—exactly 30. Let me make sure I am precise. The Feinstein amendment lost on a vote of 15 to 15. Now, should that go forward as the policy of this U.S. Senate? I do not think so. I think we owe it to the American people, on an issue that involves safety, on an issue that involves infrastructure, and on an issue that involves deferring to the States to make the best decisions for their people—I think we owe it to them to have a full vote and not let something go forward on a virtual tie vote.

The provision that is now in the appropriations bill was adopted 16 to 14 in the Appropriations Committee with no hearings. I simply ask my colleagues, is that the way to make a major safety decision, an infrastructure decision for the American people?

So we are nearing the time when supporters of the Feinstein-Wicker amendment are hoping for a vote. I was heartened to hear the conversation of the majority leader yesterday that he certainly hoped we would be able to have votes on germane amendments like this. I appreciate the efforts of the ranking member of the committee, a friend of mine from California, in saying she is going to do whatever she can to get us a vote on this. So I do appreciate it.

I would say to Members listening today, it is time to get informed on this issue. It is time to find out what the facts are, to realize this appropriations decision that I am trying to re-

verse and put the brakes on, to a certain extent, is not permissive in nature. It is a requirement. If it goes through, we will be telling 39 States they are wrong, somehow we are right here in Washington, DC.

So I hope, first of all, we can get an amendment on the floor, and I hope Members will search their consciences and decide that indeed this is something which at least ought to be thoroughly studied. We ought to have all of the facts. More than that, this is something where we don't need to run over the 39 States that happen to feel otherwise.

I thank the Presiding Officer and yield the floor.

The PRESIDING OFFICER. The Senator from California.

Mrs. BOXER. Mr. President, I appreciate the presentation by my friend. He is absolutely right and my colleague Senator FEINSTEIN is absolutely right on this point.

I think the American truckers are saying, I say to my friend from Mississippi, that this is a modest extension, a 5-foot extension, but it is 5 times 2, as my staff pointed out, so this is a 10-foot extension. And many of our States are already in trouble. Many of our bridges are structurally obsolete. So the American truckers are pushing hard for this. But I think my friend is right. I think States ought to be able to decide the condition of their roads, the condition of their bridges, and if they feel this type of increase is going to jeopardize safety, I don't think Uncle Sam ought to be telling them what to do.

Mr. WICKER. If my friend will yield briefly.

Mrs. BOXER. Yes.

Mr. WICKER. I know she wants to talk about the larger issue. If it is, in fact, a modest and relatively harmless extension of the size, then I think perhaps States might want to make that decision themselves. They may very well conclude—39 have not made that decision, but 11 States have made that decision. And even though some may consider this a modest extension, I think modesty and the length of the trucks and the safety thereof is really in the eye of the beholder, and the State of Mississippi might feel very different than one of the wide-open Western States.

I thank my friend for her comments.

Mrs. BOXER. I thank my friend, and I agree with him. If each of us had written the bill that is before us, it wouldn't look the way it looks. Clearly, if my friend had written it, this wouldn't be in there. If I had written it, this wouldn't be in there and a lot of other things would.

I am so happy Chairman INHOFE has arrived. I am the ranking member on the Environment and Public Works Committee. Our title is responsible for 70 percent of the spending in this legislation. We knew that everyone had a wish list. We knew that if one Senator got everything he or she wanted, we

wouldn't have a bill, and if I got everything I wanted, we wouldn't have a bill. We had to meet in the middle, and we had to withhold on some of the items on our wish list. Frankly, I think that is the story of legislating a huge and important bill such as this, and it is an important bill.

Before I came over here, I say to my friend Senator INHOFE, I read that the whip over in the House, who comes from California, said: The Senate should not send the bill over to the House.

My response to that is, if we have a bill, we are sending it.

He said: We are leaving, and that is it.

If the House chooses to go out on vacation, a work period, or whatever they do, that is their business, but it is our job to fix the problems we are facing.

With the help of my friend Chairman INHOFE, I have a couple of pictures to show everyone.

The first picture is my photograph of the bridge collapse on Interstate 10 at the Arizona-California border. Years ago they said this bridge was functionally obsolete. In other words, when it was built, nobody thought so much traffic would be traveling on it. Later they gave it an A, but it was determined to be obsolete.

The reason bridges like this aren't getting fixed is we just haven't had enough funds to do it. In this bill, it is true—we stayed away from a tax gas increase, and we found a way to get enough for what I consider to be a very solid funding bill.

I will show everyone some other bridges that have collapsed, and there are so many. Here is Washington State. The Skagit River Bridge collapsed. Look at this. It is unbelievable. There are cars down below that have crashed. This is pathetic. This isn't a third-world Nation; this is America, and a Washington State bridge collapsed. How are we going to get the money for it? We need to pass a long-term bill.

If we pass a 5-month bill the way some of our opponents are calling for here and in the House, we won't have a dime to fix any bridge. All we are doing is, at the bare minimum, extending the program. Nobody is going to undertake any type of long-term fix on these bridges.

This is the Arlington Memorial Bridge. It was built in 1932. We know about it; it is right here. It is deteriorating. It is in trouble. We are trying to avoid a collapse. We need this bill to do that.

So when I talk about this bill—these bridges are in trouble.

Here is a picture of another bridge that actually did collapse. This is in Minnesota. This started the whole thing, and it was in 2007. It was unbelievable what happened there, and we can see the devastation. This is why Senator INHOFE is doing this. It is the reason I am doing this. It is the reason Senator MCCONNELL is doing this. It is the reason DICK DURBIN is doing this. It

is the reason so many of our colleagues on both sides of the aisle are willing to admit that while this isn't a perfect bill, we cannot sustain this. Either bridges are crumbling or they are collapsing.

There are other examples. I will keep up the California bridge collapse so everybody can see it. It is the one I know the best because it is in my State. As I have said, and I ask rhetorically, how much business are we losing when we have cars and cargo having to go 400 miles out of the way to get from California to Arizona or Arizona to California? This is a nightmare.

As I understand it, we found some emergency funds, and so now we need to try to figure this out. Should we close part of it down or keep part of it open? It is not that safe to do, and there is no reason why we should have a situation such as this.

It may surprise everyone to hear how many bridges are deficient and in need of repair. In Kentucky, the Brent Spence Bridge; in Louisiana, the Calcasieu River Bridge; in Maine, the Piscataqua River Bridge; in Maryland, the Chesapeake Bay Bridge; in Massachusetts, the I-95 Bridge in Middlesex; in Michigan, the I-75 Rouge River Bridge; in Minnesota, the I-35 East Bridge over Pennsylvania Avenue; in Mississippi, the Vicksburg Bridge; in Missouri, the I-270 East Bridge over Conway Road; in Nevada, the Virginia Street Bridge in Reno; in New Hampshire, the I-293 Bridge in Hillsborough.

When I am done reading this, I will have the whole list printed in the RECORD.

In New Jersey, the Garden State Parkway in Union County; in New Mexico, the Main Street Bridge; in New York, the Brooklyn Bridge.

These are iconic structures, and they need to be fixed. They are deficient.

In North Carolina, the Greensboro Bridge; in Ohio, the John Roebling Suspension Bridge; in Oklahoma, the I-40 Bridge over Crooked Oak Creek; in Oregon, the Columbia River Crossing; in Pennsylvania, the Benjamin Franklin Bridge.

Do you think we ought to fix the Benjamin Franklin Bridge?

In Rhode Island, the I-95 Viaduct in Providence; in South Carolina, the I-85 Bridge in Greenville; in Texas, the I-45 Bridge; in Utah, the I-15 Bridge; in Washington, the Evergreen Point River Bridge; in Wisconsin, the US-41 Bridge; Alabama; Arizona; Arkansas; and California.

The Golden Gate Bridge is the hallmark and one of the landmarks of my State, and it is deficient and in need of repair.

Colorado; Connecticut; the District of Columbia. I showed everybody the Memorial Bridge. Florida; Georgia; Hawaii, the Halona Street Bridge in Honolulu County; Illinois, the Poplar Street Bridge; Indiana, the I-65 Bridge over the CSX Railroad; in Iowa, the Centennial Bridge.

Mr. President, I ask unanimous consent that the list of deficient bridges in

need of repair be printed in the RECORD.

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

STATE EXAMPLES OF DEFICIENT HIGHWAY
BRIDGES IN NEED OF REPAIR

Alabama—I-65 Bridge over US-11 in Jefferson County
Arizona—I-17 Bridge over 19th Avenue in Maricopa County
Arkansas—I-30 Bridge over the UP Railroad in Pulaski County
California—Golden Gate Bridge
Colorado—I-70 Bridge in Denver
Connecticut—West River Bridge in New Haven
District of Columbia—Memorial Bridge
Florida—Pensacola Bay Bridge
Georgia—I-285 Bridge in Fulton County
Hawaii—Halona Street Bridge in Honolulu County
Illinois—Poplar Street Bridge connecting with St. Louis, MO
Indiana—I-65 Bridge over the CSX railroad
Iowa—Centennial Bridge
Kentucky—Brent Spence Bridge
Louisiana—Calcasieu River Bridge
Maine—Piscataqua River Bridge
Maryland—Chesapeake Bay Bridge
Massachusetts—I-95 Bridge in Middlesex
Michigan—I-75 Rouge River Bridge
Minnesota—I-35 E Bridge over Pennsylvania Avenue
Mississippi—Vicksburg Bridge
Missouri—I-270 E Bridge over Conway Road
Nevada—Virginia Street Bridge in Reno
New Hampshire—I-293 Bridge in Hillsborough
New Jersey—Garden State Parkway in Union County
New Mexico—Main Street Bridge
New York—Brooklyn Bridge
North Carolina—Greensboro Bridge
Ohio—John Roebling Suspension Bridge
Oklahoma—I-40 Bridge over Crooked Oak Creek
Oregon—Columbia River Crossing
Pennsylvania—Benjamin Franklin Bridge
Rhode Island—I-95 Viaduct in Providence
South Carolina—I-85 Bridge in Greenville
Texas—I-45 Bridge over White Oak Bayou
Utah—I-15 Bridge over SR 93 in Davis County
Washington—Evergreen Point Floating Bridge
Wisconsin—US-41 Bridge over the Menomonee River

Mrs. BOXER. Mr. President, if ever there were a bipartisan issue, it is this one. When Republican President Dwight Eisenhower was running for office, he was shocked at the condition of our roads and the fact that we really didn't have roads that were in good shape connecting one State to the next.

This is the United States of America. We are a large and sprawling nation. He said that "a network of modern roads is as necessary to defense as it is to our national economy and our personal safety." This is Dwight Eisenhower. "A network of modern roads is as necessary to defense as it is to our national economy and our personal safety." He was referring to the fact that we really couldn't move easily between the States if there was some type of national emergency.

I was a little girl when Eisenhower ran, and my father was a lifelong Democrat, but he was for Ike. One of the

reasons he was for Ike was because he knew we needed this kind of network. It appealed to him. He knew how important it was.

If we look at the groups that are supporting us in this effort, I will just say they represent America. They are everyone from the U.S. Conference of Mayors to the Brotherhood of Carpenters; from the Chamber of Commerce to the International Union of Operating Engineers; from AAA—and most of us belong to AAA because we are worried something is going to happen on one of these bridges or one of these roadways that are filled with obstacles and we could get in a crash. People belong to the AAA, and they support us. Also, the Laborers' International Union, Mothers Against Drunk Driving, the American Council of Engineering Companies.

Let's put up some more. Again, these are unusual allies. Usually they are fighting each other. The National Association of Counties agrees with the National Association of Manufacturers, and they agree with the Truck Stop Operators and the National Governors Association. The National League of Cities agrees with the National Ready Mixed Concrete Association; the National Stone, Sand, and Gravel Association; the Owner-Operator Independent Drivers Association; the Portland Cement Association; and the retail industry leaders. Why did they come together for this? If you are in the retail business and people cannot get to your store, you will not be there for very long. They may say it is just not worth it and will buy online.

The fact is that we need to fix our roads.

The American Highway Users Alliance agrees with the American Society of Civil Engineers and the Associated General Contractors.

I want to make a point. On Tuesday the Associated General Contractors—the AGC—put out a very important and alarming study. Construction employment declined in 25 States between May and June. They went on to explain to the press that there were monthly construction employment declines as Congress continued to search for ways to pay for new highway and transit investments. The monthly construction employment figures are troubling.

Investing in transportation infrastructure will make it easier for many firms involved in highway and transit construction to add new jobs.

There are certain States that are worse than others. Illinois lost 2.2 percent of its construction jobs—they shed so many jobs—followed by New Jersey. New Jersey had the second-most shedding of jobs, 4,600; Ohio shed 3,700 jobs; Florida, 3,100 jobs; Rhode Island, 700 jobs.

I heard my colleagues say: Well, Vermont lost 500 jobs. Here is the situation. I have heard my colleagues say: We don't like the way this is paid for. We have better ideas. I agree with them. I have better ideas too. I have 10

or 11 or 12, but I am not the only one putting this together. We have to find that magic sweet spot where we can get 60 votes here in the Senate.

I am thinking if they vote no on this but it passes, when they go to meet one of these workers and the worker says: Thank you so much; we got this job because we got a 3-year funding bill, what are they going to say? I didn't vote for it because I didn't think the funding was right? I wanted it to be done a different way? I am sure the worker would say, I appreciate that, but I am working. I am working. I am feeding my family.

I understand why people want a better source of funding, and we have tried. As my chairman knows, we have tried so hard. I know he wants to speak now, so I will close down my time with this—

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

Mrs. BOXER. I will yield.

(Mrs. ERNST assumed the Chair.)

Mr. INHOFE. I am not attempting to get the floor. I think what the Senator from California has said is very significant.

I think people realize—and I have said several times that the Senator from California and I are about as far apart philosophically as any two people can be. She is a very proud liberal. I am a very proud conservative. We disagree on a lot of issues on the committee which the Senator from California used to chair when the Democrats were in the majority and which I chair now, but during all that time and up to the present time, we have agreed on this.

When I see people saying they don't want—I am very disturbed by what the House is doing right now. If we don't have a long-term bill, then we will go right back to what we have done since 2009.

The Senator from California and I remember when we passed the 2005 transportation authorization. That was huge. We have had things that have happened in Oklahoma now as a result of that legislation that are saving lives. As I have mentioned before, remember the bridge when a chunk of concrete fell off and killed a mother of three. That happened right up toward the 2005 bill.

I can't imagine we are going to be in a position where we go back to increase the number of short-term—we have had 33 short-term extensions since 2009. I can't imagine we will go back to that. If we do that, we don't get the reforms. A lot of the reforms, I say to my friend from California, were reforms where she had a hard sell. She had a hard time doing it. There are a lot of things—I wanted to change the 80–20 federal share. In some areas it was 60–40, and then 70–30. We couldn't do it. We compromised. I remember there was quite a bit said about that, so that was one of my losses that wasn't necessarily one of the Senator's gains.

The bottom line is we have a bill that is going to be before the people who

have a chance to vote on it. This is the last chance we have to get off of the part-time extensions.

I would ask my good friend from California if she is observing the same circumstances that I am.

Mrs. BOXER. Madam President, I am observing it exactly the same way. I said before that we have a very honest relationship in terms of where we can find that common ground, and it is in this arena.

As the Senator from Oklahoma has pointed out, he reads the Constitution and I read the Constitution. He has said many times—and he has addressed people who have heard the Senator say this—that this is a constitutional responsibility to make sure we have roads, bridges, highways, and we can move interstate commerce. From my perspective, not only do I agree with that, but I also think it is a very important way while we are taking care of the people to see that people have good, decent jobs, and that businesses prosper.

We have never had a problem working together on this. I hope our working together brings liberals, conservatives, moderates, and everybody in between to tonight's votes.

I don't know what the vote is going to be, I would say to my dear friend, but I do know this. The House is saying through their whip that they are leaving. Well, that is up to them. We all know, from the Association of General Contractors, it is stated right here that in 25 States we are seeing layoffs right now in the construction arena because we have not acted.

Madam President, I ask unanimous consent that their statement be printed in the RECORD.

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

[From the Associated General Contractors, July 21, 2015]

CONSTRUCTION EMPLOYMENT DECLINES IN HALF OF THE STATES BETWEEN MAY AND JUNE AS CONGRESS SEEKS NEW WAY TO PAY FOR NEEDED TRANSPORTATION UPGRADES

Illinois and Rhode Island Have Biggest Declines for the Month, Delaware and New York Have Largest Gains between May and June; Ohio and West Virginia Have Biggest Annual Declines, Idaho and California Add Most.

Construction employment declined in 25 states between May and June even as 39 states and the District of Columbia added construction jobs between June 2014 and June 2015, according to an analysis today of Labor Department data by the Associated General Contractors of America. Association officials noted that the monthly construction employment declines come as Congress continues to search for ways to pay for new highway and transit investments.

"While the year-over-year totals remains relatively positive, the monthly construction employment figures are troubling," said Ken Simonson, the association's chief economist. "Investing in transportation infrastructure will make it easier for many firms involved in highway and transit construction to add new staff."

Illinois (–4,700 jobs, –2.2 percent) shed more construction jobs during the past

month than any other state, followed by New Jersey (−4,600 jobs, −3.0 percent); Ohio (−3,700 jobs, −1.9 percent) and Florida (−3,100 jobs, −0.7 percent). Rhode Island (−4.5 percent, −700 jobs) list the highest percentage of construction jobs between May and June, followed by Vermont (−3.3 percent, −500 jobs); New Jersey and New Mexico (−2.7 percent, −1,100 jobs).

Twenty-four states added construction jobs between May and June, while construction employment was unchanged in Wyoming and the District of Columbia. New York (3,300 jobs, 0.9 percent) added the most construction jobs. Other states adding a high number of construction jobs included Minnesota (2,600 jobs, 2.4 percent) and Connecticut (2,200 jobs, 3.8 percent). Delaware (4.3 percent, 900 jobs) added the highest percentage of construction jobs during the past month followed by Connecticut, Hawaii (3.7 percent, 1,200 jobs) and Arkansas (3.5 percent, 1,700 jobs).

Eleven states shed construction jobs during the past 12 months with West Virginia (−12.8 percent, −4,300 jobs) losing the highest percent of construction jobs. Other states that lost a high percentage of jobs for the year included Rhode Island (−9.6 percent, −1,600 jobs); Mississippi (−7.9 percent, −3,900 jobs) and Ohio (−7.9 percent, −3,900 jobs). The largest job losses occurred in Ohio, West Virginia and Mississippi.

California added more new construction jobs (47,000 jobs, 7.0 percent) between June 2014 and June 2015 than any other state. Other states adding a high number of new construction jobs for the past 12 months included Florida (25,200 jobs, 6.4 percent), Texas (18,900 jobs, 2.9 percent), Washington (15,300 jobs, 9.7 percent) and Michigan (14,000 jobs, 9.8 percent). Idaho (12.9 percent, 4,600 jobs) added the highest percentage of new construction jobs during the past year, followed by Nevada (11.1 percent, 7,000 jobs); Michigan; Arkansas (9.7 percent, 4,400 jobs) and North Carolina.

Association officials said one of the challenges facing the construction industry is uncertainty about future federal funding levels for highway and transit repairs and improvements. Noting that the Senate is expected to vote on a new long-term surface transportation bill later today, they urged members of both parties to work together to address growing problems with the country's aging transportation infrastructure.

"Passing a long-term highway and transit bill will provide the kind of funding certainty many construction firms need to expand payrolls and invest in new equipment," said Stephen E. Sandherr, the association's chief executive officer. "The series of short-term transportation funding extensions Congress has passed has clearly had a negative impact on the construction industry's recovery."

Mrs. BOXER. That is tragic. What happens when people are laid off? We know what happens. We are getting out of this tough recession, and none of us wants to walk down the path of a short-term solution.

So I say to my friend, I am going to finish my remarks in about 2 minutes and when I yield the floor to him, I look forward to hearing his remarks.

We have work to do tonight. We have to get 60 votes.

Mr. INHOFE. Madam President, if the Senator from California will yield, let me make one statement, and then I will be coming back later to talk about some of these amendments that will be coming up.

One issue we need to clarify with our people on our side is that the conservative position is to support this. Our good friend, our mutual friend Gary Ridley, said that the extensions cost about 30 percent off the top—30 percent. In fact, I will say this, after our 27-month bill, we went over it in the House, and I had requested an audience with the entire—all 33 Republicans on the appropriate committees, and all 33 agreed that it was a conservative position. All 33 voted for the bill. I think we have the opportunity to make that happen again.

Mrs. BOXER. Madam President, reclaiming my time, my friend is right. This is an area where conservatives, progressives, liberals, moderates—what we call ourselves doesn't matter. We need to have a good, strong highway system. We need to fix the bridges. We need transportation. That is what we do here.

In closing, I wish to make this point. Each of our States has relied on the highway trust fund since Eisenhower was President. I have a list, and I think I put it in the RECORD yesterday so I don't have to put it in the RECORD again, but it shows how much each State relies on the highway trust fund. I will pull out a few States because it is interesting. I know my own State is 49 percent. We raise the rest of the money, but that 49 percent is huge, and if it were to disappear, we simply could not do what we need to do. So my State is about 50 percent.

Here are some of the States: Rhode Island, 100 percent of its program is funded by the Federal highway trust fund. Alaska, 93 percent is funded by the Federal highway trust fund. Vermont, 86 percent is funded by the Federal highway trust fund. South Carolina, 79 percent; Hawaii, 79 percent; North Dakota, 78 percent; South Dakota, 71 percent; Connecticut, 71 percent; New Mexico, 70 percent.

Now, from that list—that is, everybody who is 70 percent and over—those are red States, those are blue States, those are purple States.

My point is exactly what Senator INHOFE said yesterday. The fact is, there is no such thing as a Democratic road or a Republican road or an Independent road or a progressive road or a liberal road or a conservative road. We all use the roads, unfortunately, increasingly, at our peril—at our peril.

Idaho, 68 percent; Alabama, 68 percent; New Hampshire, 68 percent; Missouri, 65 percent; Minnesota, 64 percent; Oklahoma, 63 percent; Georgia, 62 percent; Iowa, 59 percent; Ohio, 58 percent; Virginia, 57 percent; Wisconsin, 55 percent; Oregon, 54 percent, and it goes on.

Every single one of our States is waiting. The lowest, as I understand it, looks to be New Jersey at 35 percent, but the fact is whether it is 35 percent or 45 percent or 90 percent or 100 percent, they all rely on the Federal highway trust fund. All of our people pay into it through the gas tax.

We have a responsibility. We are moving forward if we get the votes tonight. Again, we don't know that we will get them. We are working hard to get them. Hopefully, we will move forward with a good transportation bill and, for the first time in 10 years, we will have a long-term bill.

Now, the Washington Post did an interesting editorial. They don't adore this bill. They found problems with it, as we all do, but they said it is a sensible plan by Senators BOXER and INHOFE—if we worked it out—that it provides 3 years of guaranteed funding, that it would be a significant improvement from what we have done in Congress for the past decade. They said lawmakers fumbled from short-term funding patch to short-term funding patch—a nonstrategy that often relied on budget gimmicks and made it difficult for transportation officials to conduct long-term planning.

The New York Times said on Tuesday what I said before: Construction employment fell in 25 States this summer as State agencies awaited word from Congress on the future of the highway and transit spending. We also know there are well over one-half million unemployed construction workers—one-half million. Now they are starting to get laid off again.

I don't know what else to say to Members. The biggest reason they are voting no that I heard is they would like to find a better funding source. Well, all of us would, and if we had our way—the Presiding Officer would come up with her funding source. I love mine, which is a refundable gas tax increase, but I can't get a lot of votes for that. People won't give me the votes for that. So what do I do, throw up my hands and say we will have another short-term extension? No. I sat down with Senator INHOFE, I sat down with Senator DURBIN, I talked to Senator REID and Senator SCHUMER, of course, and all of my leadership over here, and I did my best. I think everyone has to understand, it is either this way or we will have to do a short-term patch.

I will predict—right now, seven States have shut down their program completely. If we don't find a solution, we are going to be looking at each other in a month, 2 months, and we are going to see programs shut down. I often use this analogy, so if my colleagues have heard it before, I apologize in advance. But if you go to the bank, you want to buy a house; they say: Great news, you qualify, and they only give you a 5-month mortgage. Are you going to buy the house? Of course you are not. Are our States going to build a highway if all they have is funding for 5 months? No. That is why the private sector that gets this money from the States—that is why they are laying people off.

Now, I want to say, working with Senator INHOFE, we were able to create a new National Freight Program and a new program called Assistance for Major Projects. This means that every

one of our States would be eligible. It is exciting to have those kinds of programs. The freight program will provide funds for all States. All States are going to get part of this formula to improve their goods movement, to reduce the costs, and improve performance for business. It expands flexibility for rural and urban areas to designate key freight corridors. This is exciting. The program is supported by the Coalition for America's Gateways and Trade Corridors, as well as business groups such as the National Association of Manufacturers.

Now, under the Assistance for Major Programs, this was something Senator WHITEHOUSE of Rhode Island worked very hard on. The bill provides support for major projects of high importance to a community, a region, or the Nation, through a competitive grant program. It includes a set-aside for rural areas and ensures an equitable geographic distribution of funds along with strong transparency provisions.

Now, these programs are exciting news. Whether one is from Iowa or California, we are all going to get these funds and locally, we will decide how to spend them.

Our bill passed the committee 20 to 0. What a great moment that was, and the reason is we knew we had to compromise. So the part of this bill from EPW was a compromise. The part of the bill from the commerce committee was a little bit trickier because it did come out on a partisan vote, but we have been working—Senator NELSON and Senator THUNE, Senator BLUMENTHAL, and others—on that to make it a better title. And I think it is moving in that direction. As to the banking bill, Senator BROWN's staff worked very hard on this with Senator SHELBY's staff, and I believe it has clearly been improved since it was first released. The Finance Committee was tough. Senator WYDEN tried hard. I put some ideas out there. It was tough to get them done. But somehow we have managed to put together the funding. It does clear the CBO. We are in surplus for 3 years in the highway trust fund. We haven't done that. It has been 10 years since we had more than a 2-year extension. This is real.

I just say to my friends from the House that I know you want to get out of town. Everybody does. It is August, and we have plans. A lot of us are going to go around the world and do our job that way, have community meetings, and take a week of vacation with our families as every family wants to do. But we are staying an extra week in August. You can stay an extra week in August. That is not such a terrible thing.

I get an announcement from the whip over there, Representative MCCARTHY from my State. He says: Don't send us a bill because we are going home.

Well, that is their choice.

There are so many good organizations. I am going to put this list up again and share it because I think it is

so important. It is tough to put together a bill that the U.S. Chamber of Commerce supports, along with the International Union of Operating Engineers, the Laborers' International Union of North America, the U.S. Conference of Mayors, and AAA, not to mention Mothers Against Drunk Driving.

I will show you some others. It is exciting to see the National Association of Counties. I started off as a county supervisor. I was in local government. You know, to have us agree with the National Association of Manufacturers, the truckstop operators, the National Governors Association, the National League of Cities, the concrete people, and the gravel people—there is one more here—what you see is that everybody supports this—the American Public Transportation Association, the American Trucking Association, the Associated General Contractors of America. The Associated General Contractors of America has warned us if we don't get this done, it is going to be a real problem.

So for the sake of every single person in America, I hope we have the 60 votes we need tonight, and I hope we get this moving. There are a lot of people who are slowing this bill down. I understand they are upset about everything. Look, we each can be upset. I mean every day we can be upset, but we have to try to find common ground. Sometimes it is very hard to find it.

Certainly, Senator WICKER was here. He and Senator FEINSTEIN have an amendment. I support it. It is unfortunate that Senator WICKER's opinion didn't hold sway in the Appropriations Committee. It is hard. It is difficult. I personally think he is right. He didn't win in the Appropriations Committee. So now we are trying to fix the problem. We may not have the votes, but what we do have before us—and I will conclude with this—is a solid bill with increases so we can fix these bridges.

I want you to see the last image, which is the collapse of this bridge in California. It just happened a few weeks ago or less. What we had here was a bridge that was called functionally obsolete. What they said was that when it was built there was very little comment on it. But now it is a very important bridge because we have to take the goods from Arizona over to California and from California over to Arizona, and it has collapsed.

Senator INHOFE and I talk a lot about why we do what we do. He had a devastating bridge collapse—a devastating bridge collapse where a mother of three was killed just walking by the bridge. That is when he and I said enough is enough. We simply cannot handle it. It is our job.

Once I was told this when I was a county supervisor. If you know there is a problem and people are in danger—this is what they told us way back in the day because we had an earthquake problem with the building we were in and the county council said to the five

supervisors: You know this is a problem. If you don't fix it, there is an argument to be made that you are personally liable. Now, I am not suggesting at all that Senators be held personally liable for a bridge collapse, but I am talking about the moral issue. We do know we have problems. We were fortunate that no one was killed in this collapse, and it was kind of a miracle. But we do know there is a problem. So while we don't have a legal obligation to step up to the plate—and I know Senator INHOFE agrees with me—we believe there is a moral obligation.

There is this list of bridges. There are three pages of bridges that we know are in trouble. We know that 50 percent of our roads are deficient. Isn't that enough for us to come together tonight—it will probably be late in the evening, I expect—and vote to move forward with this bill and get it done, send it to the House, and hopefully, they will decide in the same session and decide to pass it? There will be a celebration across this Nation. It will be a celebration by workers who want to fix these problems, by businesses who want to fix these problems, by people who drive who want to see these problems fixed. It is a win-win for our Nation.

I thank you so much, Madam President.

I yield the floor.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. HOEVEN. 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. HOEVEN. Madam President, I ask unanimous consent to speak as in morning business for up to 10 minutes.

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

VOLUNTARY COUNTRY OF ORIGIN LABELING AND TRADE ENHANCEMENT ACT

Mr. HOEVEN. Madam President, I come to the floor this afternoon to talk about a program called Product of Canada. Product of Canada, you might ask what it is. The Product of Canada Program is the voluntary food labeling program they have in Canada. So no one has to participate in this program in Canada, but if they want to, they can. It is just that, a voluntary food labeling program they call Product of Canada.

What does that mean? Well, just taking from one of the Web sites where we looked it up, the "Product of Canada" label can only be applied to animals that are born, raised, and slaughtered in Canada with some exceptions. Now, they also have labeling as far as prepackaged products. That is actually mandatory labeling. Under their mandatory labeling it says: All prepackaged food products sold in Canada must be labeled with the name and address of the company. Also, it says: If

manufactured outside of Canada, the label must reflect it is imported. It is mandatory to state the country of origin on some specific imported pre-packaged products such as wine and brandy, dairy products, honey, fish, and seafood products, fresh fruit and vegetables, eggs shelled, eggs processed, meat products, maple products, processed fruits and vegetables.

The program goes on, but the important point I want to make is they have some mandatory aspects to their pre-packaged products and their pre-packaged products program as I mentioned. But the Product of Canada Program and the "Product of Canada" label, that is a voluntary program. It is animals that are born, raised, and slaughtered in Canada. Why do I come to the floor of the Senate to point out that Canada has a voluntary meat labeling program, a Product of Canada Program? For the simple reason that we are and have been engaged in what do we do about COOL, the Country of Origin Labeling Program in the United States.

I have offered bipartisan legislation, legislation with Senator DEBBIE STABENOW of Michigan, who is the lead Democrat on the legislation, bipartisan legislation that includes a majority of the agricultural committee in the Senate. So what we are trying to do is solve the country-of-origin labeling dispute or disagreement by creating bipartisanship and passing a bill that addresses the underlying problem. So what is the problem?

The problem is that the WTO court, the World Trade Organization court has determined that a mandatory food labeling program, COOL, does not meet the WTO requirements. So the House of Representatives, led by the agriculture chairman, MIKE CONAWAY, who is an outstanding ag chairman in the House, passed a bill that repeals mandatory COOL.

You know what. We took that bill and we have included it in our legislation which we call the Voluntary Country of Origin Labeling and Trade Enhancement Act of 2015—we took the very same legislation, and we are trying to pass it here. We are trying to pass the same—we did not take anything out of Representative CONAWAY's bill, passed in the House. We took that bill. We are trying to pass it here to address the issue of mandatory food labeling, mandatory COOL.

But we also added a voluntary program, just as Canada has a voluntary Product of Canada Program. So there are just a few basic logical questions I would ask. First, we are repealing the mandatory program. So when somebody says: Well, you have to repeal mandatory COOL, and you cannot have anything else, we have to repeal mandatory COOL, that is exactly what we do. We pass the Conaway bill. We repeal mandatory COOL. That is a fact. Facts are stubborn things. So let's be clear on that. We do. We pass the House bill, and we add to it a voluntary

program, similar to the Product of Canada Program because there are people in this country who want voluntary labeling. They want a voluntary country-of-origin labeling program. They want a program, which as Canada has—Product of Canada is a voluntary program.

At the end of the day, to get this done, to avoid any countervailing duty or tariffs under the WTO ruling, we need to repeal mandatory COOL, which we do, and we put in place the voluntary COOL, which we need to do to get bipartisan support in the Senate and the House and pass the legislation we need to pass. We need to do it in that way in order to get it done timely—certainly before we go on the August recess.

So this is a clear opportunity to come together in a bipartisan way and solve a problem and solve it in a way that makes sense. We reach out to our House counterparts. We reach out to our counterparts in the House and we say: You did good work. You did hard work. You passed a repeal of mandatory COOL.

That is fine. We are passing your bill. At the same time, because there are advocates for labeling, we pass a voluntary program so we can actually move the bill through the Senate, get into conference with the House, and get their work done now rather than waiting. The voluntary program is the same thing Canada does. So how can our very good friends in Canada say to us: Well, it is OK for Canada to have a voluntary program and, yes, we get that you are fully repealing mandatory COOL, but, gee, even though we in Canada have a voluntary program, gosh, we don't think you ought to have one in the United States. It does not make sense.

Come on. Let's get together. Let's find a way to get together in a bipartisan way, move this legislation, get together with the House and get this done. That is all we are asking. We have a good start on this bill. We have a majority on our ag committee. Sponsoring the legislation along with Senator STABENOW and me are Senator JOHN THUNE, Republican; Senator AMY KLOBUCHAR, Democrat; Senator CHUCK GRASSLEY, Republican; Senator HEIDI HEITKAMP, Democrat; Senator MIKE ENZI, Republican; Senator SHERROD BROWN, a Democrat. That is bipartisan. It is common sense.

It is a simple solution. We are saying: OK. We get it. Canada won in the WTO court. We cannot have a mandatory program. We follow the House's lead. We pass their legislation. At the same time, we put in place a voluntary program similar to Canada's. We are reaching out to our friends and neighbors in Canada and saying: Hey, we want to work with you. Please work with us. That is what we do in this legislation.

So I hope Senators will join together with us in a bipartisan—I emphasize that again—in a bipartisan way. That

is what it takes in the Senate. It takes 60 votes to pass legislation. You cannot do it with just one party or the other. It takes 60 votes. You have to have bipartisan legislation.

I call on my colleagues to get together with us. Let's move this legislation. Let's get together with the House and our friends from Canada and get this done. We can do it. We can do it now in a timely way, and we can make sure we not only don't have any countervailing duty or tariffs on our exports, but we can also have a voluntary labeling program which many in this country want: consumers, producers, our farmers, our ranchers, retailers, some processors.

But you know what. If somebody does not want to participate, that is fine, hence the word "voluntary." That is the American way. I have had the good fortune to work with Representative CONAWAY. I certainly appreciate him and his hard work. I have also had the opportunity to work with our good friends north of the border. We have no better friend and ally than Canada. We should be able to get together with our Canadian friends and say: Look, we are absolutely doing what the WTO court requires. We are repealing mandatory COOL. We are passing the House bill.

But at the same time, there are a lot of people in this country whom we have to be fair to who want a voluntary program. There is no reason in the world to hold up solving this problem by not allowing them to have a voluntary program, similar to the voluntary program Canada has, Product of Canada.

I also would note that my cosponsor on the legislation is on the floor. I greet her and thank her for her hard, bipartisan work to solve this challenge in a very commonsense way.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Michigan.

Ms. STABENOW. Madam President, first, let me say that it is always a pleasure to work with the senior Senator from North Dakota. We partnered on a number of different things, including efforts on the farm bill.

So it is with great pleasure that I am partnering with him again to solve this problem and to make sure that we eliminate any possibility of retaliation on our businesses and solve a problem in a way that meets our trade obligations and also makes sure that we are standing up for our farmers and our consumers in America. That is really the goal.

I appreciate Senator HOEVEN's leadership and commonsense approach to actually solving the problem. It is always great to be with the Senator.

As Senator HOEVEN did say, we have put together a thoughtful and bipartisan bill, the voluntary COOL and trade enforcement act. We are very "COOL" here in the country of origin labeling act.

I also thank our cosponsors. We have Senators GRASSLEY, HEITKAMP, KLOBUCHAR, THUNE, BROWN, ENZI, CASEY,

ROUNDS, MURRAY, BALDWIN, and WYDEN, and we are adding more people every day. So we are pleased to have the majority of the Agriculture Committee standing with us on this bipartisan effort.

Let me start by saying as well that while I disagree with the WTO's conclusion and I am disappointed at the final outcome of the case, I respect the decision and acknowledge that we have to act. We have to act in a responsible way to address this and live up to our trade allegations.

The potential impact on the economy and other industries demands that we give this issue our full attention, and that is what we are doing. Our legislation offers something that is common sense. It is trade compliant, and it is a path forward.

First, the bill repeals mandatory country-of-origin labeling. This is what we have to do to meet our trade obligations to Canada and Mexico. There is no way around it, certainly on beef and pork, in order to come together to be able to address this quickly. In fact, we have in our bill the same language as in the House. So we have the same language as the House and the same language as the amendment put forward by our chairman, Senator ROBERTS, and others.

No. 1, we all agree on what it takes to address the trade case and get that off the table.

No. 2, now it becomes this: What do we want to do as Americans? What do we want to do? This is not a realm where Canada or Mexico really has a voice. Once we meet the trade obligation, we have met the test. What do we want to do?

I remember during the farm bill, when we were talking about changes we needed to make to address the Brazil case on cotton, where they won a case against us, and I asked folks: Well, what do the Brazilians think?

I was told by members of the committee, many of whom are now saying we have to give Canada veto power or Mexico veto power, that Brazil can't have veto power over the United States on cotton and that is up to the United States.

We proceeded with a path that we believed met WTO rules and met the needs of American producers. Now we have some of the same folks saying: Oh, no, we can't do anything unless this is something that Mexico likes or Canada likes. So I would argue that we deal with that—with the trade decision in WTO—in all three bills. Now the question is this: What do we want to do for our consumers and to support American farmers?

So, second, we establish a voluntary "Product of the United States" label defined as born, raised, and slaughtered in the United States. So you can have whatever labels are appropriate to have, but if you want to have a label that says "Product of the United States," you have to meet the integrity of that label.

If the consumer is seeking to purchase a product of the United States, a packer is willing to provide it, and they decide they want to do that—farmers want to do that; they want to provide that—then there should be an accurate label. They can look at all the pros and cons of doing that. Then they should be able to do that on a voluntary basis. That is all we are saying.

Anyone who has watched this issue over the years knows that both sides have become very entrenched, and we understand that. But our approach is to say now that we will agree with the House, we will agree with those who always opposed a mandatory country-of-origin labeling, and we will agree on repeal. However, we need to make sure, on behalf of American consumers, that for American farmers and processors it would give them a tool—a voluntary tool—they can use if they wish to do that.

Now, what is very interesting is the fact that back when the mandatory country-of-origin labeling bill was on floor and was being passed by the House and the Senate, the people who opposed that at the time introduced S. 1333, the Meat Promotion Act, which would "establish a voluntary program for country of origin labeling of meat." It was introduced by the same people who are now saying we cannot do that—Senators CORNYN, ROBERTS, HATCH, ALEXANDER, and others—all of whom were arguing that we should have a voluntary program, not a mandatory program.

So now here we are. You would think this would be easy. You would think this would be a slam dunk. What we are suggesting, in fact, is something that was in a bill—a voluntary "Product of the United States" label for meat from animals born, raised, and slaughtered in the United States. At the time, it was broadly supported by the meatpacking industry as well as the largest organization of cattlemen in the United States. At the same time, they argued they thought this proposal was a smart way to promote U.S. meat products while also supporting international trade—the same people who are now working against us.

In fact, as it turns out, they were in the spot where we are now understanding we need to land. But instead of agreeing and saying to us that it is about time you got here, embracing it and saying let's do this very quickly so we can put other businesses where may face retaliation in a position of confidence so that is not going to happen—we thought this would be a no-brainer; take the bill that was already introduced, and take the language passed by the House—now we are seeing that, in fact, the same people who wanted S. 1333 are now saying that in the world it will start a trade war and all kinds of other things.

But let's talk about that for a moment. Even as recently as last August, Canadian officials openly discussed a voluntary COOL program as a way to

address their trade concerns, and they said: "If you do a voluntary label, which we do in Canada under product of Canada, you don't have that trade sanctioned problem." That was in August of 2014, Gerry Ritz, Agriculture Minister of Canada.

Next, in 2012, the WTO Appellate Body report quoted both Canada and Mexico, suggesting that the United States switch from a mandatory to a voluntary labeling program to move "beyond the dispute." So, again, this was from Canada: "Expanded as required to meet consumer interest, voluntary labelling can provide as much consumer information on origin to interested consumers as the COOL measure." That was in 2012, suggesting that was the tool that the United States should use.

Then, this is from our Mexican friends:

Mexico submits that there are at least four alternative measures. . . . The first alternative is a voluntary country of origin labeling scheme, which in Mexico's view, could maintain the same labelling criteria on origin as the COOL measure—that is, born, raised, and slaughtered [in the United States].

That is 2012, Mexico.

So we clearly know that both Canada and Mexico have considered voluntarily labeling as the responsible approach. In fact, they have suggested we do that. So while both countries have been vocal, it still does not change the fact that Canada and Mexico are not entitled to veto what the Congress of the United States of America chooses to do with our laws, as long as we are compliant with our trade obligations.

Clearly, I understand politics—Lord knows we do. We understand politics, we understand elections, and we understand negotiations. We understand. If you can put the United States in a position to voluntarily stand down and not let consumers know on a voluntary basis what is a product of the United States, that is great for competition, if you are Canada or Mexico. And if they can bully us into doing that—well, shame on us if they can bully us into doing that.

The fact of the matter is our legislation, which I believe clearly has the majority of votes in the Senate and certainly on the agriculture committee, not only meets the trade requirements of the dispute—which we lost, we know it, and we have to address it—but stands up for American consumers, American farmers, and processors who choose to use the tool of a voluntary label.

WTO rules are very clear that a country should not proceed with retaliation if the underlying law has been made WTO-consistent. So folks can stomp around and threaten. We understand negotiations. We all negotiate with people who stomp around a lot.

But the reality is that if we take that away and we are now trade compliant, they no longer can legally proceed. The Office of the U.S. Trade Representative

has also stated that our approach would be just as WTO-consistent as the repeal bills alone: “We believe both options—repealing the mandatory labeling scheme or repealing the mandatory labeling regime and replacing it with a voluntary labeling system—have the potential to constitute compliance with U.S. WTO obligations.”

There is no difference—no difference. And this is a few days ago—July 23, 2015.

It really comes down to the fact that if Canada has its own voluntary label for meat produced in Canada, how in the world can they argue with the United States of America that our farmers and consumers should not have the same label?

I think what it boils down to is competition. I do, because it starts as a trade case. We meet our trade obligations. We address what we have to do legally. Now the question is this: Can they bully us into a position to actually stand down so we cannot brag about the great meat that we have in this country and let consumers know about it?

I understand that the Canadians are afraid to compete head-to-head with products that are 100-percent born, raised, and harvested here in the United States. We do a pretty good job. Our farmers and our ranchers do a very good job, actually. After all, there is no safer, more abundant food supply produced anywhere in the world than in the United States. The American public deserves to know if they choose to look for that label and purchase that label. They should have the opportunity to do that. Certainly, when our friends in Canada—and they are our friends; we work on many issues together in a wonderful way. But on this one, I have to say I think this is very much about competition. And we need to be able to compete economically with them in the same way they compete with us. If they have a “Made in Canada” label, we need to be able to have a “Product of the United States” label.

So I would ask that we stop with all the rhetoric on the floor by folks who sponsored a voluntary label with the same definition a few years ago; stop the rhetoric by our friends from Canada and Mexico about how the world will come to an end if the United States has a voluntary program that meets our trade obligations. We need to just take a deep breath and make sure that we solve the trade case, that we do what we need to do and then have the USDA in America—the U.S. Department of Agriculture—allow all of us to decide what we want to do about voluntary labeling of our meat—or anything else, for that matter.

We are not interested in starting a trade war, and it seems pretty silly when I hear the hot rhetoric that tries to claim that. What we are wanting to do is solve a problem that relates to international trade that we all agree needs to be resolved. We must resolve

it, we must make sure those not involved in the dispute don’t somehow pay a penalty through retaliation, and then respect our own consumers enough—our own families, our own farmers, our own processors enough—to give them a tool, if they decide they wish to use it, to have the integrity of a product of the United States labeled.

It would be a sad day and I believe irresponsible on our part if we move back to the days prior to COOL where we were labeling meat that was born in a foreign country and spent most of its life in the foreign country but then could somehow come in and be harvested here and be called a product of the United States. Talk about something that is a problem—that is a problem. That is a problem. And American consumers deserve better than that. Our own processors and farmers who are competing with those in other countries deserve better than that.

We have the opportunity to embrace a proposal that, frankly, in my judgment, should be a no-brainer for us given all of the information and the case for why this works.

So, Madam President, I am looking forward to working with colleagues on both sides of the aisle to actually get this done. We should get it done quickly so that we can move on to a whole series of issues that need to be addressed.

I yield the floor.

The PRESIDING OFFICER. The Senator from Arizona.

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

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

FEDERAL ENVIRONMENTAL REGULATIONS

Mr. MCCAIN. Madam President, all Americans but especially Arizonans should be concerned about the crushing wall of Federal environmental regulations that President Obama has been announcing is coming our way.

Politico recently noted, “Two years [after the President originally announced his intent to take executive action on climate change], scarcely a week goes by without the administration unveiling a new climate change initiative.” Common among all these regulations is their complete disregard for how businesses really operate and how they will adversely affect those businesses and their consumers.

According to a report recently released by the American Action Forum, just the 18 “economically significant” regulations the White House announced before Memorial Day will saddle the Nation’s slowly recovering economy with more than \$110 billion in potential cost, with billions more in unknown burdens. If left uncorrected, these regulations will unfairly impact Arizona consumers and businesses and, in the view of the Arizona Chamber of Commerce, “cause significant economic harm to our state.”

One of the most alarming of these new regulations is the Environmental

Protection Agency’s so-called clean water rule or waters of the United States rule—a Federal regulation of almost unprecedented scope. The EPA has claimed this rule would just let it stop construction activities that disturb small, environmentally sensitive streams and wetlands, but when you dive into the rule’s 299 pages, you will find it actually expands EPA’s authority to roughly 60 percent of all “waters of the United States,” including irrigation ditches, stock ponds, and even dry desert washes.

This is bad news for Arizona agriculture and homebuilding sectors, which combined account for most of all economic activity in my State. If a farmer wants to build or repair a canal, the EPA could block it. A community that wants to build a school or a church near a dry wash will have to beg for EPA’s permission. The EPA can even go after property owners if the Agency thinks water historically flowed across their land, even when there is no visible evidence.

Ultimately, water is the last thing the EPA will be worried about once their clean water rule becomes effective; they will be drowning in lawsuits.

Another proposed rule by the EPA—the “Clean Power Plan rule”—would place new limits on greenhouse gas emissions that would prevent the use of coal and result in the elimination of 36 percent of Arizona’s electric power generation. Of course, the billions of dollars that would be needed to comply with the plan would be passed on to consumers. Estimates are that utility rates could increase up to 13 percent in Arizona. If you are a small business owner and you don’t have the luxury to pass on these costs, this dramatic increase in your utility bill could prevent replacing old equipment or hiring new employees or otherwise expanding your business.

In addition to being a job killer, this rule will impact Arizona’s water supply, which in many cases is moved through the State by energy derived from coal-fired plants, negatively affecting consumers and commerce throughout the State.

This rule also threatens default on hundreds of millions of dollars in taxpayer-backed USDA rural utility service loans around the country which are critical to providing rural residents with affordable energy and reliable, good-paying jobs.

Another rule, which would revise ozone regulations, may also disproportionately impact Arizona, especially her rural communities. Failing to acknowledge qualities unique to Arizona regarding ozone concentrations in the State—for example, altitude, topography, lightning, and wildfires—this rule would undermine the State’s continuing attractiveness to business by creating construction restrictions, permitting delays, and reduced Federal transportation funding.

So what can be done about all of this? Well, that depends. For those

rules that have been finalized, we can start looking at legislatively repealing them, as a bill Senator FLAKE and I recently sponsored would do with the clean water rule, or we can pass resolutions of disapproval under the Congressional Review Act to help bring public attention to them. For those rules that haven't been finalized yet, we can consider including riders in appropriations bills to disrupt their implementation.

Madam President, we need to be very clear on what is going on here. These regulations don't represent a good-faith effort by President Obama to work with Congress to legislate transparently with care and acuity to help the States ensure the health, welfare, and safety of our citizens; rather, like the President's Executive order on immigration, they are an example of his insistence on using his "pen and phone" to unconstitutionally and unilaterally forge a legacy—a legacy that will, in fact, have a chilling impact on economic growth and prosperity.

The fact is, after years of economic recession, the Arizona economy is showing signs of recovery. But with Arizona's growing slower than the rest of the country, with only a 1.1-percent increase in real gross State product compared to 2.2 nationwide and 65,500 fewer people working in Arizona compared to 8 years ago, Washington has to be focused on doing everything it can to unburden small business owners and promote entrepreneurialism. These regulations would do just the opposite.

For these reasons, it will be important for all Arizonans and all affected Americans to make their concern and outrage heard. For Arizona, Senator FLAKE and I join our colleagues representing other affected States and will continue to exercise our constitutional oversight prerogative to keep the Executive in check and help educate the American people about what is coming and how it will affect all of us.

Madam President, I ask unanimous consent to have printed in the RECORD the Arizona Republic's editorials on this issue that appeared yesterday and on June 30, 2015; the op-ed from me and Senator FLAKE in the Arizona Republic entitled "We're standing up against regulation-happy Obama"; the two oversight letters we recently sent relevant Agency heads on the Clean Power Plan rule and the clean water rule; and the op-ed from Arizona Chamber of Commerce president Glenn Hamer in the Yuma Sun entitled "List of examples of federal overregulation is way too long."

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

[From The Republic, July 26, 2015]

NEW EPA CLEAN-AIR RULES THREATEN RURAL POWER CO-OPS

(By the Editorial Board)

OUR VIEW: COAL IS ON THE WAY OUT, BUT THE FEDS NEED TO ACKNOWLEDGE ECONOMICS.

By this fall, the federal Environmental Protection Agency is expected to march the nation's energy consumers into new terri-

tory on the frontier of controlling carbon emissions.

Representatives of the big power companies are flooding Washington, D.C., in a desperate effort to mitigate the impact of the EPA's venture, known as the Clean Power Plan.

Debates between environmental activists and politicians over its implications are heating up.

But few have looked at the EPA's new carbon plan with quite the riveted sense of alarm as small utility companies that serve rural customers.

The president of a small cooperative serving rural customers in Arizona, New Mexico and Nevada is blunt about that impact:

"The people throughout rural Arizona that we serve will be screwed more than anybody else in the country," Patrick Ledger, CEO of the Arizona Generation and Transmission Cooperatives, told the Environment and Energy news service.

Unless the EPA's plan includes substantial revisions, Ledger is not exaggerating.

His energy co-op, serving some 500,000 rural customers, operates one natural-gas-fired and two coal-fired units at the Apache Generating Station in southeastern Arizona.

One of the coal-fired units is scheduled to convert to gas in 2018 to accommodate recent EPA rules governing haze. But under the draft plan proposed by the EPA, the co-op would be forced to shutter its coal-fired unit altogether, stranding around \$230 million in recent upgrades and investment.

In addition, the co-op would have to take on between \$450 million and \$600 million in additional debt to rebuild capacity to serve its customers.

All told, that would push the price of the energy Ledger's cooperative sells to distributive cooperatives to 38 percent above market rates. And that, says Ledger, spells the end.

"We will be put out of business," Ledger told the Republic editorial board last week. We go into bankruptcy."

Arizona Generation's debt is owed to another federal agency. Repeat this story with multiple rural co-ops, and taxpayers will be stuck with an enormous bill.

Ledger and his colleagues understand that coal's future is limited, so they are lobbying the EPA to give the nation's 100 smallest utilities more flexibility in meeting the carbon goals.

Ledger doesn't hold much hope for that, so he's also working with Arizona's other utilities. This state faced the most ambitious goal to reduce carbon under the draft plan; utilities are urging the EPA to give them a longer glide path to ease the transition away from coal.

Concerns over enormous amounts of stranded debt is a near-universal one as the Clean Power Plan approaches.

Arizona's major utility companies, including Salt River Project and Arizona Public Service Co., recently invested hundreds of millions of dollars to bring their coal-fired plants into compliance with existing EPA regulations.

Much of that investment will be lost if the EPA does not revise the draconian carbon reductions written into the Clean Power Plan, much of which the agency expects to occur no later than 2020.

A battle among giants, the debate over the Clean Power Plan is scarcely considering the dire consequences for little-guy energy providers like the Arizona Generation and Transmission Cooperatives.

It needs to start.

[From The Republic, June 30, 2015]

WE HAVE THE RIGHT TO KNOW COST OF NEW EPA RULES

(By the Editorial Board)

OUR VIEW: HOW MUCH WILL NEW CARBON RULES COST YOU? THE SUPREME COURT SAYS TAXPAYERS SHOULD BE ABLE TO FIND OUT

Within months, maybe weeks, the Environmental Protection Agency will release new rules governing carbon dioxide emissions from energy plants.

The rules will constitute the most sweeping assertion ever of the EPA's regulatory power. And it is only the beginning. The EPA in the fall is expected to alter its standard for what constitutes unhealthy ground-level ozone pollution, which would require significant, economy-wide investment in ozone-pollution control measures.

That's a lot of unprecedented action. This would be a good time for an honest talk about the balance between the costs of these policies and their benefits.

The Supreme Court is strongly suggesting that conversation take place.

In a 5-4 vote, the high court on Monday said the EPA must reconsider a rule governing mercury emissions, mostly from coal-fired power plants, because it did not weigh the costs and benefits of the rule change before issuing it. The rule is estimated to cost \$9.6 billion annually.

The decision is considered a setback for the Obama administration's all-but acknowledged mission to retire the majority of the nation's coal-fired electric plants.

But not necessarily a major setback. The court's decision does not throw out the mercury-emissions standards. It just requires the agency to recalculate the rule while considering more closely the price tag of implementing it.

Most importantly, it leaves the EPA in charge of determining anticipated costs and benefits.

In the coming debate over the EPA's Clean Power Plan mandates, Arizonans deserve to know exactly what environmental benefits they are getting and whether the costs of implementing these new emissions standards are reasonable.

The EPA's self-analysis of the costs and benefits of its mercury-pollution rule, however, suggests an honest report may not be in the cards.

According to the EPA, its mercury emissions rule would cost the energy industry (which is to say, consumers) \$9.6 billion annually. That figure, however, doesn't take into account significant factors like the higher costs of additional borrowing the industry would have to incur, or the potential economic drag.

NERA Economic Consulting of Washington, D.C., calculated the rule's annual cost at \$16 billion.

However, the EPA gets really creative in naming the ledger's benefits.

According to the EPA's figures, the mercury rule generates a direct economic benefit of less than \$7 million annually. Part of that is derived from the 15 percent of pregnant women in Wisconsin the agency assumes catch and eat at least 300 pounds of lake fish per year.

The EPA also calculated that secondary impacts of the mercury rule—indefinitely more malleable "improvements to the public health"—would boost its "economic" value to between \$24 billion and \$80 billion per year.

Bingo. Economic justification.

We are talking about a significant financial investment to achieve far less impressive results.

As long as the EPA is in control of economically certifying its own rules, it will be

impossible to seriously judge whether the upcoming Clean Power Plan emissions rules are justified. That stands in opposition to the court's direction.

In Monday's Michigan vs. EPA decision, the high court's majority concluded that federal administrative agencies "are required to engage in 'reasoned decision-making.'"

That means honestly assessing costs.

[From The Republic, July 11, 2015]

WE'RE STANDING UP AGAINST REGULATION—
HAPPY OBAMA

(By John McCain and Jeff Flake)

SENATORS: THIS ADMINISTRATION INTENDS TO
REWRITE ENVIRONMENTAL POLICY WITH NO
THOUGHT TO THE COSTS

A few days ago, the U.S. Supreme Court delivered a victory for businesses and consumers when it turned back the Obama administration's regulate-at-all-cost proposal for controlling power plant emissions.

In Michigan v. Environmental Protection Agency, the court held that the EPA failed to consider the potentially exorbitant cost its regulation would impose on the economy. The EPA's rationale? The costs are "irrelevant" to the decision to regulate.

We strongly disagree.

This is one of several new regulations the White House has imposed over the past two years with no regard for how businesses really operate. According to the American Action Forum, 37 major regulations the White House recently announced it is planning on releasing will saddle the nation's recovering economy with more than \$110 billion in potential costs—hardly "irrelevant."

If left unchecked, those regulations will unfairly impact Arizonans and, according to the Arizona Chamber of Commerce, "cause significant economic harm to our state."

One of the most alarming new regulations is the Environmental Protection Agency's so-called Waters of the United States Rule. The EPA claims the rule protects only waters that "have historically been covered by the Clean Water Act" and that it "protects clean water without getting in the way of farming, ranching, and forestry."

But, dive into the rules 299 pages and you'll find it actually enshrines the EPA's authority to regulate nearly everything that is considered a "tributary," including irrigation ditches and dry desert washes.

While this rule was supposed to be based on science, there are glaring omissions in how Arizona's arid landscape was considered. An analysis of U.S. Geological Survey stream maps projects that Arizona would see a 200 percent increase in river miles subject to the EPA's jurisdiction.

This is bad news for Arizona's agriculture and home-building sectors, which are vital to the state's economy. The federal government could block farmers from building or repairing canals, communities from building schools or churches near dry washes, or even private property owners from developing on their own land if the agency believes water historically flowed there, despite no visible evidence that it still does.

When this massive regulatory expansion becomes effective, Arizonans will be drowning in consultants' fees and lawyers' bills. We have introduced legislation halting this rule until the scientific analysis of intermittent and ephemeral streams is complete.

We are also pushing back against the federal government's water grab in other ways. Recently, the Forest Service formally withdrew its groundwater directive, something we asked it to do last October. For now, at least, private property rights that could have been impacted by that rule are safe.

But another proposed rule by the EPA, the "Clean Power Plan," would place new limits

on greenhouse gas emissions, including preventing the use of coal, which produces 36 percent of Arizona's electric power generation. The billions of dollars necessary to comply with this plan would be passed on to consumers through increased utility rates.

This rule will most negatively impact those least able to afford such a rate hike. Likewise, small-business owners who don't have the luxury of passing on dramatic utility-price increases could have trouble replacing old equipment or hiring employees.

These regulations are not intended to bolster our economy or get Arizonans back to work. They are an assertion of executive power by a president intent on rewriting environmental policy, not a thoughtful attempt to help states ensure the health, welfare and safety of their citizens.

It is essential that those of us who represent Arizona in Congress exercise our constitutional oversight prerogative to keep the executive branch in check, and to help educate Americans about what's coming and how it will affect us all.

Given what is at stake here, we certainly will.

U.S. SENATE,

Washington, DC, July 8, 2015.

Hon. GINA MCCARTHY,
Administrator, Environmental Protection Agency, Washington, DC.

Hon. TOM VILSACK,
Secretary, U.S. Department of Agriculture, Washington, DC.

Hon. SHAUN DONOVAN,
Director, Office of Management and Budget, Washington, DC.

DEAR ADMINISTRATOR MCCARTHY, SECRETARY VILSACK, AND DIRECTOR DONOVAN, We write to express deep concern with President Obama's attempt to bypass Congress and commandeer the state regulatory process to impose unduly burdensome carbon-emissions regulations at existing power plants; the so-called Clean Power Plan (CPP). Our fear is that the CPP would create significant technological and economic challenges that disproportionately affect Arizonans.

As proposed, the CPP would force Arizona, unlike almost any other state, to achieve a 52% reduction in its carbon-emissions by 2030, with nearly 90% of that reduction (equivalent to re-dispatching all of Arizona's coal-fired baseload generation) coming within five years. The plan effectively ignores Arizona's zero-emission nuclear asset, Palo Verde Generating Station, and gives little credit for the widespread deployment of renewable technology throughout the state. Instead, the plan charges head long toward dictating Arizona's resource portfolio and regulating beyond the fence line.

Shrouded by the veil of choice, EPA contends that Arizona can use a combination of options (aka "building blocks") to achieve these targets. In reality, the CPP treats Arizona so harshly that it would be compelled to maximize the use of all its building block "options" just to comply with the rule. This is hardly a choice. Rather, as explained by Harvard law professor Laurence Tribe, the proposed plan would effectively dictate the energy mix in each state, allowing a federal commandeering of state governments and violating principles of federalism that are basic to our constitutional order.

As an example, EPA expects Arizona to re-dispatch coal-fired generation almost entirely with increased natural gas generation. Yet, EPA ignores that more than half of the state's existing natural gas capacity is merchant capacity, not owned by Arizona utilities. Moreover, Arizona's natural gas generating units are often used to manage the diverse energy portfolio, including renewable supplies, meaning that increased baseload

use of those resources limits their ability to assist with intermittent generation. Mistakenly, EPA assumes that Arizona can quickly transition from coal generation to natural gas generation by making greater use of existing natural gas facilities. The EPA is not taking into consideration the peak customer energy demands the state requires in the summer months or the current natural gas infrastructure in place.

Converting coal resources to natural gas will also leave millions of dollars in stranded assets in which plants are forced to close before their useful life. As you are well aware, utilities throughout the state have recently retrofitted a number of these units to comply with other EPA regulations, such as the regional haze rule. It is unreasonable for EPA to compel utilities and their ratepayers to comply with one rule, only to render those investments wasted just a couple of years later under a different rule.

Utilities and pipeline providers would, therefore, be forced to spend billions of dollars on new energy infrastructure which could take years to plan, implement, and negotiate. The state's year-round energy needs simply cannot be replaced by natural gas-fired plants in time for the CPP's 2020 interim deadline.

As the Supreme Court recently found, these types of economic issues are not "irrelevant" to the rulemaking process. They must be considered, rather than marginalized. And, in this case, it is not simply the stranded cost of investing in new emissions technology or the increased rates; it is also the impact on other areas of the state's economy, such as water deliveries that depend on energy. An increase in water-delivery costs, particularly during the ongoing drought, will only serve to further harm consumers.

This situation is no doubt exacerbated by the possibility that taxpayers could also pay more for this rule, as it threatens to cause default on over \$250 million in taxpayer-backed Rural Utilities Service (RUS) loans in Arizona. But, Arizona's coal plants, including those with expensive air pollution controls, will not operate long enough under the CPP to pay these loans back. Shutting Arizona's coal plants before their useful life is completed will challenge rural electric cooperative's ability to pay back those loans.

In an effort to address many of these concerns, on December 1, 2014, the Arizona Department of Environmental Quality (ADEQ) in concert with the Arizona Utility Group, proposed a compliance plan that would work for Arizona. They suggested narrowly modifying EPA's CPP to allow newer, more efficient coal-fired power plants to continue to fully operate after 2030. This more gradual plan would ensure that investments in expensive emission control technologies will not be stranded and that the CPP's impact on Arizonans will be mitigated.

With the proposed final rule currently pending before OMB, we would appreciate your consideration of the Arizona Utility Group proposal and our concerns, as well as a written response to the following questions no later than July 27, 2015:

1. What cost-benefit analysis was conducted in connection with the Administration's decision to go forward with this rule? Specifically, what is the expected aggregate economic impact of this rule on Arizona businesses and consumers?

2. The USDA has indicated that \$254.8 million is held through RUS loans in Arizona. What is the value of these loans that USDA holds nationally?

3. Is the OMB taking the significant loss of taxpayer investment in these loans into consideration of the EPA's final rule?

4. If the rule is approved and Arizona's rural energy providers are forced out of business, what happens to the existing loans?

Thank you for your attention to this matter, I look forward to your response.

Sincerely,

JOHN MCCAIN.
JEFF FLAKE.

—
U.S. SENATE,
Washington, DC, July 23, 2015.

Hon. GINA MCCARTHY,
Administrator, Environmental Protection Agency,
Pennsylvania Ave. NW., Washington, DC.

DEAR ADMINISTRATOR MCCARTHY: I'm writing concerning the Environmental Protection Agency's (EPA) Clean Water Rule that was signed on May 27, 2015. As you know, I've written you before opposing the rule and I've cosponsored several bills in the Senate to block it because of the damage it will inflict on job creation and economic recovery in Arizona.

The Clean Water Rule will extend Clean Water Act jurisdiction to roughly 60-percent of all "waters of the United States," effectively allowing EPA to regulate small streams like it currently does large rivers. But the rule can also apply to ephemeral streams, irrigation ditches, stock ponds, and even dry desert washes that are common in Arizona. As such, the rule disproportionately impacts Arizona farmers, cattlemen, developers and other key sectors of Arizona's economy historically and moving forward into the 21st century. Please bear in mind that agriculture makes up about 30-percent of the economy in my home state, and that construction jobs account for roughly 13-percent of new jobs created in Arizona during the economic recovery.

In recent years, the EPA has, unfortunately, succeeded in building a track record of unilaterally reinventing federal statutes, like the Clean Air Act and Clean Water Act, to advance politically-sensational regulations. What follows is not genuine environmental protection, which is vitally important, but a stigmatization of EPA and its restrictive regulations, which are criticized and then litigated for their blatant disregard for their economic harmfulness. This pattern recently forced the hand of the Supreme Court in *Michigan et al. v. Environmental Protection Agency*, in which it rejected EPA's new rule on mercury and air toxic Standards because the agency had not justified the economic cost-benefit of the rule.

Against this backdrop, I respectfully request that you respond to the following questions:

1. Explain on what basis the EPA has concluded that its economic-impact analysis for the final Clean Water Rule determined that this rule is "appropriate and necessary?"

2. What economic-impact analysis, if any, did the EPA conduct in connection with the Clean Water Rule that took into account Arizona businesses and consumers in particular?

3. Following the Supreme Court's ruling in *Michigan et al. v. EPA*, do you believe EPA sufficiently calculated the rule's cost considering that the Small Business Administration's Office of Advocacy's requested that the EPA withdraw the rule because it "will have a direct and potentially costly impact on small business" and requested further review by the SBA? Please explain your answer.

Thank you for your attention to this request.

Sincerely,

JOHN MCCAIN,
United States Senator.

[From the Yuma Sun: Opinion, June 24, 2015]

GUEST COLUMN: LIST OF EXAMPLES OF
FEDERAL OVERREGULATION IS WAY TOO LONG
(By Glenn Hamer)

During an address before a joint session of the Indiana State Legislature, Ronald Reagan once quipped, "If the Federal Government had been around when the Creator was putting His hand to this State, Indiana wouldn't be here. It'd still be waiting for an environmental impact statement." These remarks were from a speech given in 1982, and although tongue-in-cheek, their meaning unfortunately still rings true 33 years later.

The federal government continues to roll out rules and regulations that are often overly burdensome and unnecessary. This has a particularly chilling effect on business and economic growth. What's more, the Arizona business community is increasingly concerned that the regulatory agenda of the current administration unfairly impacts Arizona, and has the potential to cause significant economic harm to our state.

Last week I sent a letter to Sen. John McCain outlining five federal rules, primarily driven by the Environmental Protection Agency (EPA), that illustrate this concern:

First up, the EPA's carbon emission rule for electric power plants. In this proposed rule, the EPA has assigned Arizona one of the most stringent reduction goals in the country—52 percent carbon emission reduction by 2030, with an aggressive interim goal to achieve more than three-quarters of that reduction by 2020. Arizona's utilities would need to retire a majority of the coal-fired generating facilities in the state to meet this goal. This transition is not economically feasible and would threaten the reliability of Arizona's electricity supply.

Next, the EPA and the U.S. Army Corps of Engineers (USACE) issued a final rule changing the definition of "waters of the United States," under the Clean Water Act. This brings vast swaths of land under the federal government's jurisdiction and disproportionately impacts Arizona as a result of our unique landscape and infrastructure. For example, Arizona's canal systems, drainage systems, ditches, and private property will be subject to federal government control, which limits our ability to manage water allocation and usage locally. According to a recent economic analysis, our system of canals is responsible for 30 percent of Arizona's gross state product, yet the EPA found the definitional change would "not have a significant economic impact."

The EPA is also considering a rule that would lower the air quality standard for ozone. Under the EPA's proposed range, the entire state of Arizona stands to be classified as a non-attainment area. Such a designation brings significant consequences, including permitting delays, restrictions on construction, and threats to our federal transportation funding, all of which will undoubtedly make it more difficult for Arizona to attract and retain businesses.

Arizona is further disadvantaged by these environmental regulations because of the cost of proving so-called "exceptional events" and their frequency in our state. As we all know, Arizona is home to frequent dust storms during the summer months. These exceptional events occur regularly in Arizona and contribute to artificially poor air quality readings. Under the EPA's current Exceptional Events Rule, a state can be subject to a non-attainment designation and other significant consequences unless it can prove that a poor air quality reading is the result of an exceptional event.

Finally, the federal Endangered Species Act lists hundreds of species as endangered

or threatened, many dozens in Arizona. This results in high costs to industry by hindering development and economic growth and imposing exorbitant compliance costs even when the designation does not give an accurate picture of the species' status.

Government regulation and oversight serves an important purpose. However, the federal government has a responsibility to ensure the regulations it promulgates are fair, equally applied, and result in an articulable benefit. Recent environmental regulations demonstrate a failure to recognize the limits of federal authority and to meaningfully engage the states to develop regulatory schemes that safeguard public health and safety, acknowledge the unique qualities of the individual states, and support a robust and growing economy.

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

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

HONORING THE MEMORY AND
LEGACY OF THE TWO LOUISIANA
CITIZENS WHO LOST THEIR
LIVES IN THE ATTACK OF JULY
23, 2015, IN LAFAYETTE, LOUISIANA

Mr. CASSIDY. Madam President, last week a terrible tragedy occurred in Lafayette, LA, when a mentally ill gunman opened fire in a movie theater filled with innocent people.

Jillian Johnson was a talented artist, successful entrepreneur, and an active member of the Lafayette community. Jillian played in a local all-female band, co-owned a gift and toy shop, and often organized community projects that benefited all. She was a kind and charitable soul, described by her husband as a loving friend, daughter, sister, and wife.

Mayci Breau was an incredible young lady with a bright future ahead of her. A student of Louisiana State University, Mayci was studying to be a medical radiology technician and was engaged to her high school sweetheart, planning to marry after she graduated. Mayci worked at a local fashion boutique, where her customers and coworkers remember her generous smile and wonderful optimism.

These two women exemplify the kindness and essence of the Lafayette community. Although they were taken from us far too quickly, their memories live on.

Let's also take a moment to thank the heroes in this tragedy—the Lafayette police, Acadian Ambulance, the employees of the Grand 16 movie theater, and other first responders who acted bravely and quickly to stop the shooter and aid the injured. We are grateful for their service, and we honor them today.

I also acknowledge by name Jena Meaux and Ali Martin. Their quick