

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.

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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 Breaux 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 co-workers 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

thinking and courageousness saved lives when they crawled across the movie theater floor to pull the fire alarm to alert authorities.

Lafayette and Louisiana are resilient. In times of tragedy and pain, we come together to support and care for one another. The love we have for each other, even in the darkest of times, will help Lafayette, our State, and our community recover.

The events that transpired in Lafayette last week are a reminder of the long road we must take to reform our mental health system. Too many innocent lives are being taken from us in senseless attacks in movie theaters, schools, churches, and other places where we should feel safe. The common denominator in these tragedies is all too often untreated mental illness.

As public servants, we should seek to keep the public safe, but our mental health system is badly broken and fails to do so, and reforms are coming too slowly. It doesn't make sense that parents caring for a mentally ill child cannot be part of medical decisionmaking that could prevent horrendous tragedies like these. I can go down the list of reforms that need to be made to improve our mental health system. I am working with my good friend Senator CHRIS MURPHY on legislation that will help reform our mental health system and make it easier for those in need to get the help that could potentially avert a future tragedy like this.

I finish by saying once more that our thoughts and prayers are with the families and loved ones of Jillian and Mayci and all those wounded who are suffering. May they know God's comfort at a time when it may be otherwise impossible for them to feel comforted.

I yield to my fellow Senator and good friend, Senator VITTER.

The PRESIDING OFFICER. The Senator from Louisiana.

Mr. VITTER. Madam President, I come to the Senate floor sadly, in light of this tragedy, to join my colleague Senator CASSIDY in expressing these heartfelt thoughts. We rise today to express our deepest sympathy for the victims of this horrible shooting in Lafayette. The hearts of all of Lafayette and Louisiana go out to all of the families involved in this tragic incident.

As Senator CASSIDY suggested, we lost two enormously talented, unique, and irreplaceable individuals, and we certainly pay tribute to them.

As Senator CASSIDY suggested, Mayci was a student at Louisiana State University, full of life, full of hope, full of promise. She was studying to become an ultrasound and radiology technician. She was scheduled to begin her training just a few days after her tragic death. She was at the movies with her boyfriend, Matthew Rodriguez, who was among the nine wounded.

Jillian was the owner of Parish Ink, a T-shirt printing company specializing in old Acadiana verities. She and her husband also owned the Red Arrow

Workshop, a gift and toy shop in Lafayette. She also was full of life, full of talent, full of vigor and happiness. She played the ukulele and guitar for The Figs, an all-female sextet from Lafayette.

These are two individuals who are completely irreplaceable, and they will be sorely missed.

I also join Senator CASSIDY in recognizing and thanking the heroic actions of those two teachers from Jeanerette High School in Iberia Parish, Jena Meaux and Ali Martin. According to several reports, Ali jumped in front of Jena to shield her from the shooting, very likely saving her life; it caused the bullet to hit Jena's leg instead of Ali's head. Ali was shot in the leg in the process. Despite her injuries, Jena courageously pulled the fire alarm, alerting the whole movie theater and certainly saving lives. So we pay tribute and remember them as well.

We also pause and remember and continue praying for the recovery of nine other individuals who were wounded in that horrible incident: I mentioned Matthew Rodriguez, the boyfriend of Mayci Breaux; Morgan Julia Egedahl; Dwight "Bo" Ramsey and his wife Gerry—cousins of Congressman BOUSTANY, by the way, and good friends of mine and Senator CASSIDY's; Ali Viator Martin, an English teacher at Jeanerette Senior High School, and Jena Legnon Meaux, whom I mentioned as true heroes in this incident.

On Saturday evening, Lafayette residents gathered downtown to honor particularly the two victims who lost their lives. During the vigil, one Lafayette resident certainly stated it well:

We can't let evil win. We as a community have to rise above that and move forward.

Well, we do, but as we do, Senator CASSIDY and I rise today to honor the victims, to remember them—particularly Mayci and Jillian—and to certainly recommit ourselves to the important work at hand, including regarding mental illness, as Senator CASSIDY suggested.

We have prepared a Senate resolution commemorating the victims of this horrible event.

Madam President, I ask unanimous consent that the Senate proceed to the consideration of S. Res. 231, submitted earlier today.

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

The legislative clerk read as follows:

A resolution (S. Res. 231) honoring the memory and legacy of the two Louisiana citizens who lost their lives, recognizing the heroism of first responders and those on the scene, and condemning the attack of July 23, 2015, in Lafayette, Louisiana.

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

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

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

The resolution (S. Res. 231) was agreed to.

The preamble was agreed to.

(The resolution, with its preamble, is printed in today's RECORD under "Submitted Resolutions.")

Mr. VITTER. Madam President, again, we all hold these families, particularly the two victims and their families, in our prayers and our continuing thoughts and our love. It was a horrible incident. But I know the community of Lafayette well, I know the State well, and it certainly will not stop with the pure tragedy. Certainly folks will hold up these families in love and support and prayer and work toward far better resolution of issues involved, as the one Senator CASSIDY mentioned.

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

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

#### HIRE MORE HEROES ACT OF 2015—Continued

Mr. INHOFE. Madam President, I see there is kind of a lull here. We are waiting around for a vote to take place at 10 or 10:30 tonight, I think it is, and I thought I would share.

There are still some uncertainties on the bill, the Transportation reauthorization bill. It is one I am very proud to be the author of. In fact, I was privileged to be the author the last long-term reauthorization in 2005. At that time, I was working very closely with someone, with a fellow Member who is the least likely to be working with me on anything. By her own admission, Senator BOXER is a very proud liberal and I am a very proud conservative, but we do agree there is that old, worn-out document that nobody reads anymore called the Constitution, and it tells us what we are supposed to be doing here. It says, defend America and build our roads and bridges. That is what we are doing. That is what this is all about.

We received a disturbing message from the House about an hour ago saying they would not take up our bill. We are going to pass this bill, but they say they are not going to take it up. That means there is a dilemma because at the end of this month, there is no longer any money in the highway trust fund, and things will stop.

I don't know whether their intention is to give a short-term extension and go home or—of course, I am still thinking brighter minds will prevail and they will realize we have a long-term, 6-year highway authorization bill because the things you can't do in this