

jobs. It is well past time for a grownup conversation about tax policy. Our door remains open, and we look forward to having the President walk through it.

#### TAJIKISTAN WTO ACCESSION

Mr. HATCH. Mr. President, I would like to take a few minutes to discuss a matter of great importance in the trade arena.

Last week, the Senate approved legislation granting permanent normal trade relations to Russia and Moldova by a vote of 92 to 4. Such a strong vote would not have been possible without bipartisan cooperation from my Senate colleagues. I would once again like to express my appreciation to all the Republican members of the Finance Committee who worked with me and my staff in good faith to develop a strong enforcement package which addresses many of the concerns we all have with our bilateral trade relations with Russia.

I also want to again express my appreciation for the hard work and cooperation of Senator BAUCUS, the chairman of the Finance Committee. The process we undertook in the Finance Committee is emblematic of how the Finance Committee should work. It is my sincere hope this will be a model for future legislation.

Unfortunately, things don't always work so smoothly. In fact, I was quite disturbed to receive a letter earlier this week from Ambassador Kirk, our trade ambassador, informing me that the Obama administration intends to support approval of the proposed terms for Tajikistan's accession and the invitation for Tajikistan to become a member of the WTO at the upcoming WTO General Council meeting.

Let me be clear. I support efforts to help advance the rule of law by bringing countries such as Tajikistan into the World Trade Organization. What disturbs me is that the administration had been negotiating the WTO accession package for over 1 year and failed to even mention it to anyone on the Senate Finance Committee.

Even more troubling is the fact that the final WTO working party meeting took place on October 26, 2012, at which Tajikistan's proposed protocol of accession was completed. Yet no one in the Senate received any information about the accession until last week. Why the Obama administration waited 5 additional weeks after completing Tajikistan's WTO accession negotiations before notifying the committee is a mystery for me.

For an administration that touts its commitment to transparency and unprecedented consultations with Congress, their failure to consult with the Finance Committee and the Senate on the terms of Tajikistan's proposed accession protocol reveals that the administration's bold pronouncements about their excellent consultations are nothing more than empty rhetoric.

Moreover, section 122 of the Uruguay Round Agreements Act requires the administration to consult with the Senate Committee on Finance before any vote is taken by the WTO relating to the accession of a new member. While sending a letter to the committee 1 mere week before a vote is taken in the WTO and after the terms of the accession are already completed might technically comply with the letter of the law, it in no way complies with the spirit of the law.

Had Congress been notified of Tajikistan's pending invitation to join the WTO earlier, it might have been possible to include provisions granting Tajikistan permanent normal trade relations along with the Russia and Moldova bills. But that was not possible. Instead, the Obama administration's lack of transparency and failure to meaningfully consult with Congress rendered that impossible.

As we continue to try to work with the Obama administration to develop policies and advance legislation which create economic growth and open new markets for U.S. workers and job creators, the administration must engage in meaningful consultations. Accordingly, I would expect the way the Tajikistan accession has been handled by the Obama administration will be an exception and not the norm regarding future consultations.

To help ensure that is the case, I will soon be sending a letter to the Office of the U.S. Trade Representative with some detailed questions regarding their consultations with Congress and the private sector trade advisory committees. It is vitally important that we bring more transparency to this process, so I sincerely hope we receive a detailed and substantive response soon.

I also hope we can soon begin to have a meaningful discussion with the administration about their plans for renewing trade promotion authority.

As most of my colleagues know, trade promotion authority is an important tool which helps us pry open foreign markets to U.S. exports. Every President since FDR has sought trade promotion authority from Congress. Despite its critical importance, the administration keeps putting off any meaningful discussion of renewal. In fact, when Ambassador Kirk testified before the Finance Committee last March, I offered to sit down with him that day to start talking about TPA renewal. He declined my offer. Instead, he simply said he would be happy to sit down and talk with me and members of the Finance Committee about TPA renewal "at the appropriate time."

Since that time, there has been no administration dialog with me or with the Finance Committee about TPA, even though the Obama administration intends to conclude the trans-Pacific partnership negotiations by October of next year and is considering launching negotiations for a free-trade agreement with the European Union as early as next month.

Frankly, both of these initiatives are going to require TPA in order to be successful. While TPA should have been renewed long ago, we currently cannot wait any longer. If these trade initiatives are going to succeed we cannot continue to keep putting them off.

The time for the administration to start meaningful consultation with Congress on TPA renewal is now and I would like to see more cooperation. In this Congress we have seen the Korean Free Trade Agreement, we have seen the Colombian Free Trade Agreement, and we have seen the Panamanian Free Trade Agreement. We have seen the PNTR with Russia. Those would not have happened if we had not been pushing on the Finance Committee to get them done.

In my opinion, the administration has been slow-walking all of those. Those mean balance of trade positives for our companies here in America and I hate to see us playing around in deleterious ways with these types of agreements. I have suggested some other agreements here that need to be entered into. We need to get real on international trade. We need to be able to compete with anybody in this world, and we are able to if we are given the chance.

I yield the floor.

The PRESIDING OFFICER. The Senator from Kansas.

#### REDUCING REGULATORY BURDENS ACT OF 2011

Mr. ROBERTS. Mr. President, I have come to the floor to discuss legislation we could actually pass. I am not talking about the fiscal cliff or sequester or anything quite so heavy, but nevertheless very important. It has bipartisan support, sort of, been passed out of the Senate Agriculture Committee, passed out of the House of Representatives by over 300 votes, but it has yet to be brought to the Senate floor for debate. That debate could be over within a half hour.

The majority leader talks about bipartisan support for legislation and hurdles to bring the bipartisan legislation to the floor. Obviously we have them. But I want to remind the Senate that this bill has already passed the House, as I have said, with broad bipartisan support and, again, with over 300 votes. That does not happen often in the House of Representatives these days. It passed out of the Senate Agriculture Committee with bipartisan support. It did not even have to have a hearing. Yet the majority leader has not allowed this bill to come to the floor for a vote. I urge him to do that.

I am talking about H.R. 872. What is that? That is the Reducing Regulatory Burdens Act of 2011. How could anybody be opposed to that? It has been pending before the Senate for 17 months. That is long enough. That is certainly long overdue. This bill was placed on the Senate Calendar on June 21 in 2011. We need to pass this bill. We

need to debate it very quickly and pass this bill. It is a short bill but it is very critical to address a court decision that endangers the public health and places additional paperwork burdens on States that are facing very difficult budget times.

Let me be clear. This is a pesticide safety bill, pesticides that are used to protect our crops and to protect our public safety. I am not saying, nobody is saying, nobody ever will say, pesticides should never be regulated. I just do not think it needs to be done twice. H.R. 872 does not alter pesticide regulation. Pesticide applications are subject to the terms that are printed on a product label as approved by the Environmental Protection Agency. It is against the law to apply pesticides in a manner that does not comply with the EPA's approval.

Last December, 25 of our colleagues wrote to our majority leader and our Republican leader requesting an open debate on H.R. 872, a bipartisan bill. I ask unanimous consent to have a copy of the letter printed in the RECORD.

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

(See exhibit 1.)

Mr. ROBERTS. Despite bipartisan requests for consideration, the bill failed to be considered before regulatory requirements went into effect last year. We are already seeing costs to States, to communities, and to businesses that total up millions of dollars. Regulations now in effect are duplicative—a Senate word, a 35-cent word. That means we do not need it. We already have a bill in place. We already have regulation in place. This regulation requires businesses to undertake what amounts to a paperwork exercise. These requirements can slow responses to real public health crises such as West Nile virus.

The Centers for Disease Control and Prevention report over 5,000 cases of West Nile virus this year and sadly over 230 deaths. That is not right. Pesticide applications are currently and should continue to be regulated under FIFRA, the Federal Insecticide, Fungicide and Rodenticide Act. This bill does what all of our constituents are telling us to do and that is to protect human health and eliminate duplicative, unnecessary regulatory actions.

The additional paperwork and permitting processes that States and pesticide applicators must undertake provide no additional environmental protection, zip, zero. It is just additional environmental review. The EPA estimates that approximately 365,000 pesticide applicators will need permits to cover about 5.6 million applications per year. Public health officials, farmers, other pesticide applicators under this regulatory impact would not be facing these requirements if the administration had chosen to vigorously defend its longstanding policy that the protections under the Federal pesticide law were sufficient to protect the environment.

Again, estimates suggest this duplicative regulation will require 365,000 individuals—a requirement that will cost \$50 million and require 1 million hours per year to implement—just to fill out the paperwork. Bottom line, it will not add any environmental protection. This layer of redtape will place a huge financial burden on the shoulders of cities, of counties, farm families all across the country as well as State governments responsible for enforcement while at the same time facing dire budget situations.

Beyond agency enforcement, they will also now be exposed to the threat of litigation under the clean water law's citizen suit provisions. I think you have the real key as to where this bill was headed. Some of you might say there are special exemptions for public health emergencies, but environmental groups are challenging emergency actions taken this summer to address the mosquito-borne illnesses such as eastern equine encephalitis—not something to take an action against if you are faced with one of these kinds of threats. Yet we have not been able to move H.R. 872, to come up for a vote despite clear bipartisan support.

It seems to me Congress must act to end this regulatory duplication and clarify that they do not need this additional burden when they are trying to prioritize staffing and resources.

I ask my colleagues to join me in supporting this bill to protect human health and put an end to this very costly regulation. With regard to the bill again, it is 872, passed the House by over 300 votes, bipartisan support in the Agriculture Committee, didn't even have to have a hearing. Let's move this bill. It is something we can do. It makes sense.

#### EXHIBIT 1

U.S. SENATE,

Washington, DC, December 8, 2011.

Hon. HARRY REID,

*Senate Majority Leader, The Capitol, Washington, DC.*

Hon. MITCH MCCONNELL,

*Senate Minority Leader, The Capitol, Washington, DC.*

DEAR SENATORS REID AND MCCONNELL: We request your leadership in helping to resolve the following issue at the earliest possible opportunity.

As you are aware, the Environmental Protection Agency (EPA) recently finalized its Pesticide General Permit (PGP) under the Clean Water Act (CWA), pursuant to a ruling by the Court of Appeals for the 6th Circuit in *National Cotton Council v. EPA*. Under this new permitting system, certain pesticide applicators will be required to meet PGP or other permitting requirements in addition to regulation under the Federal Insecticide, Fungicide and Rodenticide Act.

On March 31, the House of Representatives passed H.R. 872, the Reducing Regulatory Burdens Act of 2011, which would address *National Cotton Council v. EPA*. This legislation then passed the Senate Committee on Agriculture, Nutrition and Forestry on June 21 by voice vote.

We are aware that efforts had been made to come to a bipartisan resolution before these new permitting requirements went into effect. However, we believe there is still an op-

portunity to resolve this matter in a way that will protect the environment while avoiding undue costs on rural communities and municipalities nationwide. Thus, it is our sincere hope that you will allot floor time for the Senate to have a full, open debate on this matter.

While we recognize that many important legislative items vie for limited floor time, this is a rare opportunity to demonstrate to the American public that Democrats and Republicans are capable of working together to address important issues.

Sincerely,

Mike Crapo, Kay Hagan, Richard Burr, Marco Rubio, David Vitter, James Risch, John Boozman, Mike Johanns, Roy Blunt, Rob Portman, Richard Lugar, Mary Landrieu, Kent Conrad, Tom Carper, Chris Coons, Ben Nelson, Max Baucus, Claire McCaskill, Tim Johnson, Amy Klobuchar, John Hoeven, John Thune, Orrin Hatch, Lamar Alexander, Joe Manchin.

The PRESIDING OFFICER. The Senator from Iowa.

#### THE FISCAL CLIFF

Mr. HARKIN. Mr. President, I come to the floor today to give some perspective on the debate going on in Washington about the so-called fiscal cliff. The so-called fiscal cliff is a misnomer, but what it reflects is the concern that unless we act our economy is going to be hit by significant austerity in 2013. Not at 12:01 on January 1, but over the course of the year. So it is not a cliff, it is more like if we do not do something we are going to start on a slope. But we are not falling off any cliff at 12:01 on January 1.

Fortunately there is an easy way to address one of the major parts of this puzzle. The Senate earlier this year passed a tax relief bill for the middle class. It would extend for 1 full year all of the Bush-era tax cuts on middle-class families. That is sitting in front of the House of Representatives. President Obama has said, if they pick it up and pass it tomorrow I will put my pen to it immediately. That is one thing that could be done right now. But the House Republicans will not take it up. I say if they were to take it up today, pass it, the President signs it, I think you are going to see a lot of middle-class families maybe even do a little bit more Christmas shopping because they know their taxes are not going up next year and that will help spur our economy.

Again, I point out some of my friends on the other side of the aisle, here and in the House, have been talking about doing that very thing. So there are some Republicans who recognize that this would be one of the best things we can do, and that is pass the middle-class tax cut that we passed here in July.

Nonetheless, I keep hearing what we really need to do to address the so-called fiscal cliff is to enact significant entitlement reform. What does that mean, entitlement reform? Let's be upfront with the American people. When you hear our friends the Republicans