

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

and others talk about entitlement reform, they are talking about three things: cutting Social Security, cutting Medicare, and cutting Medicaid. That is it. That is what they are talking about.

For example, let's take a look at Social Security. It has become an article of faith, almost, among a lot of people around this city that one of the ways to reduce the national debt is to "reform Social Security."

That is really fishy because Social Security can pay full benefits, 100 percent, until 2033, and by law it is not allowed to add to the deficit or debt. So, therefore, it is not driving our long-term debt.

What is really going on here? I think one of the ways to figure it out is a close look at the proposals under consideration. If you look closely you will find almost all of these serious proposals to save Social Security purport to do so by cutting it.

For instance, one proposal is to raise the retirement age so that hard-working Americans, including nurses, cashiers, carpenters, mechanics, truck-drivers, have to work even longer before they can retire with full benefits.

I remind people we already raised the retirement age. We did that in the 1980s, from 65 to 67. That is being phased in right now. The Bowles-Simpson Commission, what did they want to do? They wanted to raise it to 69. I remind people that life expectancy at age 65—that is the amount of time you are going to live after you reach 65—has not grown equally among all Americans. Not surprisingly, higher income Americans have seen much larger gains in life expectancy after 65 than low- and moderate-income families. So you raise the retirement age for Social Security, you help those who have money and you hurt those who do not. That is exactly what it is. You hurt low- and moderate-income Americans who work at some of the most physically demanding jobs in our economy. It hits them the hardest. So we can dismiss that.

I was looking at the list of people proposing that we raise the retirement age—Bowles-Simpson; the Third Way; Lloyd Blankfein—CEO of Goldman Sachs, how about that—Senator COBURN, the American Enterprise Institute, Cato Institute, Republican Study Committee. Oh, yes, the Ryan budget, by the way. We know what the voters of America thought about that Ryan budget.

Anyway, there is a whole list of people there who are saying we have to raise the retirement age. Let's see what kinds of jobs they have, what kind of work they do during their lifetime.

Another proposal we have heard about to kind of "fix" Social Security is to base future cost-of-living adjustments, the COLAs, on the so-called chained CPI. That is a phrase you are hearing more and more of. What it does is basically it reduces annual cost-of-

living adjustments. It is nothing more than a benefit cut by using a measurement of inflation that reflects the costs faced by seniors even more poorly than the current measurement. In terms of take-home benefits for an individual beneficiary, the chained CPI will result in a benefit cut of \$136 per year for a 65-year-old. However, because of the compounding, the benefit cut would increase to an average of \$560 per year less for a 75-year-old retiree. That is a severe benefit cut, particularly for the oldest Americans who are the most likely to have gone through all their own retirement savings and must rely totally on Social Security. Furthermore, the chained CPI is simply not a more accurate way to measure inflation. Rather, it more accurately measures the degree to which people are reducing their costs and as a result it can mask big changes in the quality of life for Americans.

I have talked to people in town meetings about chained CPI. If an elderly person is on Social Security and due to heating costs or perhaps some medical bills that person's budget is pretty tight, instead of buying beef for dinner, he decides to buy chicken. This decreases his costs a little bit. Chained CPI would look at that and say that since his costs have gone down, we should reduce his COLA. Now that his COLA is reduced, he is sort of locked in there. Now his budget is a little tighter so he decides to go to beans. In this scenario, he has gone from beef to chicken and is now eating beans. The chained CPI said his costs went down further so we will reduce his COLA even more. Pretty soon he is reduced to drinking warm water for soup and the COLA keeps going down even more. That is what the chained CPI does to an elderly person.

Don't be fooled by a fancy CPI. Chained CPI is akin to being on a boat and you have to swim to shore and someone puts a big log chain around your ankle and tells you to swim. It is going to drag you to the bottom. Chained CPI chains you and drags you down.

There are long-term challenges confronting the Social Security system, and we know that. The baby boomers are retiring and we have fewer workers contributing to the system. Fortunately, we knew this has been coming for decades, and that is why we have the trust fund in the first place. The trust fund pays 100 percent of the benefits until 2033. What happens in 2033? A lot of people say Social Security is going to go belly-up. No, it doesn't. Unless changes are made, the Social Security trust fund will pay out 75 percent of anticipated benefits in 2033. What happens if we reduce unemployment? What if we reduce unemployment from its present 7.7 percent down to 4 percent? Guess what. That 2033 now goes up because there are more working people paying into the system.

So one of the best ways to fix Social Security is to get jobs back for people

in this country. That is why those of us who are committed to honestly strengthening Social Security will resist any effort to cut Social Security and are saying, no, don't make it any part of a grand bargain. It should have no part of it whatsoever. There are approaches that can strengthen Social Security. To do so, I introduced legislation earlier this year that would provide seniors with greater economic security.

My proposal does it three ways. First, we actually raise the amount of Social Security that people get by \$65 a month. Some might ask how can that save money. I thought we were supposed to cut benefits not increase them. I say there is a way. We can increase it by \$65 a month. Others might say that to an upper income person, \$65 is not much. To some who have paid in the minimum amount to Social Security, they have had minimum-wage-type jobs most of their lives, so \$65 a month over 1 year can be quite a bit.

Secondly, my proposal ensures that COLAs better reflect the cost of living for seniors than what we presently do right now, and we certainly don't do chain CPI.

Finally, how do we do this? By applying the payroll tax to every dollar of eligible earnings by removing the so-called wage cap. We don't do it over 1 year; we phase it in over 10 years. For the life of me, I have never been able to understand why it is equitable for someone who is making \$50,000 a year to pay their payroll taxes on every \$1 they earn, but for someone who is making \$500,000 a year, they only pay payroll taxes on the first 20 cents of every \$1 they earn. The rest of the 80 cents they pay no payroll taxes on.

We talked about this for a long time and we have never done it. It is time to remove the wage cap which will allow us to pay \$65 more per month per person. According to the actuaries of Social Security, the 100-percent benefit that would expire in 2033 goes to 75 percent and would be extended beyond 2050. Just by doing that, we will extend the life past 2050, pay \$65 more a month per person, and make it fair for everyone by ensuring that everyone pays into the trust fund on every \$1 they earn. These are the kind of changes we should consider as part of any effort to reform Social Security. Regrettably, I don't hear from those who want to put Social Security on the table as part of a debt reduction package calling for these type of reforms. They want to just cut benefits, that is all.

As we work to resolve the fiscal cliff on our long-term deficits, our core principle should be that we need a resolution that is good for the middle class, and that starts with strengthening and protecting programs such as Social Security. It also means we should take this opportunity to continue to support hard-working families and create jobs, particularly through programs such as infrastructure investment. We should also continue to provide help, such as

the middle-class tax cut, to working Americans by giving them more money to put in their pocket to spend and drive the economy forward.

However, we must not continue the payroll tax cut of the last 2 years because of the threat it poses to the integrity of Social Security. Two years ago, to help middle-class families through tough times, we reduced the amount they paid into Social Security by 2 percent, from 6.2 percent to 4.2 percent. In order to make up for that, we put money from the general fund into the Social Security trust fund. It is the first time we have ever done that. I said it was wrong, and I still say it is wrong. We then extended it for 1 year until the end of this year. I thought that would be the end of it. Now I am hearing voices say we ought to extend this payroll tax cut.

Two of the critical strengths of Social Security are that it is universal and it is self-funded. No dollar paid in benefits comes from any source other than the payroll tax. As such, Social Security does not add one dime to our deficit. Again, that fact alone is a strong argument for those of us defending Social Security from misguided attempts to cut the system in the name of deficit reduction.

I have often argued that Social Security doesn't add one dime to the deficit. It never has. However, if we are taking money out of the general fund, which we know is borrowed money, and we are putting that into the trust fund, then the trust fund is now taking money that is borrowed. No longer can we say every dime paid out of that is from the payroll tax since it is coming from the general fund. I think we made a mistake 1 year ago by extending it. Now it is the time to end it. It must not be extended. I, for one, will do whatever I can as a Senator to stop the extension of the payroll tax cut in order to help solve the deficit and in order to help middle-class families.

How can we help middle-class families? It is very easy. First of all, pass the tax cut extension that we have sitting before the House. Secondly, rather than cutting payroll taxes by 2 percent, we should put in place a modified version of the Making Work Pay tax credit that we did under the American Recovery Reinvestment Act. That credit provided working Americans with \$400 per person, \$800 per couple in 2009 and in 2010. We can adjust that credit and double it to \$1,600 per couple to replace the payroll tax cut. So as we put the 2 percent back to where everyone pays back in at 6.2 percent, what we do on the other side is provide for a Making Work Pay tax credit that goes to people who are working. Obviously, no one gets the 2-percent payroll tax cut if they are not working. The Making Work Pay tax credit would also go to those who are working and make it a similar amount of money as they had on the Social Security payroll tax fund. This would have a greater bang for the buck because it would better

target working Americans of modest means who tend to spend more of what they get back.

I will clarify what I mean by that. Under the Social Security payroll tax cut—the 2-percent cut—the maximum amount of money someone would get would be at the highest level they paid into Social Security, which is approximately \$110,000 on a payroll of \$110,000. So that person would get \$2,200 back. That is for someone making at least \$110,000 a year. If someone is making \$20,000 a year, they would only get \$400 back. So the higher your income, the more they get back; the lower the income, the less they get back. It is just topsy-turvy. It should be the other way around. There should be more benefits to lower income and less benefits to higher income.

With this tax credit, that is what we do. More would go to people who are making \$40,000, \$50,000 \$60,000, \$70,000, \$80,000 a year than to those higher income people. That is why the Making Work Pay tax credit is much better than extending the Social Security payroll tax.

We are at a turning point in our economy. We can either move forward with an agenda that will strengthen the middle class or be dragged backward by misguided policies that consign us to additional decades of unequal growth and stagnant wages for working families.

I stand ready to work with my Senate colleagues to reduce the deficit and debt but not at the expense of hard-working, middle-class families who make this country the great country it is.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from Tennessee.

Mr. CORKER. Mr. President, I ask to speak as in morning business.

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

(The remarks of Mr. CORKER pertaining to the introduction of S. 3673 are printed in today's RECORD under "Statements on Introduced Bills and Joint Resolutions.")

Mr. CORKER. So I thank the chair. I yield the floor, and I note the absence of a quorum.

The PRESIDING OFFICER (Ms. KLOBUCHAR). The clerk will call the roll.

The bill clerk proceeded to call the roll.

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

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

The Senator from Oregon will suspend.

The majority leader is recognized.

Mr. REID. Madam President, I ask my friend to yield for a unanimous consent request and then he can have the floor as soon as I am finished.

Mr. MERKLEY. Absolutely.

UNANIMOUS CONSENT AGREEMENT—H.R. 4310

Mr. REID. Madam President, I ask unanimous consent that when the Senate receives the papers with respect to H.R. 4310, the Senate's passage of H.R. 4310, as amended, be vitiated; that adoption of the Senate amendment be vitiated; that the amendment, the text of S. 3254, as amended by the Senate, be modified with the changes that are at the desk; that no other amendments be in order, and the Senate proceed to vote in relation to the amendment, as modified; that if the substitute amendment, as modified, is agreed to, H.R. 4310, as amended, be read a third time and passed; finally, that the previous request with respect to the Senate's request for conference, including the appointment of conferees, be agreed to; with all of the above occurring with no intervening action or debate.

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

EXTENSION OF MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that we be in a period of morning business until 5 p.m. today.

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

Mr. REID. Madam President, of course, Senators should be allowed to speak for up to 10 minutes each.

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

Mr. REID. I extend my appreciation to my friend, the Senator from Oregon.

THE FARM BILL

Mr. MERKLEY. Madam President, I rise today to address a critical issue for Oregon's farmers and ranchers.

If we turn the clock back from the most recent national disaster; that is, this terrible Hurricane Sandy that impacted New York and New Jersey and other areas, last summer we had another significant disaster, the worst wildfires to hit the State of Oregon since the 1800s and the worst wildfires in over a century. These wildfires devastated land and livestock. Yet our communities have been left stranded, without the protections they normally have, because of the inaction of the House and the Senate.

The Long Draw Fire in Malheur County burned 557,000 acres. Let's translate that. That is 900 square miles of land. The Miller Homestead Fire burned 160,000 acres or 250 square miles.

We have had many folks coming to the floor to discuss the terrible consequences of natural disasters. It was not long ago that I was on this floor, before Hurricane Sandy, calling for urgent, immediate action. But the challenge is that these emergency programs designed to respond to the ranchers and farmers who have lost so much land, so much forage in Oregon, those measures are in the farm bill.