

apply to features that farmers and ranchers would more likely associate with dry land than water. It is therefore not reasonable for EPA to include such an expectation if it has done nothing to clarify a reasonable understanding of jurisdiction waters that is consistent with congressional intent and judicial case law.

S. 496 is common-sense legislation that the Farm Bureau strongly supports. We urge the Senate to pass this amendment to help relieve undue regulation on farmers and rural America.

Sincerely yours,

DALE MOORE.

Senator MARK PRYOR,
Dirksen Senate Office Building,
Washington, DC.

Senator JIM INHOFE,
Russell Senate Office Building,
Washington, DC.

DEAR SENATORS PRYOR AND INHOFE: The USA Rice Federation would like to express our strong support for S. 496, the Farmers Undertake Environmental Land Stewardship Act (FUELS Act), as an amendment to WRDA, the Water Resources Development Act. This bill would bring some much needed clarity to agriculture on the confusing requirements of the EPA's Spill Prevention, Control, and Countermeasure (SPCC) rule.

As you are aware, farming is an energy-intensive profession. Producers need fuels stored on-farm for everything from fueling mobile equipment to running irrigation pumps. Many of these tanks are in use seasonally and stay empty much of the year due to the high cost of fuel and the possibility of theft. Furthermore, EPA's threshold number of 1,320 gallons has no basis in science or in normal tank sizes for agriculture.

In addition, EPA's bifurcation of the rule date (before and after August 16, 2002) has brought immense, unneeded confusion to the farming community as they try to determine whether their current business model is the same that was in operation prior to the 2002 date. The requirement to have Professional Engineers (PEs) sign off on many SPCC plans adds significant costs to the producer as well as the time spent trying to find the limited number of PE's willing to work on this rule in agricultural areas.

The USA Rice Federation has joined other groups in our support of EPA's extension of the deadline to May 10, 2013, but that quickly approaching extension only applies to farms in operation after August 16, 2002, further confusing the industry. Furthermore, farms are still under the costly requirements of providing secondary containment to many seasonal-use tanks and developing complicated and expensive 'spill plans'. Despite pleas to the agency for compliance assistance, they have been slow to respond, and despite invitations to grower meetings, they have little funding for travel.

Thankfully, the Senate has the opportunity to ease this burden on rural America. S. 496 would provide realistic threshold sizes for tank regulation at the farm level and allow more farms to self-certify thus saving time and money that would otherwise be spent in hiring PE's to sign the SPCC plans. S. 496 is a piece of common sense legislation that we strongly support. We urge the Senate to pass the bill to help relieve undue regulation on farmers and rural America as a part of the Water Resources Development Act.

Sincerely,

LINDA C. RAUN,
Chairwoman,
USA Rice Producers' Group.

MAY 3, 2013.

Hon. MARK PRYOR,

U.S. Senate,

Washington, DC.

Hon. JAMES INHOFE,

U.S. Senate,

Washington, DC.

DEAR SENATORS PRYOR AND INHOFE: On behalf of the National Corn Growers Association (NCGA), we appreciate your efforts to advance S. 496, the Farmers Undertake Environmental Land Stewardship (FUELS) Act, and would urge its inclusion in the Water Resources Development Act (WRDA) in the Senate. Founded in 1957, NCGA represents approximately 38,000 dues-paying corn growers and the interests of more than 300,000 farmers who contribute through corn check-off programs in their states. NCGA and its 48 affiliated state associations and checkoff organizations work together to help protect and advance corn growers' interests.

As you are aware, farming is an energy-intensive profession. Producers need fuels stored on-farm for everything from fueling tractors to running irrigation pumps. EPA's unusual 1,320 gallon regulatory threshold under the Spill Prevention, Control, and Countermeasure (SPCC) rule has no basis in science or in normal tank sizes for agriculture. S. 496 would raise the threshold the exemption threshold to 10,000 gallons, which is a more reasonable level. It would also allow more farms with aggregate storage capacity between 10,000-42,000 gallons to self-certify rather than hiring a professional engineer.

This common sense amendment to WRDA would ease the burden on smaller producers, and we strongly encourage its adoption. Thank you for your support on this important issue.

Sincerely,

PAM JOHNSON,
President,
National Corn Growers Association.

NATIONAL COUNCIL OF
FARMER COOPERATIVES,
Washington, DC, May 6, 2013.

Hon. MARK PRYOR,

U.S. Senate, Dirksen Senate Office Building,
Washington, DC.

Hon. JAMES INHOFE,

U.S. Senate, Russell Senate Office Building,
Washington, DC.

DEAR SENATORS PRYOR AND INHOFE: On behalf of the more than two million farmers and ranchers who belong to farmer cooperatives, the National Council of Farmer Cooperatives (NCFC) applauds your outstanding work to create sound policies that maintain the economic and environmental health of farms, ranches, and the rural communities where they operate. This commitment is evident in S. 496, the Farmers Undertake Environmental Land Stewardship Act (FUELS Act).

The SPCC rule was originally promulgated on December 11, 1973. In 1991, a proposed rule was initiated but floundered for more than 11 years. In a move that caught many off guard, the Agency published a final rule on July 17, 2002, amending the SPCC regulations. This new rule became effective on August 16, 2002, and applied to any facility—including farms—with an aggregate of 1,320 gallons of oil on their property in aboveground tanks of 55 gallons or greater, where the spill might eventually reach navigable waters. That rulemaking showed a lack of understanding of production agriculture and as a result, required multiple revisions and compliance deadline extensions that spanned over decades.

While we welcomed the extension of the compliance deadline to May 10, 2013, that ex-

tension only applied to those agricultural operations that currently have an SPCC plan or new facilities that came into operation after the rule was effective. Specifically, if a farm was in existence prior to August 16, 2002, the compliance extension was not applicable as these farms were supposed to be in compliance with the SPCC rule and have a plan in place. EPA's bifurcation of the rule date (before and after August 16, 2002) has brought immense, unneeded confusion to the farming community as they try to determine whether their current business structure was in place prior to the 2002 date.

At the same time, the Agency has unfortunately struggled with efforts to prepare guidance and mobilize specific outreach activities in a timely manner in order to provide the farming community with the understanding and necessary tools to comply with the final rule.

Throughout the history and evolution of the SPCC rule, NCFC has strived to maintain a constructive dialogue with EPA to ensure that any agency action regulating oil spill prevention and response take into account the uniqueness of the agricultural industry; be based on sound science, need, and identified risk; and that final regulations be clear and allow time for education and implementation. While the Agency has shown good faith in working to improve the SPCC rule for agriculture, these efforts have proceeded in fits and starts.

Without question the members of the agricultural sector who grow the nation's food and rely on surface and well water to meet their families' and agricultural operations' needs are highly motivated to ensure that their environmental practices are sound. These producers work daily to ensure a safe environment for their children and the communities in which they live. As such, they can and do take very seriously their responsibility, consistent with the intent and spirit of the SPCC provisions, to properly manage the oil resources used on their operations.

Row crop farms, ranches, livestock operations, farmer cooperatives and other agribusinesses pose low risks for spills and are often seasonal in nature. In fact, data on oil spill on farms, cooperatives, and other agribusinesses is almost nonexistent. The Agency has failed to provide data or even anecdotal evidence of agricultural spills to justify such a resource-intensive rulemaking for America's farmers and ranchers. The risk of such spills from agriculture is extremely low and there is little to no evidence that providing greater flexibility through S. 496 will harm the environment.

We strongly believe S. 496 will bring much needed clarity to agriculture on the confusing requirements of the SPCC rule. Specifically, it would provide realistic threshold sizes for tank regulation at the farm level and allow more farms to self-certify thus saving time and money that would otherwise be spent in hiring Professional Engineers to develop and sign the SPCC plans.

The FUELS Act is common-sense legislation and we strongly encourage the Senate to support its passage as part of the Water Resources Development Act.

Sincerely,

CHARLES F. CONNER,
President & CEO.

MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will proceed to a period of morning business, with Senators permitted to speak therein for up to 10 minutes each.

The Senator from Virginia.

UNANIMOUS CONSENT REQUEST—
H. CON. RES. 25

Mr. WARNER. Madam President, I rise to make a few brief remarks. I will leave most of those remarks until after I make another request for unanimous consent. I think I know where this unanimous consent request is headed. I am disappointed. I think we are on, I believe, day 51 at this point as to the request that many of us have made in this Chamber to go back to regular order. Part of that regular order is after a budget has passed for budget conferees to be appointed so we can resolve what I believe is the most important issue facing our Nation, the question of our debt and deficit, so we can try to take the actions needed to get this economy jump-started again. I will reserve most of my time for the remarks afterward.

In the meantime, let me make this request:

Madam President, I ask unanimous consent the Senate proceed to consideration of Calendar No. 33, H. Con. Res. 25; that the amendment which is at the desk, the text of S. Con. Res. 8, the budget resolution passed by the Senate, be inserted in lieu thereof; that H. Con. Res. 25, as amended, be agreed to, the motion to reconsider be considered made and laid upon the table, the Senate insist on its amendment, request a conference with the House on the disagreeing votes of the two Houses, and the Chair be authorized to appoint conferees on the part of the Senate, all with no intervening action or debate.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. McCONNELL. Madam President, reserving the right to object, I ask consent the Senator modify his request so that it not be in order for the Senate to consider a conference report that includes tax increases or reconciliation instructions to increase taxes or raise the debt limit.

The ACTING PRESIDENT pro tempore. Does the Senator so modify?

Mr. WARNER. Reserving the right to object, simply as someone who has spent an awful lot of time on this issue, both sides need to be willing to compromise. We need to deal with both the revenue side of this challenge as well as the entitlement reforms that are needed to make sure we can get our close-to-\$17-trillion debt back under control. Recognizing the Senator's request would take part of the opportunity to reach that common ground off the table, I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Is there objection to the original request?

Mr. McCONNELL. I object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. WARNER. Madam President, I simply want to again take a moment here, 52 days after we spent until 5 o'clock in the morning debating a budget—the budget that had over 100 amendments offered, a budget that had

amendments from both sides offered and rejected but also accepted. Amendments from both sides were accepted into this budget. It passed with a majority.

I know there are some of my colleagues on the other side who say we should go into the next step of this debate with certain things taken off the table. I do not understand how we are ever going to get to the point which every economist from left to right has all agreed upon, that we have to put this issue of lurching from one budget crisis to another behind us.

The fact is there is an awful lot of consensus about what we need to do. Starting back with the Simpson-Bowles report, then followed up by the Gang of Six and the Domenici-Rivlin report, everyone agrees we need to do at least \$4 trillion over the next 10 years. We don't have to solve the whole problem, we just have to take a good step forward.

The remarkable thing is even lurching from crisis to crisis we are over half the way there. Depending on how you want to count, we have done between \$2.2 and \$2.5 trillion of deficit reduction. That means we need about \$2 trillion more to be done for us to again not only provide the boost to the American economy, not only to no longer make Congress the object of more than late-night jokes about our inability to get things done, not only to be able to ensure we have driven our debt-to-GDP ratio back down, headed in the right direction, but, perhaps most important, demonstrate to the American people that when we have an issue of this importance we can actually find that common ground.

To do that is going to require, candidly, everyone in this body and our friends down the hall in the House to be willing to give a little bit. That means we are going to have to find ways to generate additional revenues. I believe, for one—I know sometimes many on my side disagree with me—we are going to have to find ways to reform our entitlement programs so the promise of Medicare and Social Security and Medicaid, some of the best initiatives ever put forward, are going to be here 30 years from now.

But if we are going to reach that kind of compromise, it means the regular order has to proceed. It means we have to have these two very different budgets, one passed by the House, one passed by the Senate, resolved through the regular order of a conference committee. If we do not do this—if we do not do this—my fear is we are going to continue to do the kind of actions we have been on over the last number of months where we continue to cut back on that relatively small piece of Federal spending which is discretionary spending.

We are already seeing, in States such as Massachusetts and Minnesota and Virginia, the effects of sequestration where we have put forward a policy that was viewed by everyone when it

was originally thought up as so stupid, so beyond the pale, that no rational group of folks would ever allow it to come to pass. We are now 3 or 4 months into allowing that to come to pass. While we have taken action on certain items such as relieving the challenge of our air traffic controllers, we have not taken action on making sure the funds have been replaced for the 70,000 to 80,000-plus kids who have lost their Head Start funding. We have not taken action to ensure the NIH cancer grants that are being cut, where we have done multigrant years—where the preceding years of research are now going to be flushed because we cannot do the final year of the grant, we cannot take action on that.

We have not taken action on the fact that now, as announced by the Secretary of Defense, while we have made some progress, where no longer are there 22 days of furloughs, we are now seeing 11 days of furloughs to our defense civilian employees. This is at a time that makes enormous challenges to their budgets but beyond that to the readiness of the men and women who defend our Nation.

We can continue this path on sequestration, frankly, retarding our ability to keep our military ready, holding back our ability to have the kind of economic recovery we would all like to see or we can allow the regular order, a regular order that my colleagues on the other side of the aisle called for, for the last couple of years, for us in this Senate to pass the budget.

We passed that budget. Now we need to take the next step in the process and appoint conferees and let us try to find that common ground between the House and Senate budget so we can address this issue of debt and deficit, so we can demonstrate to the American people that we can do our most basic responsibility, which is to make sure we pay our bills and operate the basic functions of government, and that we can do our job to restore the faith that this institution can work in a way the Founders set up.

Unfortunately, we are not going to take that step today because now, for the fifty-second day in a row, our Republican colleagues have objected to the next step in regular order. I am greatly disappointed, but I know I and other colleagues will come down on a regular basis and continue to make this request. My hope is that at some point in the not too distant future we can let the process continue, and we can get to the hard work of resolving the differences of the House and Senate so we can put this issue of lurching from budget crisis to budget crisis in the rearview mirror.

I yield the floor.

The ACTING PRESIDENT pro tempore. The Senator from Minnesota.