

- (I) 6,000 gallons; or
- (II) the adjustment described in subsection (d)(2); and
- (ii) no reportable oil discharge history of oil; and
- (2) not require a certification of a statement of compliance with the rule—
- (A) subject to subsection (d), with an aggregate aboveground storage capacity of not less than 2,500 gallons and not more than 6,000 gallons; and
- (B) no reportable oil discharge history; and
- (3) not require a certification of a statement of compliance with the rule for an aggregate aboveground storage capacity of not more than 2,500 gallons.

(c) CALCULATION OF AGGREGATE ABOVEGROUND STORAGE CAPACITY.—For purposes of subsection (b), the aggregate aboveground storage capacity of a farm excludes—

- (1) all containers on separate parcels that have a capacity that is 1,000 gallons or less; and
- (2) all containers holding animal feed ingredients approved for use in livestock feed by the Commissioner of Food and Drugs.

(d) STUDY.—

(1) IN GENERAL.—Not later than 12 months of the date of enactment of this Act, the Administrator, in consultation with the Secretary of Agriculture, shall conduct a study to determine the appropriate exemption under subsection (b)(2)(A) and (b)(1)(B) to not more than 6,000 gallons and not less than 2,500 gallons, based on a significant risk of discharge to water.

(2) ADJUSTMENT.—Not later than 18 months after the date on which the study described in paragraph (1) is complete, the Administrator, in consultation with the Secretary of Agriculture, shall promulgate a rule to adjust the exemption levels described in subsection (b)(2)(A) and (b)(1)(B) in accordance with the study.

#### SEC. 13002. AMERICA THE BEAUTIFUL NATIONAL PARKS AND FEDERAL RECREATIONAL LANDS PASS PROGRAM.

The Secretary may participate in the America the Beautiful National Parks and Federal Recreational Lands Pass program in the same manner as the National Park Service, the Bureau of Land Management, the United States Fish and Wildlife Service, the Forest Service, and the Bureau of Reclamation, including the provision of free annual passes to active duty military personnel and dependents.

The PRESIDING OFFICER. The majority leader.

#### MORNING BUSINESS

Mr. REID. Madam President, I ask unanimous consent that the Senate proceed to a period of morning business until 2 p.m. today, with Senators permitted to speak for up to 10 minutes each.

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

#### UNANIMOUS CONSENT AGREEMENT—EXECUTIVE NOMINATION

Mr. REID. I now ask unanimous consent that at 2 p.m., the Senate proceed to executive session to consider Calendar Nos. 40 and 92 en bloc; that the time until 4:30 p.m. be equally divided in the usual form, with Senator BAUCUS controlling the time from 4:15 to 4:30; that upon the use or yielding back of time the Senate proceed to vote without intervening action or debate on the

nominations in the order listed, with 2 minutes for debate between the votes; and that the second vote be 10 minutes in length; the motions to reconsider be considered made and laid upon the table, with no intervening action or debate; that no further motions be in order to the nominations; that any statements related to the nominations be printed in the RECORD; that the President be immediately notified of the Senate's action and the Senate resume legislative session.

The PRESIDING OFFICER. Is there objection?

Without objection, it is so ordered.

Mr. REID. I yield to my friend from Oregon.

#### UNANIMOUS CONSENT REQUEST—H. CON. RES. 25

Mr. WYDEN. Madam President, I appreciate Senator REID yielding me this time and Senator MCCONNELL being on the floor for this, and I will be brief.

As I discussed earlier this morning, yesterday's new report from the Congressional Budget Office highlights why it would be so important to have a conference committee between the House and the Senate go to work on the budget. What the Congressional Budget Office reported yesterday was a 24-percent reduction in the budget deficit—quite a remarkable projection. That, coupled with the improving jobs and housing numbers, we now have economic experts across the political spectrum—for example, people such as Glenn Hubbard, a leading Republican economist—saying it is important for the Congress to look at these long-term economic challenges. In fact, we have economic experts of both political parties saying Washington ought to be doing more about the long-term economic challenges and not just have the day-to-day battling.

Going to a budget conference will give us that opportunity. It will give us the opportunity to look at the 10-year budget window and particularly issues such as health care and taxes.

So in the name of dealing with the long-term economic challenges highlighted by yesterday's projections, I ask unanimous consent that the Senate proceed to the 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; that 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 PRESIDING OFFICER. Is there objection?

Mr. MCCONNELL. Reserving the right to object, I ask unanimous consent that the Senator modify his re-

quest 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 PRESIDING OFFICER. Does the Senator so modify his request?

Mr. WYDEN. I do not. The point I have tried to make is the Congressional Budget Office didn't talk about the Senate relitigating past discussions.

Mr. MCCONNELL. Madam President, I have a parliamentary inquiry: Is that an objection?

The PRESIDING OFFICER. Does the Senator object to the modification?

Mr. WYDEN. I do.

The PRESIDING OFFICER. Objection is heard.

Is there objection to the original request of the Senator from Oregon?

Mr. MCCONNELL. I object.

The PRESIDING OFFICER. Objection is heard.

The Senator from Oregon.

Mr. WYDEN. If I could be recognized for another brief moment this highlights how unfortunate it is that we don't look to the future as the Congressional Budget Office projections laid out for us yesterday. The Congressional Budget Office didn't talk about relitigating past votes here in the Senate. They said specifically the deficit was significantly lower than earlier projected, and, on the basis of what I have cited, economic experts of both political parties are saying it is time to look to the long-term challenges, particularly Medicare and taxes. I came today to say that a budget conference would provide that kind of window: the opportunity to look particularly at long-term health care challenges such as chronic care and Medicare.

I see my colleague from the Senate Finance Committee, who knows we have been talking about tax reform, Democrats and Republicans; again, a bipartisan opportunity we could achieve through a conference. I proposed that today, based on the new evidence from yesterday. Regrettably, we can't go to conference because it seems the leader on the other side will only go to conference if we can relitigate the stuff that happened in the Senate which he lost.

I hope colleagues will look at that new Congressional Budget Office report. I hope they will look at the jobs picture, the housing starts, all of which seem to be improving in the short term. I hope they will pay more attention to what economic experts of both political parties are saying, which is we ought to be looking to our long-term challenges—particularly in health care and taxes—with the budget conference between the House and the Senate providing an opportunity to look at that 10-year window. We could do exactly what economic experts of both political parties are talking about. I think it is unfortunate we have not been given that opportunity today and I hope we will be given it in the days ahead.

With that, I yield the floor.

The PRESIDING OFFICER. The Senator from New York.

Mr. SCHUMER. Madam President, first, I thank my colleague from Oregon for offering his proposal and am sorry it was rejected. We should be going to conference on the budget, there is no question about it. It is hard for us to understand how, on the other side, people have been railing for 4 years: You do not have a budget. And now we have a budget and they do not want to move forward. But that is not what I rose to speak about today.

#### FLOOD INSURANCE

Mr. SCHUMER. Madam President, first, I also want to say to the Senator from California and the Senator from Louisiana, job well done. The WRDA bill is a very good bill, and it will help both the port of New York City—one of the great ports of the world—as well as our Great Lakes ports, which are having their own troubles in terms of dredging.

But there was an extreme disappointment in the bill—no fault of my colleague from California. I am extremely disappointed at the objection some of my colleagues raised to even allowing a vote on the Landrieu amendment to the WRDA bill, and I, along with Senator LANDRIEU and others, will keep fighting until this commonsense amendment passes. I am speaking of amendment No. 888. I was proud to cosponsor it. Very simply, it would delay for 5 years any premium increases resulting from revised flood maps. The purpose of the amendment was to provide FEMA enough time to complete the study it was required to complete over a month ago on the affordability of increased premiums.

Senator TOOMEY is right that we passed a flood insurance reauthorization bill just 10 months ago, but it was always the intent—and many of us worked hard on that—under Biggert-Waters that FEMA would conduct an affordability study before higher premiums would go into effect. That way Congress could review the findings and recommendations and address important issues relating to affordability and neighborhood sustainability.

Senator LANDRIEU's amendment was carefully crafted to give FEMA time to complete its study, then allow Congress 6 months to respond. For technical reasons, she amended it to a straight 5-year delay—I thought that was better—but the purpose was the same. The logic is irrefutable: Why bother to do the study at all if we are going to allow FEMA to charge ahead and start raising premiums all over the country?

I say this to my colleagues—the Senator from Louisiana knows it well, and we know it well in New York—you are going to be finding out across the country that flood insurance premiums are going to rise so high that they will be unaffordable to average middle-class people.

What do you say to the homeowner who is forced into the choice of either

paying crushing flood premiums or leaving their home and their neighborhood? Do we say to them: Sorry, we just couldn't get around to thinking about difficult cases like yours just yet.

That is not going to stand. That is not fair. It is not acceptable.

I note for my colleagues who might think this is just a Hurricane Sandy-related issue, it is not. New Yorkers are facing this situation because our flood maps are being revised—a process that was well underway before Sandy. So the increased premiums many New Yorkers could well face will face all of your constituents. As FEMA starts revising flood maps—and they are increasing the number of homes included and increasing the level at which homeowners have to pay—every one of you is going to be facing the same problem we are facing in New York.

Madam President, \$9,500 for flood insurance for someone who makes \$40,000 or \$50,000 and lives in a modest home? Forget it. We cannot have that, and I will tell FEMA right now that will not stand. Something will give because the situation is untenable.

The original bill provided for a study, and then Congress could act on that study and modify the bill. But now we are moving forward without even the study being done. In fact, people in some States are already seeing their premiums rise up to 25 percent a year, and many more States will be covered over the next 2 years.

If you think it is just coastal States, such as my State of New York and the State of Louisiana, it is not. In fact, according to FEMA, my friend Senator TOOMEY's home State is one of the States that rely most heavily on flood insurance. Pennsylvania ranks seventh in the total amount of NFIP payouts, seventh in the number of claims filed since the program began.

So we all have an interest to get this right, that we proceed with eyes wide open in attempts to bring the Flood Insurance Program onto sounder financial footing; that we have the benefit of all the data and analysis we need. My prediction: If we do not change this, there will be no flood insurance or at the very minimum we will let it be optional for everybody and let people decide because to force people between paying an amount they cannot afford and forcing people to leave their homes is a choice this Congress will ultimately not abide for.

It is important to remember that if people cannot afford flood insurance, they are going to drop out of the program. Their communities might not adopt new flood maps when proposed because they know the cost is prohibitive. When future disasters hit, these families and communities will be entirely dependent on Federal aid to help them rebuild, and that will cost the taxpayers even more.

So it is important that we ensure the program is both financially sound and accessible to ordinary middle-class

families. Something is very wrong with a program that requires middle-class families to pay over \$10,000 a year for a policy with coverage that is capped at \$250,000.

You may ask why I am so passionate about this issue. Because I have visited too many families, too many communities in New York City and in upstate New York where the prospect of higher premiums is causing residents to rethink whether they can even afford to remain in the homes in which they have lived, many of them, for their whole lives, whether they can afford to live in the neighborhoods in which they grew up, where their families and friends live, where their children go to school. Families are being forced to make this choice in neighborhoods from Staten Island to the Rockaways to Massapequa and east and upstate in places such as Schoharie County and in the southern tier counties such as Broome and Tioga and in north country counties such as Essex. It would be a shame if we allowed this to happen—all because FEMA did not get around to studying the impact of higher flood rates and Congress did not have a chance to respond.

So I hope that by the time New York's maps are completed and New Yorkers have completed the process of rebuilding in the wake of Sandy, fears of \$10,000 flood insurance premiums for middle-class homes will prove to have been incorrect. But right now those fears are very real, and they are putting the future of some of New York's most tightly knit middle-class neighborhoods at risk.

As I noted previously, New York's flood maps were in the process of being revised before Sandy hit. But in the wake of Sandy, it adds insult to injury when families who are spending their entire savings to repair their homes are told that in a year or two they may not be able to afford to live there.

In conclusion, I am disappointed that we did not get a vote on this issue, but I will keep pushing and pushing until this awful situation is rectified. I know Senator LANDRIEU will. I know Senator VITTER will. The issue is too important to too many New Yorkers and too many Americans, and I will not stop until we get a vote and until we ultimately succeed.

I am confident many more of my colleagues will begin to hear from their constituents about the challenges they are facing as flood premiums are increased, and they will see the wisdom of Senator LANDRIEU's amendment and Congress will ultimately act to fix this problem once and for all.

With that, I appreciate my colleagues giving me time, and I yield the floor.

The PRESIDING OFFICER. The Senator from California.

#### WATER RESOURCES DEVELOPMENT ACT

Mrs. BOXER. Madam President, I think the Senator from New York is