

of the Girl Scouts of the United States of America. Founder Juliette Low envisioned an organization that would encourage girls to serve in their communities and experience the open air. Decades later, girls and young women from communities across our Nation enjoy scouting activities that nurture their mental, physical, and spiritual well-being in an accepting and supportive environment. I commend the efforts of the Girl Scouts and the outstanding volunteers who make this important work a reality.

Thousands of girls across the State of New Jersey actively participate in Girl Scouts. I have heard heartening stories of scouts visiting senior residence facilities, food pantries, and soup kitchens. In the wake of September 11, these thoughtful young people contributed in many meaningful ways. These active girls and young women participate in anti-smoking campaigns, sports, lessons in civics and the law, outdoors activities, and much more. These initiatives build self-confidence, and strong leadership and life skills. We cannot underestimate the importance of this positive reinforcement in the lives of girls and young women. Innovative leadership and tremendous outreach efforts in my State continue to promote the Girl Scout initiative For Every Girl, Everywhere. I offer my wholehearted support for this ambitious endeavor. Imagine the possibilities!

Thank you, Girl Scouts, for decades of volunteerism in our communities and dedication to young women. As our nation affirms its commitment to service, the Girls Scouts shine so brightly. Congratulations on this very special occasion.

#### ENERGY POLICY ACT OF 2002

Mr. JEFFORDS. Mr. President, the Daschle-Bingaman substitute amendment, also known as the Energy Policy Act of 2002, includes portions of a bill that was reported favorably last year from the Committee on Environment and Public Works.

That bill, the Federal Reformulated Fuels Act, S. 950, was approved with the committee's understanding that further action by the full Senate would be necessary to solve the delicate problem of eliminating MTBE from the fuel supply to protect water resources, while maintaining air quality and stimulating renewable fuel use.

The substitute amendment before the Senate now does a good job of resolving that problem and balancing many political and environmental concerns. This language does not represent the perfect solution for my State or the Northeast. However, without it, MTBE contamination of water resources will continue unabated. With it, at least we can be assured of greater protection of air and water quality.

If States proceed to ban MTBE without clear Federal authority provided in this amendment, air quality could suffer as RFG areas would be forced to use

ethanol in a very inflexible way due to the existing oxygen content requirement in the Clean Air Act. In that situation, and without the anti-backsliding provisions in the substitute amendment before us, there might be significant increases in vehicle emissions of both volatile organic compounds, which contribute to smog, and toxic air pollutants, and large and sudden increases in gasoline prices could also occur.

I would have preferred a bill that, in addition to eliminating the oxygen content requirement, simply eliminated the existing one-pound waiver of Reid vapor pressure requirements for ethanol blends and allowed all Governors to opt-in easily to the RFG program for their whole States. But, at least this language expedites Governors' access to that RVP waiver's elimination and provides accelerated opt-in authority to the entire States in the ozone transport region, where the ozone problems are quite serious. My preferred construction would have gone even further toward providing ever greater air quality benefits and a clearer set of "national" fuels.

The provision on liability limitations for renewable fuels is also problematic in that it is not clear to many of us why such a limitation is necessary. One would assume that Congress has required a renewable fuel content in motor vehicle fuel knowing what renewable fuels will be used to meet this requirement. Indeed, we assume that these renewable fuels will be ethanol and biodiesel. If these renewable fuels are as beneficial to the public health as we have been lead to believe, then there should be no need for such a liability limitation.

Under the provision, it is clear that no liability limitation applies to MTBE. It is clear that no liability limitation applies to any cases filed prior to the date of enactment of the bill. It is clear that the limitation applies only to a defective product claim and no other type of claim. It is clear that this limitation applies only to a renewable fuel, and if such fuel is blended with substances that do not meet the definition of a renewable fuel, the limitation does not extend to those substances.

The limitation is not intended to limit any legal requirements that apply to the use, distribution, transport or storage of these renewable fuels, and as such, this provision does not amend or modify any such requirements. Nor should this provision be read to curtail the duty of the producers, transporters and distributors of these fuels to act responsibly with regard to their products, including providing all warnings of dangers to human health or the environment associated with their products and taking all precautions to avoid any such harm which may include eliminating the use of the product altogether.

The substitute amendment provides protection against increases in toxic

air pollutant emissions by maintaining the overcompliance that refiners have achieved since the inception of the RFG program. This is particularly vital to the Northeast, as vehicles are a disproportionately large source of these emissions inventory. The language includes an important statutory deadline for further EPA rulemaking to impose any additional and necessary toxics reductions to protect public health. As my colleagues may know, several studies have implicated vehicle toxics emissions as a contributor to increased cancer and developmental risks in congested urban areas.

Perhaps as important, the amendment requires the EPA to do a much better job of ensuring that fuels and fuel additives don't harm water quality, as well as air quality. Manufacturers will need to regularly supply information to the Agency on the public health and environmental impacts of the use of fuels and fuel additives. The Administrator will be held responsible for assuring that that data is up to date and adequate for determining whether those substances' use is a cause for concern.

As my colleagues know, I have been a strong proponent of encouraging the use of alternative and renewable fuels for decades. That is why I have supported S. 760, a bill to provide incentives for those fuels and vehicles, and many many other efforts to motivate reductions in our dependency on petroleum. We are making a small dent in that dependency with this language. The total motor gasoline consumption in 2012 is expected to exceed 180 billion gallons annually. The substitute's provisions require that about 2.8 percent of gasoline consumption in that year to be fuel made from renewable sources. This is good for energy security and the environment.

Work has been underway in Congress to try to solve this problem since MTBE contamination was first found. Senators BOXER, FEINSTEIN and BOB SMITH, in particular, have been instrumental in addressing the matter. Before S. 950, the Committee on Environment and Public Works reported a bill, S. 2962, in the 106th Congress which had an effect similar to what is contained in this substitute amendment. Many of the most important concepts in those bills are now embodied in the amendment. It is past time that Congress acted on this matter. Further delay will simply lead to more water resource contamination.

I ask unanimous consent that a brief and informal section-by-section summary of the renewable fuels and MTBE provisions be included in the RECORD following my statement. This may assist Senators and their staff in understanding what we are attempting to do with this substitute. I urge them to help us solve this problem.

There being no objection, the following material was ordered to be printed in the RECORD.

## SECTION-BY-SECTION SUMMARY

Section 819. Renewable Content of Motor Vehicle Fuel. Amends the Clean Air Act to require that gasoline sold or dispensed to consumers in the United States contain a certain volume of renewable fuel starting in the year 2004. The volume starts at 2.3 billion gallons in the first year and increases to 5.0 billion gallons in 2012. The volume requirement continues thereafter at the same percentage that the 5.0 billion gallons represents in relation to the total gasoline pool in 2012. Existing Clean Air Act compliance requirements for section 211 apply to this new requirement.

Renewable fuel is defined as motor vehicle fuel made from grain or other biomass sources, methane from landfills, sewage, etc. and that replaces or reduces fossil fuel. This includes ethanol and biodiesel.

EPA must promulgate regulations translating the total national volume requirement into percentages that are applicable to individual refiners, blenders and importers. They may achieve compliance with the applicable percentage by buying credits from others in the industry that have used more renewable fuel than required.

Credits are valid for up to three consecutive years, depending on regulations promulgated. Compliance with the applicable percentage of renewable fuel may be deferred for one year, if the refiner, blender or importer makes up the deficit in the following year and complies with the following year's requirement. Ethanol made from non-corn sources, such as dedicated energy crops, animal waste, municipal solid waste, and wood and wood residues, generates 1.5 credits for every gallon sold or introduced into commerce.

Using EIA information, EPA will ensure that no less than 35 percent of the applicable renewable fuel use shall take place in every season. In 2004, ethanol consumed in California will not be included in calculating that year's seasonal variation.

EPA, in consultation with DOE and USDA, may waive the renewable fuel requirement in whole or in part on petition by one or more States by reducing the national quantity required for one year at a time, if one of two conditions are met. One, implementation would severely harm the economy or environment of a State, a region or the country. Two, there is an inadequate domestic supply or distribution capacity to meet the requirement. DOE must do an initial study within 180 days to review the consumer impacts of the requirement in 2004 and make recommendations regarding a waiver.

Small refineries are not covered by the renewable fuel content requirement until 2008. Before 2007, DOE must study the economic hardship on small refineries of compliance with that requirement. If DOE finds disproportionate impact on a small refinery, EPA will provide an extension on compliance for up to 2 years. Small refiners may opt in to the renewable fuel program at any time before compliance is required.

Exclusions from Ethanol Waiver. A Governor may require that gasoline to be blended with ethanol must achieve a lower Reid vapor pressure than the Clean Air Act currently provides, upon a showing to EPA that there will otherwise be an increase in emissions that will contribute to air pollution in that State. EPA is required to act on a Governor's petition within 90 days, and promulgate regulations that will take effect the later of one year or the next high ozone season. If approving the Governor's petition would result in insufficient supplies of gasoline, EPA will extend the effective date of the regulations for not more than 1 year and may renew the extension two more times.

Renewable Fuels Safe Harbor. This section provides that renewable fuels required to be used and as defined by this act will not be

deemed defective in design or manufacture, in terms of a manufacturer's liability for introducing it into commerce after enactment, so long as the renewable fuel does not violate EPA controls or prohibitions and the manufacturer is in compliance with EPA requests for information on the renewable fuels' public health and environmental effects, the techniques for detecting the additive in fuel, and the resulting effects on emissions from vehicles, vehicles' performance, and any emissions related effect on public wealth and welfare.

Section 832. The Leaking Underground Storage Tank, LUST, program is modified to allow EPA and the States to use LUST monies to carry out corrective actions to remediate MTBE and other ether contamination that poses a threat to human health, welfare, or the environment. Contamination by or from an underground tank leak is not required for use of the funds.

Bedrock/Soil Remediation. Funds are authorized to study remediation of aquifers of various sorts that have been contaminated by MTBE.

Total LUST funds authorized to be appropriated for this section are \$402.35 million.

Section 833. Authority for Water Quality Protection From Fuels. The Clean Air Act is amended to allow EPA to regulate fuels and fuel additives to prevent degradation of water quality.

MTBE use is discontinued not later than 4 years after enactment, except in any State that chooses to continue using it. EPA will promulgate the appropriate implementing regulations and may allow trace quantities of MTBE in motor vehicle fuel to exist nationally after 4 years. This Federal phase out is not intended to affect any existing State efforts to ban MTBE.

Existing domestic manufacturers of MTBE supplying today's nonattainment areas are eligible for transition assistance for conversion of their facilities to produce MTBE substitutes. There are \$750 million total authorized for 2003-05 for such assistance.

Section 834. Elimination of the Oxygen Content Requirement for Reformulated Gasoline. The 2 percent oxygen content requirement for RFG under section 211 of the Clean Air Act is eliminated 270 days after enacted, except that it is eliminated upon enactment for California.

To ensure that elimination of the oxygen requirement and the phase out of MTBE do not increase toxic air pollutant emissions, within 270 days EPA must promulgate regulations to ensure that each refinery or importer of RFG maintains its toxics emissions reduction performance achieved in 1999-2000. If that performance is not achieved in any region, PADD, of the country, EPA must modify the regulations for all RFG to assure performance.

EPA will promulgate revisions to the RFG regulations to require that the more stringent VOC performance requirements of Southern region RFG apply to all RFG.

Section 835. Public Health and Environmental Impacts of Fuels and Fuel Additives. EPA is required to regularly collect information from manufacturers on the public health and environmental effects, including water quality, of fuels and fuel additives. EPA must also study a variety of potential MTBE substitutes.

Section 836. Analyses of Motor Vehicle Fuel Changes. Within 5 years, EPA will conduct and submit to Congress a broad analysis of the changes in emissions of air pollutants and air quality due to the changes in the use of motor vehicle fuel that occurred as a result of this act.

Section 837. Additional Opt-in Areas Under Reformulated Gasoline Program. Any Governor of a State in the ozone transport region, 13 north/eastern States, may opt the whole State in to the reformulated gasoline program so long as there is a sufficient ca-

capacity to supply RFG. EPA shall implement this change not later than 2 years after the Governor's request, but opt in States must stay in the program for at least 4 years.

Section 838. Federal Enforcement of State Fuels Requirements. States may have the Federal Government enforce a State's controls on fuels or fuel additives if the controls are part of an approved SIP and otherwise meet the requirements of section 211(c)(4)(c).

Section 839. Fuel System Requirements Harmonization Study. EPA and DOE will conduct a study of motor vehicle fuel requirements and report to Congress by June 1, 2006, with recommendations for improving air quality, reducing costs to consumers and producers, and to increase supply liquidity.

## ADDITIONAL STATEMENTS

## ACCESS TO AFFORDABLE HEALTH CARE ACT

● Ms. LANDRIEU Mr. President, I am in support of a piece of legislation offered by my good friend and colleague from Maine, Senator COLLINS. Before I begin, I would like to take this opportunity to commend her for her distinguished leadership in this area. Throughout her career as a U.S. Senator, she has worked hard to develop laws that reflect the healthcare needs of the people of Maine and of the Nation. Each and every proposal to help increase access to health care that she has put forward has been based on sound principles and innovative strategies. This bill is no exception.

Almost 39 million Americans have no access to health insurance. In Louisiana, almost 1 million people go to bed each night worried about what they would do if they or their family member becomes seriously ill. That is one out of five people in our State. As a result, a great number of Americans are forced to decide between medical treatment and other life essentials such as food and shelter or worse, forgo treatment all together. The research has confirmed for us what common sense has lead us to believe all along. In a recent survey, 39 percent of those Americans without insurance said that they put off necessary medical treatments or tests because they could not afford them.

In order to understand the issues affecting the uninsured, it is important that we ask ourselves, who are the uninsured? Nearly 30 percent of the 39 million uninsured Americans are women of child bearing age; 12 million of the uninsured are children. More than 8 out of 10 uninsured are in working families. Nearly 8 out of every 10 are middle income. These statistics point to serious gaps in our health care delivery system, gaps that can and need to be filled

This bill attempts to fill these gaps. The Access to Affordable Health Care Act, which I am introducing today, is a seven-point plan that combines a variety of public and private approaches to