

## 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

make quality health care coverage more affordable and available. The bill focuses on three key populations: small business employees; pregnant women and children as well as working individuals. In addition, it supports programs targeted at providing these populations greater access to affordable coverage. Let me explain in greater detail.

The Access to Affordable Health Care Act establishes a tax credit for small businesses to help meet the company's cost of providing health insurance. In addition, it provides grants to help states develop health insurance co-operatives for small companies.

The Access to Affordable Health Care Act gives states the option to expand the Children's Health Insurance Program for pregnant women and eligible children. Because of statewide efforts under LACHIP, more than 100,000 Louisiana children now have health insurance.

The Access to Affordable Health Care Act provides a refundable tax credit for low and middle income workers who don't have employer-provided coverage. It also improves the welfare-to-work transition by bridging the gap when newly employed workers lose their Medicaid coverage.

Providing access to insurance is not only the right thing to do it is the smart thing to do. Uninsured patients are 3 times more likely to require hospitalization for avoidable conditions. The uninsured have a greater chance of being diagnosed with late stage cancer. They are 2 times as likely to die of breast cancer. Because they are often unable to avail themselves on preventive care, the majority of medical attention they receive is catastrophic and delivered by an emergency room. What these statistics show is that when we provide greater access to health insurance we not only save lives, but we also save millions of dollars in long term health care costs.

Again, I want to thank my colleague from Maine for her efforts in producing this important legislation. I look forward to working with her and other like minded colleagues towards reaching the day when all Americans are insured.●

#### THE LATE HERMAN EUGENE TALMADGE

● Mr. THURMOND. Mr. President, I would like to take this opportunity to recall the memory of my devoted cousin and loyal friend. It is with great sadness that I remember my former colleague here in the United States Senate, the late Herman Talmadge, who shared this floor with me for many years. He passed away yesterday at his home in Hampton, GA.

Herman Eugene Talmadge was born in 1913 to Eugene and Mattie Thurmond Talmadge in McRae, GA. He graduated from the University of Georgia School of Law in 1936 and then went on to practice law in Atlanta with his

father. He continued to practice law until he felt a patriotic duty to volunteer for World War II. He entered the United States Navy in 1941 as an ensign. He was discharged from the Navy as a lieutenant commander in 1945. Senator Talmadge was also the capable Governor of the fine State of Georgia from 1948 to 1955. As Governor, Senator Talmadge focused his efforts on the farmers and rural areas of Georgia.

Senator Talmadge distinguished himself in the United States Senate. During his tenure, he served as chairman of the Agriculture Committee, vice chairman of the Finance Committee, and on the Watergate committee hearings. Senator Talmadge continued to support rural areas and the farming community in the United States Senate when he helped pass the Rural Development Act of 1972. This act promoted the development of jobs and infrastructure in rural areas. He gained much of his national recognition during the year long Watergate committee hearings.

Senator Talmadge may have best been known for the outstanding services that he provided to the good people of Georgia. He tried to provide the best possible service to everyone that he possibly could. He never forgot those who voted for him, and he was always willing to help his constituents. It was a combination of this constituent support and his strong work ethic that made him so hard to beat in an election.

Senator Talmadge was a public spirited, patriotic citizen. He will long be remembered for all his great works in the United States Senate, and for his unwavering commitment and support to the people of the Peach State. He was not only a statesman, but also a true southern gentleman, and he will undoubtedly be missed by a large circle of family and friends.

My heartfelt thoughts and Prayers go out to the entire Talmadge Family. May God's richest blessings rest on them and sustain them in this time of sorrow and grief.●

#### WOMEN'S HISTORY MONTH 2002

● Mrs. CLINTON. Mr. President, on the occasion of women's history month, I am proud to honor the long tradition of New York women who made history. And there is no more appropriate place to begin than with three women heroes who gave their lives to save others at the World Trade Center. Officer Kathy Mazza, Emergency Medical Technician Yamel Merino, and Officer Moira Smith were recently named Women of Distinction for their heroic acts on September 11, and for their history of service to the people of New York.

Kathy Mazza served as the first female commandant of the Port Authority Police Training Academy. Yamel Merino was recognized as New York's emergency medical technician of the year last year, and Moira Smith previously received the Distinguished

Duty Medal for rescuing people after a subway crash.

On September 11 these three heroes brought the same commitment to their jobs that they showed every day, willing to put their lives on the line at a moment's notice for fellow New Yorkers who they did not know. We will never forget their selfless acts of courage and commitment to duty on that day, and how they worked side by side with their brothers to escort as many people as possible to safety. Our thoughts remain with their families who have suffered an immeasurable loss during this tragedy, and who are comforted by the knowledge that their loved ones acted with honor and bravery.

Years from now their stories will be told alongside the stories of so many courageous New York women who devoted their lives to others and shaped history through their actions. After all, New York was the birthplace of one of the largest social movements of this country's history. In Seneca Falls in 1848, women came together to issue the Declaration of Sentiments that served as a launching point for the women's rights movement.

So many of our foremothers whose contributions are now legendary called New York home. From the great abolitionist Harriet Tubman who provided safe passage to her sisters and brothers who sought freedom from slavery, to Elizabeth Cady Stanton and Susan B. Anthony who never gave up in the movement for women's suffrage, to the great labor leader Kate Mullany, New York women have always made a difference.

When celebrating this women's history month, we pause to salute the accomplishments of women who gave so much of themselves to this country. Children generations from now will come to understand our great loss on September 11 by learning the stories of Kathy Mazza, Yamel Merino, Moira Smith and all of the firefighters, police officers and first responders to whom we owe so much. Today and everyday we need to do our part to tell their stories and to honor their lives.●

#### LOCAL LAW ENFORCEMENT ACT OF 2001

● Mr. SMITH of Oregon. Mr. President, I wish to speak about hate crimes legislation I introduced with Senator KENNEDY in March of last year. The Local Law Enforcement Act of 2001 would add new categories to current hate crimes legislation sending a signal that violence of any kind is unacceptable in our society.

I would like to describe a terrible crime that occurred July 27, 1993 in Atlanta, GA. A gay man was abducted, beaten, robbed and thrown out of a moving car. The four assailants used anti-gay slurs while beating the victim.

I believe that government's first duty is to defend its citizens, to defend them