

WICKER) were added as cosponsors of amendment No. 2355 proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

At the request of Mr. HATCH, his name was added as a cosponsor of amendment No. 2355 proposed to H.R. 3288, *supra*.

#### AMENDMENT NO. 2356

At the request of Mr. JOHANNIS, the names of the Senator from Kansas (Mr. ROBERTS) and the Senator from Nebraska (Mr. NELSON) were added as cosponsors of amendment No. 2356 intended to be proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

#### AMENDMENT NO. 2361

At the request of Mr. GREGG, the names of the Senator from North Carolina (Mr. BURR), the Senator from Georgia (Mr. ISAKSON), the Senator from Nebraska (Mr. JOHANNIS) and the Senator from Georgia (Mr. CHAMBLISS) were added as cosponsors of amendment No. 2361 intended to be proposed to H.R. 3288, a bill making appropriations for the Departments of Transportation, and Housing and Urban Development, and related agencies for the fiscal year ending September 30, 2010, and for other purposes.

#### STATEMENTS ON INTRODUCED BILLS AND JOINT RESOLUTIONS

By Ms. COLLINS (for herself, Mr. CARDIN, Mr. WHITEHOUSE, and Ms. LANDRIEU):

S. 1666. A bill to require the Administrator of the Environmental Protection Agency to satisfy certain conditions before issuing to producers of mid-level ethanol blends a waiver from certain requirements under the Clean Air Act, and for other purposes; to the Committee on Environment and Public Works.

Ms. COLLINS. Mr. President, today along with Senators CARDIN, WHITEHOUSE, and LANDRIEU I am introducing legislation that requires the administrator of the Environmental Protection Agency to satisfy three conditions before granting a waiver from the Clean Air Act of 1970 to producers of mid-level blends of ethanol. These are fuels that contain more than ten percent ethanol that are destined for use in engines originally designed to work with just gasoline.

While I believe that expanding our capacity to generate and use renewable energy is an important step toward becoming energy independent, I have serious concerns about the impact of ethanol on engines and fuel efficiency. Ethanol blends are more corrosive than gasoline and can cause failure in small

and older engines, such as boat engines.

The 2005 Energy Policy Act required that renewable fuels be introduced into our fuel supply to reduce our dependence on foreign oil. In 2007, that Renewable Fuel Standard was updated to require that by the year 2022 we introduce annually a minimum of 36 billion gallons of renewable fuel into our fuel supply.

The first, easiest route to satisfying the renewable fuel mandate was through blending ethanol, chiefly derived from corn, into gasoline at a level of 10 percent by volume, resulting in a gasoline known as "E10." Due to its high oxygen content, this fuel requires a Clean Air Act waiver, which EPA first granted in 1978. Today, in many areas of the country, people only have E10 as a choice at the pump. This includes my constituents in Maine. While the most modern engines have been designed to work with E10, older engines have well-documented difficulties using this fuel. I am very concerned that they will have even greater problems using ethanol fuel blends with even higher levels of ethanol.

E10 was introduced into Maine in 2008 and now it is the only fuel choice in the State. E10 has caused problems for some of my constituents. One topped off his gas tanks before heading to sea but, two miles out, the boat stopped. He later discovered that his tanks were topped off with E10 that destroyed his boat's fuel lines and caused fuel filters and carburetors to clog. He eventually had to tear up the boat deck and replace the fuel tanks at a cost of thousands of dollars.

In March 2009, manufacturers of mid-level ethanol blends containing as much as 15 percent of ethanol by volume, termed E15, petitioned the Environmental Protection Agency, EPA, to also grant this new fuel a waiver from the Clean Air Act. Many organizations share my concern about this development and are demanding that the performance of E15 in the current fleet of engines be thoroughly investigated before the new fuel can be introduced into commerce.

In June, 21 Senators wrote to the administrator of the EPA urging her to ensure that independent and comprehensive testing of any ethanol blend fuel with greater than 10 percent ethanol was completed prior to any waiver from current EPA guidance as required under the Clean Air Act. The response on July 20 was that a decision to grant a waiver for the new fuel rests entirely on the demonstration that the new fuel will not cause or contribute to the failure of vehicles or engines to meet emission standards. This is not adequate to alleviate my concerns about older and non-road engines.

Thus, today I am introducing the Mid-Level Ethanol Blends bill. This bill requires that the EPA Science Advisory Board carefully evaluate the body of evidence presented about E15's performance in the current inventory

of engines and report back to the Administrator before any waiver is granted. The report would indicate whether or not a sufficient body of evidence exists to support a decision to grant a waiver, which is hotly contested between supporters of E15 and those who caution against introducing the fuel into the market now. Automobile manufacturers who warranty their products to perform with E10 are justifiably concerned about whether they will be able to extend the warranty to users of E15 without putting themselves at significant economic risk. They will require significant testing of all engine and emission systems before accepting such risks.

The Science Advisory Board also would report on the ability of the wholesale and retail gasoline fuel infrastructure to introduce an E15 fuel into commerce without consumer confusion or misfueling. The Science Advisory Board also would estimate whether consumers throughout the country will be able to purchase gasoline other than E15 immediately and for five years after the introduction of the new blend. This will provide the Administrator with information about potential difficulties faced by many millions of vehicle, boat, and small-engine devices, for example, lawnmowers, chainsaws, weed trimmers, snowmobiles, that have engines whose performance could be compromised were they unable to use any fuel other than E15.

Once the Science Advisory Board report is released and the public has an opportunity to comment on the Board's findings, should the administrator decide to grant a waiver, this bill requires that the administrator formally respond to the recommendations of the Science Advisory Board in the waiver announcement. The administrator can only issue a waiver if the findings are that it will not adversely affect conventional gasoline-powered onroad and nonroad vehicles and nonroad engines in widespread use as of the date the new fuel is introduced.

There are over 200 million engines in the U.S. today that could conceivably be damaged by the introduction of new fuel blends containing higher amounts of ethanol. Should this occur, it would result in significant hardship to millions of Americans. We simply cannot place so many people in jeopardy through precipitous actions. Any introduction of a new fuel must be done carefully with ample time for testing.

As we pursue strategies to lessen our dependence on foreign oil, we must also take action to insure that ethanol fuel blends are safe and efficient for current engines. I urge my colleagues to join me, Senator CARDIN, and the coalition of organizations endorsing this legislation, and ensure that the ramifications of introducing mid-level ethanol blends into commerce are thoroughly understood before they are granted a waiver from the Clean Air Act.

Mr. President, I ask unanimous consent that the text of the bill be printed in the RECORD.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1666

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

**SECTION 1. INTRODUCTION OF HIGHER ETHANOL BLENDS INTO COMMERCE.**

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term “Administrator” means the Administrator of the Environmental Protection Agency.

(2) MID-LEVEL ETHANOL BLEND.—The term “mid-level ethanol blend” means an ethanol-gasoline blend containing greater than 10 percent ethanol by volume that is intended to be used in any conventional gasoline-powered onroad or nonroad vehicle or engine.

(3) WIDESPREAD USE.—The term “widespread use”, with respect to the use of a particular fuel, system, or component in an onroad or nonroad vehicle or nonroad engine, has such meaning as is given the term by the Administrator in accordance with the determination of the Administrator under section 202(a)(6) of the Clean Air Act (42 U.S.C. 7521(a)(6)).

(b) INTRODUCTION OF HIGHER ETHANOL BLENDS INTO COMMERCE.—Notwithstanding any other provision of law, the Administrator may permit or authorize the introduction into commerce of a mid-level ethanol blend for use in conventional gasoline-powered onroad and nonroad vehicles and nonroad engines only if—

(1) not later than 1 year after the date of enactment of this Act, the Science Advisory Board of the Environmental Protection Agency, after opportunity for public comment and an analysis of available independent scientific evidence, submits to the Administrator, and the Administrator provides for notice and a public comment for a period of not less than 30 days on, a report that describes (and, with respect to the matters described in subparagraph (A), provides recommendations on mitigating)—

(A)(i) the impact of the mid-level ethanol blend on engine performance of conventional gasoline-powered onroad and nonroad vehicles and nonroad engines;

(ii) emissions from the use of the blend; and

(iii) materials compatibility and consumer safety issues associated with the use of those blends (including the identification of insufficient data or information for some or all of those vehicles and engines with respect to each of issues described in this clause and clauses (i) and (ii));

(B) the ability of wholesale and retail gasoline distribution infrastructure, including bulk storage, retail storage configurations, and retail equipment (including certification of equipment compatibility by independent organizations), to introduce the mid-level ethanol blend into commerce without widespread intentional or unintentional misfueling by consumers; and

(C) the estimated ability of consumers, determined through separate reviews of populations in rural areas and of areas with populations greater than 50,000 individuals, to purchase gasoline other than that mid-level ethanol blend—

(i) in metropolitan areas having populations greater than 50,000 individuals throughout the United States; and

(ii) in all areas of the United States, by the date that is 5 years after the mid-level ethanol blend is introduced into commerce;

(2)(A) the permit or authorization is granted through the fuels and fuel additives waiver process under section 211(f)(4) of the Clean Air Act (42 U.S.C. 7545(f)(4)) after the close of

the public comment period on the report required under paragraph (1); and

(B) the Administrator formally responds to the recommendations of the Science Advisory Board in the waiver announcement; and

(3) the mid-level ethanol blend is introduced into commerce for general use in all conventional gasoline-powered onroad and nonroad vehicles and nonroad engines in widespread use as of the date on which the Administrator authorizes that introduction.

By Ms. COLLINS (for herself, Ms. CANTWELL, Ms. SNOWE, Mr. KERRY, and Mrs. GILLIBRAND):

S. 1667. A bill to provide for the development and coordinator of a comprehensive and integrated United States research program that assists the people of the United States and the world to understand past, assess present, and predict future human-induced and natural processes of abrupt climate change, and for other purposes; to the Committee on Commerce, Science, and Transportation.

Ms. COLLINS. Mr. President, I rise today to offer a bill to authorize funding for abrupt climate change research. I am pleased to be joined on this bill by Senator CANTWELL as lead cosponsor and by our colleagues, Senators SNOWE, KERRY, and GILLIBRAND.

Abrupt climate change is defined as a large-scale change in the climate system that takes place over a few decades or less, persists, or is anticipated to persist, for at least a few decades, and causes substantial disruptions in human and natural systems.

Our bill authorizes \$10 million per year for the next 6 years for a comprehensive and integrated competitive, peer-reviewed, research program at the National Oceanic and Atmospheric Administration to understand, assess, and predict abrupt climate change.

Abrupt climate change is not necessarily a result of increased amounts of greenhouse gases in our atmosphere. It can be caused by natural phenomena, such as massive volcanic eruptions, or natural climate variability.

However it comes about, abrupt climate change can pose significant risks and challenges to our society. For us to uphold our responsibility as stewards of the Nation's environmental and economic security, it is crucial that we better understand abrupt climate change so that we can recognize it early and respond to it effectively.

Understanding and predicting climate change are enormous scientific challenges. The challenges are made even more difficult with the recognition that the climate system is capable of dramatic and abrupt changes. Past global temperatures have swung as much as 20 degrees Fahrenheit within a decade, accompanied by drought in some places and catastrophic floods in others. An abrupt climate change triggered by the ongoing buildup of greenhouse gases in the atmosphere would also likely result in the redistribution of atmospheric moisture and rainfall, with substantial impact on the world's food supplies. Unfortunately, we have

no satisfactory understanding of what triggers abrupt climate changes.

The National Academy of Sciences and the U.S. Climate Change Science Program have identified abrupt climate change as a key priority for additional research. The National Academy of Sciences stated that “Large, abrupt climate changes have repeatedly affected much or all of the Earth.” Furthermore, the Academy went on to state that “abrupt climate changes are not only possible but likely in the future, potentially with large impacts on ecosystems and societies,” and noted that we're not doing nearly enough to identify the threat of abrupt climate change. The U.S. Climate Change Science Program last reported to the President and Congress on abrupt climate change in December 2008. The overarching recommendation of this report is the urgent need for committed and sustained monitoring of components of the climate system particularly vulnerable to abrupt climate change. Our bill provides a framework and funds for the U.S. to better understand and address abrupt climate change.

One reason this funding is so urgent is that we are rapidly losing one of the greatest sources of information: ice cores from glaciers. The University of Maine's Climate Change Institute has one of the best abrupt climate change research programs in the world. The Climate Change Institute uses ice cores from glaciers and ice sheets around the world to make discoveries that change the way we think about climate change. Unfortunately, numerous glaciers around the world are melting, and when they go, we lose the very record that has given us so much of this critical climatic history.

I have had several opportunities to see how scientists are able to use glaciers and ice sheets to understand climate change. In 2006, I joined Senators MCCAIN and SUNUNU in traveling to the South Pole to see groundbreaking research taking place on ice more than 2 miles deep. Along the way we toured some of the University of Maine research sites in New Zealand with distinguished Professor George Denton, who was the first scientist from the University of Maine to be elected to the National Academy of Sciences. According to Professor Denton, 50 percent of the glaciers in New Zealand have melted since 1860, and this melting is unprecedented in the last 5,000 years. We stood with the professor on sites that had been buried by massive glaciers at the beginning of the 20th century, but are now ice free.

I also traveled with Senators MCCAIN, SUNUNU, and others to Ny-Alesund, the northernmost community in the world. The scientists we met with told us that the global climate is changing more rapidly now than at any time since the beginning of civilization. They further stated that the region of the globe changing most rapidly is the Arctic. The changes are remarkable and disturbing.

In the last 30 years, the Arctic has lost sea-ice cover over an area 10 times as large as the State of Maine. In the summer, the change is even more dramatic, with twice as much ice loss. The ice that remains is as much as 40 percent thinner than it was just a few decades ago. In Ny-Alesund, Senator MCCAIN and I witnessed massive blocks of ice falling off glaciers that had already retreated well back from the shores where they once rested.

The melting of glaciers and sea ice, the thawing of permafrost, and the increases in sea levels resulting from warming are already beginning to cause environmental, social, and economic changes. If these changes were to be compounded with an abrupt climate change on the scale seen in our climatic history, the result could be devastating.

Mr. President, this measure has passed the Senate many times, as part of the 2001, 2003, and 2007 energy bills. I hope this is the year that we finally pass this important provision into law. I urge my colleagues to support this bill.

There being no objection, the text of the bill was ordered to be printed in the RECORD, as follows:

S. 1667

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the “Abrupt Climate Change Research Act of 2009”.

#### SEC. 2. ABRUPT CLIMATE CHANGE DEFINED.

In this Act, the term “abrupt climate change” means a change in the climate that occurs so rapidly or unexpectedly that human or natural systems have difficulty adapting to the climate as changed.

#### SEC. 3. ABRUPT CLIMATE CHANGE RESEARCH PROGRAM.

(a) **ESTABLISHMENT OF PROGRAM.**—The Secretary of Commerce shall establish within the Office of Oceanic and Atmospheric Research of the National Oceanic and Atmospheric Administration, and carry out, a program of extramural awards, made on a peer-reviewed and competitive basis, to conduct scientific research on abrupt climate change.

(b) **PURPOSES OF PROGRAM.**—The purposes of the program established under subsection (a) shall be as follows:

(1) To develop a global array of terrestrial and oceanographic indicators of paleoclimate in order to sufficiently identify and describe past instances of abrupt climate change.

(2) To improve understanding of thresholds and nonlinearities in geophysical systems related to the mechanisms of abrupt climate change.

(3) To incorporate such mechanisms into advanced geophysical models of climate change.

(4) To test the simulation of climate change by such models against an improved global array of records of past abrupt climate changes.

#### SEC. 4. AUTHORIZATION OF APPROPRIATIONS.

(a) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated to the Secretary of Commerce for each of fiscal years 2010 through 2016, \$10,000,000 to carry out the research program established under section 3(a).

(b) **AVAILABILITY OF FUNDS.**—Amounts appropriated pursuant to the authorization of

appropriations in subsection (a) are authorized to remain available until expended.

### SUBMITTED RESOLUTIONS

#### SENATE RESOLUTION 263—DESIGNATING OCTOBER 2009 AS “NATIONAL MEDICINE ABUSE AWARENESS MONTH”

Mr. GRASSLEY (for himself, Mr. DURBIN, and Mrs. FEINSTEIN) submitted the following resolution; which was referred to the Committee on the Judiciary.

S. RES. 263

Whereas over-the-counter and prescription medicines are extremely safe, effective, and potentially lifesaving when used properly;

Whereas the abuse and recreational use of over-the-counter and prescription medicines can be extremely dangerous and produce serious side effects;

Whereas during a recently sampled month, approximately 7,000,000 individuals 12 years of age and older reported using prescription psychotherapeutic medicines for non-medical purposes;

Whereas prescription medications such as pain relievers, tranquilizers, stimulants, and sedatives are second only to marijuana as the most abused drug in the United States;

Whereas recent studies indicate that 2,500,000 children between 12 and 17 years of age, or 1 out of every 10 children, have intentionally abused cough medicine to get high from the ingredient dextromethorphan;

Whereas 4,700,000 young adults, or 1 out of every 5 young men and women, have used prescription medicines for non-medical purposes;

Whereas in 2008, the National Institute on Drug Abuse estimated that the rates for intentional abuse of cough medicine among eighth, tenth, and twelfth graders stood at 3.6 percent, 5.3 percent, and 5.5 percent, respectively;

Whereas according to research from the Partnership for a Drug-Free America, more than 1/3rd of teenagers mistakenly believe that taking prescription drugs, even if not prescribed by a doctor, is much safer than using street drugs;

Whereas the lack of understanding by teenagers and parents of the potential harms of these powerful medicines makes it more critical than ever to raise public awareness about the dangers of their abuse;

Whereas when prescription drugs are abused, they are most often obtained through friends and relatives, but can also be obtained through rogue internet pharmacies;

Whereas parents should be aware that the Internet gives teenagers access to websites that promote abuse of medicines;

Whereas National Medicine Abuse Awareness Month promotes the message that over-the-counter and prescription medicines should be taken only as labeled or prescribed, and that taking over-the-counter and prescription medicines for recreational use or in large doses can have serious and life-threatening consequences;

Whereas National Medicine Abuse Awareness Month will encourage parents to educate themselves about this problem and talk to their children about all types of substance abuse;

Whereas observance of National Medicine Abuse Awareness Month should be encouraged at the national, State, and local levels to increase awareness of the rising abuse of medicines;

Whereas educational toolkits and training methods have been developed on how to best

engage and educate parents and grandparents, teachers, law enforcement officials, doctors and health care professionals, and retailers about the potential harms of cough medicine abuse; and

Whereas educating the public on the dangers of medicine abuse and promoting prevention is a critical component of what must be a multi-pronged effort to curb the disturbing rise in medicine abuse: Now, therefore, be it

*Resolved*, That the Senate—

(1) designates October 2009 as “National Medicine Abuse Awareness Month”; and

(2) urges communities to carry out appropriate programs and activities to educate parents and youth of the potential dangers associated with medicine abuse.

Mr. GRASSLEY. Mr. President, I am pleased to submit a resolution designating the month of October, 2009 as the National Medicine Abuse Awareness Month. The abuse of prescription drugs and cold medicine is currently the fastest growing drug abuse trend in the country. According to the most recent National Survey of Drug Use and Health, NSDUH, nearly 7 million people have admitted to using controlled substances without a doctor's prescription. People between the ages of 12 and 25 are the most common group to abuse these drugs. However, more and more people are dying because of this abuse. The Centers for Disease Control and Prevention report that the unintentional deaths involving prescription narcotics increased 117 percent from the years 2001 to 2005.

Abuse of over-the-counter, OTC, cough and cold medicines is also alarming. While these common cold medicines are safe and effective if used properly, the abuse of these medicines can also be destructive. According to a study conducted by the Partnership for a Drug-Free America, nearly one in ten young people between the ages of 12 and 17 have intentionally abused cough medicine to get high off its main ingredient Dextromethorphan. These are statistics that can no longer be ignored.

Millions of Americans use these medicines every year to treat a variety of symptoms due to injury, depression, insomnia, and the effects of the common cold. Many legitimate users of these drugs often do not use as much medication as the prescription contains. As a result, these drugs remain in the family medicine cabinet for months or years because people forget about them or do not know how to properly dispose of them. However, many of these drugs, when not properly used or administered, are just as addictive and deadly as street drugs like methamphetamine or cocaine.

According to the NSDUH, more than half of the people who abuse these drugs reported that they obtained OTC and prescription drugs from a friend or relative or from the family medicine cabinet. As a result, groups like the Community Anti-Drug Coalitions of America, the Consumer Healthcare Products Association, and the Partnership for a Drug-Free America have been reaching out to communities