

We also accepted some changes the Senate made to the Legacy Act that passed by the House. We have added a new public information program which is funded at \$1 million a year. This will ensure that the public is informed about the progress, or lack of, in cleaning up areas of concern.

Lastly, we have added a provision that requires the Environmental Protection Agency to report back to Congress on what the Agency needs in order to oversee and implement the remedial action plans for Areas of Concern and other plans mandated by the Great Lakes Water Quality Agreement. These plans represent the steps that must be taken in order to restore the water quality of a polluted site.

Recently, the GAO reported that the EPA has not done an adequate job of overseeing the implementation of these plans by State and local entities. GAO pointed out that this lack of oversight has led to confusion and delays in getting cleanup actions underway.

Title II of the legislation was added by the Senate in order to continue and expand a program for Lake Champlain that was established under the Clean Water Act. Current law authorizes the EPA to help State and local governments develop a plan for the restoration of Lake Champlain. Title II expands this authority to allow EPA to also provide assistance to implement projects recommended under the plan. The ultimate goal of this plan, like the Legacy Act, is to improve water quality in the Great Lakes Basin.

We as a country have spent many years cleaning up our rivers and lakes on the surface, and we have made very significant progress. Now it is time to turn our attention to the bottoms of rivers and lakes and clean up the toxic sediments that are steadily leaching into the Great Lakes. The Great Lakes and Lake Champlain Act will give this problem the attention it deserves.

I thank the chairman, his staff and the ranking member for their assistance. I also thank groups that helped on this legislation, the Lake Michigan Federation, the Sierra Club and the Council of Great Lakes Industries. I also want to thank Susan Bodine, currently on the staff, who spent endless hours working with us on this issue over the past few years. Also I want to thank Ben Grumbles, who as a committee staffer worked on this legislation. Currently he is at the EPA working in their Office of Water. I am sure he will take great pleasure in implementing this bill.

I appreciate the support of all these individuals, and I urge all of my colleagues to support this bill.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, again I express my appreciation to the gentleman from Tennessee for his kind, thoughtful remarks, and to the gentleman from Michigan for his thoughtful comments as well, and to say that this is the finest example of how legislation ought to

be done, where two parties get together and put aside partisanship and do things that are good for the country. We have a great tradition of doing so in our committee, and I look forward to continuing that tradition in the balance of this session and in the coming Congress.

I reexpress my appreciation to the chairman of the full committee, the gentleman from Alaska (Chairman YOUNG). Probably he is happy to see this bill passed so we stop badgering him about getting it to the floor and getting it moving.

I do want to join in observing that the additions made by the other body dealing with Lake Champlain and its cleanup are very important and very useful, but it should be emphasized that Lake Champlain is a good lake, it is not a Great Lake, with all respect to our colleagues in the other body who at one time tried to make it one of the Great Lakes by legislation. Now, that is kind of a reverse on the marriage injunction, that what God has joined together, let no man put asunder. Let no man create what God has not done. In this respect, we are happy to help out with Lake Champlain, and it is important, more important historically, I think, than geologically.

But this is good legislation. Let us now all resolve to work together to make sure we get the appropriations to carry out this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I am very pleased that today we will send H.R. 1070, the Great Lakes Legacy Act of 2002, to President Bush to be enacted into law.

The Great Lakes are a vital resource for both the United States and Canada, but have been adversely impacted by over 200 years of development and industrialization.

This is not a situation that can be addressed by pointing fingers and suing people under the Superfund law or other liability statutes.

The solution provided by the Great Lakes Legacy Act is to address sediment contamination through cooperative efforts and public-private partnerships.

Cleanup activities funded by this bill can be carried out as separate projects or in conjunction with other efforts to clean up sediments—including efforts being carried out under consent decrees or consent orders authorized by other environmental laws and efforts of the Army Corps of Engineers.

This approach is supported by both industrial and environmental groups in the Great Lakes Basin.

The Senate amendments that is before the House today consists of the House text of H.R. 1070, as title I. Accordingly, the report of the Transportation and Infrastructure Committee provides the relevant legislative history for this title.

The Senate amendment also includes, as title II, a limited authorization to EPA to support activities proposed by State and local governments to help restore Lake Champlain.

Finally, the Senate amendment includes, as title III, some miscellaneous items, including the restoration of various Clean Water Act reports to help my Committee's oversight of Clean Water Act programs.

I urge all members to support the Senate Amendment to H.R. 1070.

Mr. OBERSTAR. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. DUNCAN. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. CULBERSON). The question is on the motion offered by the gentleman from Tennessee (Mr. DUNCAN) that the House suspend the rules and concur in the Senate amendment to H.R. 1070.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendment was concurred in.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. DUNCAN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 1070.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

#### REAL INTERSTATE DRIVER EQUITY ACT OF 2001

Mr. PETRI. Mr. Speaker, I move to suspend the rules and concur in the Senate amendments to the bill (H.R. 2546) to amend title 49, United States Code, to prohibit States from requiring a license or fee on account of the fact that a motor vehicle is providing interstate pre-arranged ground transportation service, and for other purposes.

The Clerk read as follows:

Senate amendments: Page 3, strike out lines 1 through 7 and insert:

*“(i) transportation by the motor carrier from one State, including intermediate stops, to a destination in another State; or*

*“(ii) transportation by the motor carrier from one State, including intermediate stops in another State, to a destination in the original State.*

*“(2) INTERMEDIATE STOP DEFINED.—In this section, the term ‘intermediate stop’, with respect to transportation by a motor carrier, means a pause in the transportation in order for one or more passengers to engage in personal or business activity, but only if the driver providing the transportation to such passenger or passengers does not, before resuming the transportation of such passenger (or at least 1 of such passengers), provide transportation to any other person not included among the passengers being transported when the pause began.*

Page 3, line 8, strike out “(2)” and insert “(3)”

Page 3, line 18, strike out “require” and insert “require, in a nondiscriminatory manner,”.

Page 3, line 22, after “to” insert “pre-licensing drug testing or”

Page 3, line 24, strike out all after “domiciled,” down to and including “or” in line 25.

Page 4, line 2, after “service,” insert “or by the motor carrier providing such service,”.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Wisconsin (Mr. PETRI) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 20 minutes.

The Chair recognizes the gentleman from Wisconsin (Mr. PETRI).

Mr. PETRI. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the Real Interstate Driver Equity Act of 2001, known as H.R. 2546, was introduced by our colleague the gentleman from Missouri (Mr. BLUNT). This legislation is needed to solve a problem that arises when a for-hire vehicle, usually a limousine or sedan, travels across a state line in interstate commerce.

As the law is written today, State and local jurisdictions can require for-hire vehicles to be licensed in multiple States. In some cases, if they do not pay for additional licenses, the for-hire vehicle can only drop its passenger in another State. They cannot make incidental stops or return the same passenger to his original departing State.

For example, a traveler might arrange to be picked up at an airport. On the way home to another State, a common occurrence in Washington, D.C. and in many other communities, the traveler might wish to stop and have dinner within the State he arrived in. This sounds reasonable. What could be the objection? Unfortunately, that stopover could result in the for-hire car being towed, ticketed and impounded. The traveler would be stranded, the car service is left without a vehicle and faces hundreds or even thousands of dollars in fines and in fees.

This is not a fair practice, and H.R. 2546 corrects the problem. For-hire car services providing prearranged ground transportation should be able to engage in interstate commerce. However, some restrictions currently in place would still apply. For example, this legislation does not allow a carrier to operate in another jurisdiction with new clients that were not pre-arranged as though they were licensed within that jurisdiction. The bill also protects the right of transportation terminal operators to provide preferential access and for States to require criminal background checks.

This bill does not provide any direct financial relief for the hard-hit ground transportation industry. However, it does reduce an unnecessary burden and will increase choice, sufficiency and convenience for consumers.

The bill was reported by the House Committee on Transportation and Infrastructure on November 7, 2001, and passed the House on November 13 of that year. Last month the Senate amended the bill slightly by more specifically defining intermediate stops and making some other minor technical corrections. These changes are agreeable to the House sponsors of the legislation and to the Committee on Transportation and Infrastructure, and I urge the House to pass H.R. 2546 today.

Mr. Speaker, I reserve the balance of my time.

Mr. OBERSTAR. Mr. Speaker, I yield myself such time as I may consume.

(Mr. OBERSTAR asked and was given permission to revise and extend his remarks.)

Mr. OBERSTAR. Mr. Speaker, I express my great appreciation to the distinguished gentleman from Wisconsin (Mr. PETRI) for moving this legislation, and, of course, to the Chair of the full committee for moving the bill through subcommittee, the full committee and getting it to the floor today.

This legislation bears a rather disarming title, the Real Interstate Driver Equity Act. The title itself belies the rather intense feelings that accompany this legislation and generated it, in fact, and that we are able to bring the bill to the floor today is something of a marvel in itself, because it really has meant bridging some very serious differences among States.

The gentleman from Wisconsin (Mr. PETRI), the chairman of the subcommittee; the gentleman from Pennsylvania (Mr. BORSKI), the ranking member; the gentleman from New Jersey (Mr. PASCRELL) and the gentleman from Nevada (Ms. BERKLEY), all have had a role, as has the gentleman from New Jersey (Mr. MENENDEZ) and the gentleman from New York (Mr. NADLER), all of whom have had a hand in resolving this issue.

Under current law, for-hire limousines can be regulated by numerous local jurisdictions while operating in pre-arranged interstate commerce. Service usually involves short distance transportation between neighboring States.

To avoid unnecessary duplication, the bill prohibits a State, a local government or an interstate agency, from enacting or enforcing any rule, whether a law or regulation, that requires a license or a fee on a motor vehicle with a seating capacity not to exceed 15 passengers, including driver, in providing prearranged ground transportation services.

However, the State or local jurisdiction is not prohibited from requiring a criminal background investigation prior to the driver picking up a passenger within its jurisdiction. That was one of the points of contention I am glad we were able to get resolved, particularly in this era of concern about terrorism.

□ 1530

The gentlewoman from Nevada (Ms. BERKLEY) raised an important issue during committee consideration of the bill. To meet those concerns, nothing in the bill will restrict the rights of a State or locality from regulating limousine operators who enter competition with local taxicab operators. States and localities retain the right to regulate those kinds of operations. The bill provides that at intermediate stops, interstate limousine drivers must not perform any transportation service for an additional passenger or group of passengers while waiting to carry their first passenger to his or her destination.

There are other provisions to reflect the Senate amendment that adds clarifying language consistent with the legislative intent in the House report.

Mr. Speaker, I rise in support of H.R. 2546, the Real Interstate Driver Equity Act of 2001. I want to thank the chairman of our full committee, Mr. YOUNG, the Chairman and Ranking Member of our Subcommittee, Mr. PETRI and Mr. BORSKI, the gentleman from New Jersey, Mr. PASCRELL, and the gentlewoman from Nevada, Ms. BERKLEY, for their support of this legislation. The committee worked on this bill for well over 2 years and, finally, we have an agreement that has the support of Members on both sides of the Capitol.

Under current law, for-hire limousines can be regulated by multiple local jurisdictions while operating in prearranged interstate commerce. This service generally involves short distance transportation between neighboring states, and dual regulation has created confusion and difficulties for the operators. To avoid unnecessary duplication of regulation of these operations, this bill prohibits a State, local government, or interstate agency from enacting or enforcing any rule, whether it is a law or regulation, that requires a license or fee on a motor vehicle with a seating capacity not exceeding 15 passengers, including the driver, that is providing prearranged interstate ground transportation service. However, a state or local government may not be prohibited from requiring a criminal background investigation prior to any driver picking up passengers within its jurisdiction for interstate transportation. I believe that this is a sound approach, and I support the bill.

The gentlewoman from Nevada, Ms. BERKLEY, raised an important issue during committee consideration of the bill. To meet her concerns, nothing in the bill restricts the rights of a State or locality from regulating limousine operators who enter into competition with local taxicab operators. States and localities retain the right to regulate these kinds of operations. The bill provides that at intermediate stops, interstate limousine drivers must not perform any transportation service for an additional passenger, or group of passengers, while waiting to transport the first passenger to his or her destination.

To deal with other concerns that have been raised, the bill does not prohibit airport, train, or bus terminal operators from providing preferential access or facilities to one or more providers of pre-arranged ground transportation service. In addition, the bill makes it clear that taxicab services in a vehicle having a capacity of not more than 8 passengers, including the driver, are exempt from the economic and minimum liability regulations of the Federal Government.

The Senate amendment to the bill primarily adds clarifying language consistent with the legislative intent expressed in the House report. The only major substantive change involves pre-licensing drug testing. The House passed bill reserves the right of a State or local government to require a criminal background check of the driver. The Senate amendments adds pre-licensing drug testing of drivers to the same provision and provides that both are to be conducted by the State where the driver is licensed, or by the motor carrier providing the service.

Mr. Speaker, I believe the Senate amendments improve the bill, and I urge my colleagues to support final passage.

Mr. Speaker, I yield back the balance of my time.

Mr. PETRI. Mr. Speaker, I thought I would have another speaker in the form of the gentleman from Missouri (Mr. BLUNT), who is the author of this bill, but he is at the White House at an important meeting, and I am sure he will insert remarks in the RECORD outlining his support for this legislation.

Mr. YOUNG of Alaska. Mr. Speaker, I rise in support of the Real Interstate Driver Equity Act of 2001, H.R. 2546, as amended by the Senate.

This legislation has been under consideration for more than 3 years now, and I am glad that we have been able to find a fair and agreeable solution in the waning days of the 107th Congress.

I want to especially recognize my colleague from Missouri, Mr. BLUNT, who sponsored this bill and has championed the cause of for-hire motor carriers. I believe this legislation will remove barriers to passenger choice and effective management of transportation services.

Mr. ANDREWS. Mr. Speaker, let me begin by thanking the gentleman from Missouri Mr. BLUNT, without whom this legislation would not have gotten on the floor; his legislative skill and his partnership in this effort are truly appreciated, and I thank the gentleman for his work.

I also want to thank my friend and constituent Don Kensey who first brought this to my attention several years ago in my office in New Jersey with various members of the National Limousine Association and the South Jersey Limousine Association.

I am extremely pleased to see that the other body has favorably passed H.R. 2546. The Real Interstate Driver Equity Act, REAL Act, embodies the tireless efforts of many interested parties in upholding Congress' longstanding commitment to the free-flow of goods and services across this Nation. The unnecessary burdens of interstate restrictions on the sedan and limousine industry, of which over 80 percent are small businesses, will now be removed with the passage of H.R. 2546.

In a time where there is much uncertainty about the state of our economy, this legislation provides small business owners with a chance to compete on a fair playing field. Fairness, that is long overdue.

Again, I would like to extend my many thanks to the gentleman from Missouri, Mr. BLUNT, other colleagues and my constituents for their underlying help in bringing the REAL Act to the House floor today. I urge my colleagues to give an affirmative vote and pass this legislation.

Mr. BLUNT. Mr. Speaker, traveling by limousine is increasingly popular among business travelers who appreciate the security and predictability that come with pre-arranged limousine and sedan service. Women are increasingly turning to these services because they provide a measure of safety and security that is not always found by hailing a cab in a strange city.

A substantial portion of their service occurs interstate. Limousine and other prearranged ground transportation service providers are frequently assessed registration and licensing fees by these other states. Enforcement of these requirements, including vehicle impoundment and heavy fines, has caused tremendous hardship to drivers and owners of

these businesses, many of which are small, single vehicle operations, over 80 percent, are 1- to 3-car operators grossing less than \$500,000 a year.

H.R. 2546 rectifies this burden. It prohibits states other than a home licensing state from enacting or enforcing a law requiring a fee or some other payment requirements on vehicles that provide prearranged ground transportation service.

H.R. 2546 prohibits States or localities from restricting limousine or sedan services if: (1) the service is registered with the Department of Transportation as an interstate carrier; (2) the company meets all the requirements of the state in which they are domicile or do business; and (3) the limousine or sedan service is engaged in providing pre-arranged transportation from one state to another, including round trips.

Mr. PETRI. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. KOLBE). The question is on the motion offered by the gentleman from Wisconsin (Mr. PETRI) that the House suspend the rules and concur in the Senate amendments to the bill, H.R. 2546.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the Senate amendments were concurred in.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. PETRI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and include extraneous material on H.R. 2546.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Wisconsin?

There was no objection.

#### IMPROPER PAYMENTS INFORMATION ACT OF 2002

Mr. HORN. Mr. Speaker, I move to suspend the rules and concur in the Senate amendment to the bill (H.R. 4878) to provide for estimates and reports of improper payments by Federal agencies.

The Clerk read as follows:

Senate amendment:

Strike out all after the enacting clause and insert:

##### SECTION 1. SHORT TITLE.

*This Act may be cited as the "Improper Payments Information Act of 2002".*

##### SEC. 2. ESTIMATES OF IMPROPER PAYMENTS AND REPORTS ON ACTIONS TO REDUCE THEM.

(a) **IDENTIFICATION OF SUSCEPTIBLE PROGRAMS AND ACTIVITIES.**—The head of each agency shall, in accordance with guidance prescribed by the Director of the Office of Management and Budget, annually review all programs and activities that it administers and identify all such programs and activities that may be susceptible to significant improper payments.

(b) **ESTIMATION OF IMPROPER PAYMENT.**—With respect to each program and activity identified under subsection (a), the head of the agency concerned shall—

(1) estimate the annual amount of improper payments; and

(2) submit those estimates to Congress before March 31 of the following applicable year, with all agencies using the same method of reporting, as determined by the Director of the Office of Management and Budget.

(c) **REPORTS ON ACTIONS TO REDUCE IMPROPER PAYMENTS.**—With respect to any program or activity of an agency with estimated improper payments under subsection (b) that exceed \$10,000,000, the head of the agency shall provide with the estimate under subsection (b) a report on what actions the agency is taking to reduce the improper payments, including—

(1) a discussion of the causes of the improper payments identified, actions taken to correct those causes, and results of the actions taken to address those causes;

(2) a statement of whether the agency has the information systems and other infrastructure it needs in order to reduce improper payments to minimal cost-effective levels;

(3) if the agency does not have such systems and infrastructure, a description of the resources the agency has requested in its budget submission to obtain the necessary information systems and infrastructure; and

(4) a description of the steps the agency has taken to ensure that agency managers (including the agency head) are held accountable for reducing improper payments.

(d) **DEFINITIONS.**—For the purposes of this section:

(1) **AGENCY.**—The term "agency" means an executive agency, as that term is defined in section 102 of title 31, United States Code.

(2) **IMPROPER PAYMENT.**—The term "improper payment"—

(A) means any payment that should not have been made or that was made in an incorrect amount (including overpayments and underpayments) under statutory, contractual, administrative, or other legally applicable requirements; and

(B) includes any payment to an ineligible recipient, any payment for an ineligible service, any duplicate payment, payments for services not received, and any payment that does not account for credit for applicable discounts.

(3) **PAYMENT.**—The term "payment" means any payment (including a commitment for future payment, such as a loan guarantee) that is—

(A) made by a Federal agency, a Federal contractor, or a governmental or other organization administering a Federal program or activity; and

(B) derived from Federal funds or other Federal resources or that will be reimbursed from Federal funds or other Federal resources.

(e) **APPLICATION.**—This section—

(1) applies with respect to the administration of programs, and improper payments under programs, in fiscal years after fiscal year 2002; and

(2) requires the inclusion of estimates under subsection (b)(2) only in annual budget submissions for fiscal years after fiscal year 2003.

(f) **GUIDANCE BY THE OFFICE OF MANAGEMENT AND BUDGET.**—Not later than 6 months after the date of enactment of this Act, the Director of the Office of Management and Budget shall prescribe guidance to implement the requirements of this section.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from California (Mr. HORN) and the gentlewoman from Illinois (Ms. SCHAKOWSKY) each will control 20 minutes.

The Chair recognizes the gentleman from California (Mr. HORN).

#### GENERAL LEAVE

Mr. HORN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on H.R. 4878.