

and prohibits the sale, distribution, or manufacture of organotin or antifouling systems containing organotin.

Mr. Speaker, H.R. 3619 gives the hard-working men and women of the Coast Guard the tools and the direction that they need to continue as the world's leading maritime agency.

I urge my colleagues to join me in supporting H.R. 3619.

I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Minnesota (Mr. OBERSTAR) that the House suspend the rules and agree to the resolution, H. Res. 1665.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### RESIDENTIAL AND COMMUTER TOLL FAIRNESS ACT OF 2010

Mr. McMAHON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 3960) to provide authority and sanction for the granting and issuance of programs for residential and commuter toll, user fee and fare discounts by States, municipalities, other localities, as well as all related agencies and departments thereof, and for other purposes, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 3960

*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 "Residential and Commuter Toll Fairness Act of 2010".

#### SEC. 2. FINDINGS.

Congress finds the following:

(1) Residents of, and regular commuters to, certain localities in the United States are subject to a transportation toll when using a transportation facility to access or depart the locality.

(2) Revenue generated from these tolls is sometimes used to support infrastructure maintenance and capital improvement projects that benefit not only the users of these transportation facilities, but the regional and national economy as well.

(3) Certain localities in the United States are situated on islands, peninsulas, or other areas in which transportation access is substantially constrained by geography, sometimes leaving residents of, or regular commuters to, these localities with no reasonable means of accessing or departing their neighborhood or place of employment without paying a transportation toll.

(4) Residents of, or regular commuters to, these localities often pay far more for transportation access than residents of, and commuters to, other areas for similar transportation options, and these increased transportation costs can impose a significant and unfair burden on these residents and commuters.

(5) To address this inequality, and to reduce the financial hardship often imposed on captive tollpayers, several public authorities have developed and implemented programs to provide discounts in transportation tolls.

#### SEC. 3. PURPOSE.

The purpose of this Act is to clarify the existing authority of, and as necessary provide

express authorization for, public authorities to offer discounts in transportation tolls to captive tollpayers.

#### SEC. 4. TRANSPORTATION TOLLS.

(a) AUTHORITY TO PROVIDE DISCOUNTS.—A public authority is authorized to carry out a program that offers discounts in transportation tolls to captive tollpayers.

(b) LIMITATIONS ON STATUTORY CONSTRUCTION.—Nothing in this Act may be construed to—

(1) limit any other authority of a public authority, including the authority to offer discounts in transportation tolls to other tollpayers; or

(2) affect, alter, or limit the applicability of a State or local law with respect to the authority of a public authority to impose toll discounts.

#### SEC. 5. DEFINITIONS.

In this Act, the following definitions apply:

(1) CAPTIVE TOLLPAYER.—The term "captive tollpayer" means an individual who—

(A) is a resident of, or regular commuter to, a locality in the United States that is situated on an island, peninsula, or other area where transportation access is substantially constrained by geography; and

(B) is subject to a transportation toll when using a transportation facility to access or depart the locality.

(2) PUBLIC AUTHORITY.—The term "public authority" has the meaning given that term by section 101 of title 23, United States Code.

(3) TRANSPORTATION FACILITY.—The term "transportation facility" includes a road, highway, bridge, rail, bus, or ferry facility.

(4) TRANSPORTATION TOLL.—The term "transportation toll" means a toll or fare required for use of a transportation facility.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McMAHON) and the gentleman from New Jersey (Mr. LOBIONDO) will each control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. McMAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 3960.

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

There was no objection.

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

I rise in strong support of H.R. 3960, the Residential and Commuter Toll Fairness Act of 2010. This bill aims to protect locally provided residential commuter toll and fare discounts throughout the Nation.

Many of us represent people in communities burdened by high tolls and fares. Due to specific isolating geographic factors, like residents on an island or peninsula, as well as the location of tolled roads and bridges, residents in and commuters to certain localities endure a disproportionate toll burden. These people are captive tollpayers, tollpayers who have little or no choice but to pay much more in tolls than their fellow citizens even within the same region.

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In order to address these inequities for captive tollpayers, many States, local governments and local transportation agencies have enacted toll and fare discount programs. My district of Staten Island and Brooklyn, New York, suffers from some of the highest toll burdens in the Nation. In fact, per capita, Staten Island is the highest tolled county in the United States, and the cost of these tolls is truly outrageous. Just to put this issue in context for my colleagues, let me give you some examples:

The toll on the Verrazano-Narrows Bridge, which connects the Staten Island and Brooklyn sides of my district, now costs \$11, and is scheduled to increase to \$12 in the next few months. It may be hard for many Americans to believe, but discussions are already underway to further increase the toll on the Verrazano-Narrows Bridge to \$13 in the coming years—\$13 just to cross a bridge in order to visit a relative, to go to school, to go to work or just to get off the island. It is not much better on all the other bridges surrounding Staten Island. The Bayonne, the Goethals Bridges and the Outerbridge Crossing—all to New Jersey—each cost \$8. Staten Islanders are truly captive tollpayers. No matter which way they travel, they have no choice but to pay these tolls if they want to get back on the island.

To help alleviate the situation, the Metropolitan Transit Authority and the Port Authority of New York and New Jersey, which are the transportation agencies that run these bridges, have instituted a series of residential discount programs for Staten Islanders which reduce the amount that islanders pay for these bridges, sometimes reducing the cost by almost 50 percent. Many of these discounts have been in place for a decade or more; but even with these discounts, Staten Islanders pay almost \$500 million in tolls every year, making it more than 7 percent of all tolls paid nationwide even though Staten Island represents less than .16 percent, or 1/600th, of the U.S. population. These statistics take into account the tolls paid with the residential discount programs in effect. Just imagine how much worse the situation would be without these residential discount programs.

But my district is not unique. Many other States and localities grant similar residential discounts to captive tollpayers on roads across the country, including the Massachusetts Turnpike, the Sumner and Ted Williams Tunnels in Boston, the Marine Parkway and Cross Bay Vets Parkway in Rockaway, Queens, New York, the Tappan Zee Bridge in the Hudson Valley of New York, the New York Thruway, the Delaware Bay Bridge, the Rhode Island Turnpike, and the Newport Pell Bridge in Rhode Island, just to name a few.

In the last few years, many of these discount programs have come under attack in the courts. Last October, in a case entitled *Selevan vs. New York*

Thruway Authority, the U.S. Court of Appeals for the Second Circuit held that toll discounts for residents of towns bordering the New York State Thruway may be unconstitutional. The plaintiffs in Selevan claimed, among other things, that these residential toll discount programs may be a dormant commerce clause violation, but the U.S. District Court for the Northern District of New York dismissed their case. The Second Circuit's decision remanded and reinstated the action, which will now move forward in the district court.

H.R. 3960 provides express congressional authorization for these discounts, and it makes clear that residential toll and fare discounts are constitutional, fair, and necessary to help alleviate the heavy toll burdens paid by so many captive tollpayers across the Nation. This is a national issue, affecting every person in communities burdened by high tolls and fares, many of whom would otherwise be unable to travel without these critical discounts. Let me be clear about a few things:

First, the bill does not in any way limit the existing ability of States, local governments or local transportation agencies to provide discounts to captive tollpayers or to other tollpayers, nor does this bill provide any additional Federal authority over State or local decision-making. In fact, the bill actually safeguards current State and local power.

All this bill actually does is provide an extra layer of protection against court challenges for those States, local governments and local transportation agencies that choose to offer discounts to captive tollpayers, like the people I represent, who suffer disproportionate toll burdens. Since article I, section 8 of the United States Constitution gives Congress "the power to regulate commerce among the several States," H.R. 3960 provides an express congressional statement under that provision, supporting the current ability of States, local governments and local transportation agencies to issue discounts to captive tollpayers.

However, toll discounts or government actions designed to give preferential treatment to residents of their States at the expense of other States or of the national economy will receive no benefits from this bill, and they will likely be struck down by the courts as violating the commerce clause. Therefore, I urge all of my colleagues to support this critical legislation.

I thank Chairman OBERSTAR, Chairman DEFazio and their terrific staffs for working with me to revise this bill to be sure we protect captive tollpayers and for helping to bring this bill to the floor today. I also thank my legislative director, Jeff Siegel, a Staten Islander who grew up paying these unfair tolls and who knows quite well the inequity that exists.

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

Mr. LoBiondo. Mr. Speaker, the gentleman from New York did an excel-

lent job of explaining how important this legislation is. It is a commonsense approach to solving a problem, and I support the bill.

Mr. OBERSTAR. Mr. Speaker, I rise today in strong support of H.R. 3960, as amended, the "Residential and Commuter Toll Fairness Act of 2010".

The bill, introduced by the gentleman from New York (Mr. McMAHON), clarifies the existing authority of, and as necessary provides express authorization for, public authorities to offer discounts in transportation tolls to residents of communities faced with limited transportation access and heavy toll burdens.

I have long been concerned about the high cost that highway or bridge tolls may impose on those who lack transportation alternatives. H.R. 3960 helps to respond to these concerns.

A number of communities across the nation have limited transportation access because the communities are located on islands, peninsulas, or other geographically-constrained areas. Furthermore, residents of, and commuters into, some of these localities face bridge tolls every time they enter or depart their communities.

Due to geography and the presence of tolls, residents and commuters in these communities often pay far more for transportation access than residents and commuters in other areas. Such increased transportation costs can impose a significant and unfair burden on these "captive toll payers."

To address this inequality, and to reduce the undue financial hardship on these individuals, a number of localities have implemented programs that offer residentially-based toll discounts. The Federal Highway Administration recognizes the authority of States and localities to operate these toll discount programs.

H.R. 3960 does not mandate the use of residentially-based toll discount programs. It simply makes clear that Federal law allows public authorities to offer these programs to captive toll payers.

In short, this bill reinforces the right of communities to reduce the extreme toll burdens borne by captive toll payers, and it does so without infringing on any State or local laws or existing programs.

I urge my colleagues to join me in supporting H.R. 3960.

Mr. LoBiondo. I yield back the balance of my time.

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

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from New York (Mr. McMAHON) that the House suspend the rules and pass the bill, H.R. 3960, as amended.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the bill, as amended, was passed.

The title was amended so as to read: "A bill to clarify the existing authority of, and as necessary provide express authorization for, public authorities to offer discounts in transportation tolls to captive tollpayers, and for other purposes."

A motion to reconsider was laid on the table.

## AUDIT THE BP FUND ACT OF 2010

Mr. McMAHON. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 6016) to provide for a GAO investigation and audit of the operations of the fund created by BP to compensate persons affected by the Gulf oil spill, as amended.

The Clerk read the title of the bill.

The text of the bill is as follows:

H.R. 6016

*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 "Audit the BP Fund Act of 2010".

### SEC. 2. INVESTIGATION AND AUDIT.

(a) IN GENERAL.—The Comptroller General shall conduct an ongoing independent investigation and audit of the operations of the fund and claims process created by BP to compensate persons affected by the BP Deepwater Horizon oil spill in the Gulf of Mexico beginning on April 20, 2010, as those operations take place to determine their effectiveness, including the timeliness of claim payments and the accuracy of those operations in determining amounts of damages compensated.

(b) USE OF SUBPOENA POWER.—The Comptroller General may use any investigative powers, including those of subpoena granted to the Comptroller General for the purposes of other investigations and audits, to conduct this investigation and audit.

(c) REPORT TO CONGRESS.—Every 90 days during the operations, and once after all those operations are completed, the Comptroller General shall report to Congress on the effectiveness of those operations.

### SEC. 3. SENSE OF CONGRESS.

It is the sense of Congress that—

(1) BP should fully cooperate with the Comptroller General to assure that the BP relief fund is accurately, expeditiously, and efficiently compensating Gulf coast victims of the BP Deepwater Horizon oil spill for their losses; and

(2) the costs incurred by the Comptroller General to carry out responsibilities under this Act should be reimbursed by BP.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from New York (Mr. McMAHON) and the gentleman from New Jersey (Mr. LoBiondo) each will control 20 minutes.

The Chair recognizes the gentleman from New York.

#### GENERAL LEAVE

Mr. McMAHON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks and to include extraneous material on H.R. 6016.

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

There was no objection.

Mr. McMAHON. I yield myself such time as I may consume.

Mr. Speaker, H.R. 6016 requires the Comptroller General of the Government Accountability Office to conduct an independent investigation and audit of the operations of the fund and claims process created by BP in response to the Deepwater Horizon oil spill disaster.