

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, expediently, 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.

This fund and claims process, established by BP after negotiations with the Obama administration, was created to ensure that the lives and livelihoods of those adversely affected by this massive oil spill would be duly compensated for their losses. Mr. Speaker, it is clear that the Deepwater Horizon oil spill disaster caused immeasurable damage to both the livelihoods of the gulf coast population and to the gulf coast ecosystem.

From the outset, BP volunteered that it would compensate victims of the spill for their losses. However, as with any process for compensation, there is a need for transparency, for efficiency and for equity in compensation. This legislation can provide another avenue to ensure that these essential elements are included in any compensation paid out of the BP fund and claims process.

Specifically, this legislation directs the GAO to undertake an "ongoing independent investigation and audit" of the BP fund and claims process—specifically targeting the effectiveness of the fund and claims process, the efficiency in which the claims process operates, and the accuracy in accounting for and paying out of claims. The legislation authorizes GAO to use its underlying subpoena power, where necessary, to ensure the accuracy and completeness of its audit and investigation.

Finally, Mr. Speaker, this legislation requires the GAO to issue a report to Congress every 90 days during its audit and investigation, as well as a final report to Congress when the BP fund and claims process is completed. This information is essential for Congress to continue its ongoing oversight of the response and recovery of what is now likely the world's fifth largest oil spill in history.

I reserve the balance of my time.

Mr. LOBIONDO. I yield such time as he may consume to the gentleman from Texas (Mr. BRADY).

□ 2010

Mr. BRADY of Texas. I thank my friend, the gentleman from New Jersey (Mr. LOBIONDO), for yielding.

Mr. Speaker, I rise today in support of H.R. 6016, the Audit the BP Fund Act of 2010. I urge support for the bill that would provide for an ongoing independent Government Accountability Office investigation and audit of the operations of the compensation fund created by BP to reimburse those who were harmed by the BP Deepwater Horizon oil spill in the Gulf of Mexico beginning on April 20, 2010.

The bill specifically determines the effectiveness, including the timeliness of claim payments and the accuracy of these operations in determining amounts of damages compensated.

I believe the BP fund was established to help make whole the economies along the gulf coast that were damaged or destroyed by the disaster. \$20 billion, as we know, is a tremendous amount of money, and it can go a long way to compensate gulf coast victims of the spill.

We must ensure that compensation is done fairly, timely, and without bias, political pressure, or fraud.

We have heard complaints from State and local attorneys critical of the overly restrictive terms. Others have said there's not been enough time to assess the damages. Others are concerned that fraudsters will take money away from those honest people and families and businesses that are waiting for their dollars.

And thus far, the fund has paid out about \$400 million to approximately 30,000 claimants. Obviously, that is about 2 percent of the fund. That is slow—we think a little too inefficient for those who have been damaged—and this is precisely why we need this bill, to ensure that the fund functions as it should.

With that, I urge support for H.R. 6016.

Mr. OBERSTAR. Mr. Speaker, I rise in support of H.R. 6016, as amended, the "Audit the BP Fund Act of 2010". This legislation requires the Government Accountability Office (GAO) to undertake an ongoing audit and investigation of the BP Oil Spill Victims Compensation Fund (Fund). This bill authorizes GAO to use its subpoena power to ensure that victims of the oil spill are provided with compensation in a timely manner, the claim amounts are determined accurately, and the operations process occurs effectively. GAO will be required to report its findings to Congress every 90 days until the operations of the Fund are completed, in approximately three years.

The BP Deepwater Horizon oil spill caused immeasurable damage both to the livelihoods of the Gulf coast population and to the Gulf coast ecosystem. From the outset, BP volunteered that it would compensate victims of the spill. This summer, the White House secured a legally-binding commitment from BP to establish a \$20 billion fund to compensate victims of the spill. A central element of this Fund is that any fines and penalties that may be levied against BP and its partners shall remain wholly separate from the Fund itself. BP has also committed to honor any legitimate claims that would result in expenditures above and beyond the agreed-upon \$20 billion.

The challenge with any victims compensation fund is determining who gets—what, and how much. The agreement brokered by the White House creates an entity known as the Independent Claims Facility (ICF) to establish and implement a process by which claims will be evaluated and distributed. The White House and BP agreed that Kenneth Feinberg would be appointed to run the ICF and oversee the claims process. Mr. Feinberg was the Special Master in charge of the September 11th Victims Compensation Fund. His performance in that very difficult undertaking was widely praised. As a result—and based on his other professional experiences—Mr. Feinberg is certainly the logical choice to run the ICF fund.

While we do not doubt Mr. Feinberg's capacity and willingness for ensuring that the BP Oil Spill Victims Compensation Fund claims process occurs in an irreproachable manner, the BP spill was very much a matter of national interest and concern. This legislation will provide an oversight mechanism to ensure that the commitments of BP, negotiated by the White House, are fulfilled by all parties, and that—most importantly—those that have suf-

fered financial misfortune are duly compensated.

GAO has a long history of auditing programs. As such, it is well-situated to bring its experience to bear and report its findings to Congress. This legislation requires that the Comptroller General report to Congress every 90 days. This reporting requirement will keep Congress abreast of the effective workings of the Fund—but will also not overburden GAO's resources.

I urge my colleagues to join me in supporting H.R. 6016.

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

Mr. McMAHON. Mr. Speaker, I support this legislation, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. TONKO). 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. 6016, as amended.

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

A motion to reconsider was laid on the table.

RECOGNIZING LIBRARY OF CONGRESS AND NATIONAL BOOK FESTIVAL

Mrs. DAVIS of California. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1646) recognizing the commitment and efforts made by the Library of Congress to promote the joy of reading through the sponsorship of the National Book Festival.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1646

Whereas the National Book Festival is a great national treasure that fosters the joy of reading;

Whereas the first National Book Festival was held on September 8, 2001, and was organized and sponsored by the Library of Congress and hosted by First Lady Laura Bush;

Whereas the first National Book Festival, held on the grounds of the Library of Congress and the United States Capitol, was such a success that it has become an annual event;

Whereas the National Book Festival has grown in popularity, in recent years bringing over 130,000 book lovers to the National Mall;

Whereas the National Book Festival each year has featured more than 70 award-winning and nationally known authors, illustrators, poets and storytellers;

Whereas the National Book Festival invites readers from around the Nation to celebrate books, reading, and creativity;

Whereas the National Book Festival convenes representatives from all 50 states, the District of Columbia, and the territories and possessions to join the Festival's "Pavilion of the States", where they may discuss and distribute materials about their respective reading and literacy-promotion programs;

Whereas the 2010 National Book Festival will be the 10th National Book Festival, representing a milestone for the Library of Congress and the Nation; and