important as responding to the disaster and we offset them.

Now let me mention what the offset was that the gentleman is so upset about. We used as an offset callable capital to the World Bank, callable capital which has not been called in over 20 years and that is not even important, but callable capital which was the same source that was used in this House to offset a disaster appropriations bill. For a disaster in the United States in the western part of our country, we used callable capital as the offset.

I know the gentlewoman is shaking her head, but the fact is, the CONGRESSIONAL RECORD has it on record and indicates who voted for that amendment by our friend and previous colleague from California (Mr. Fazio) to reduce the callable capital for the World Bank by the amount needed to offset that bill.

Now, if that consistency was mentioned before, if we are going to be consistent, if callable capital as an offset was okay now, why is it not okay now?

So I think, Madam Speaker, that we have what I think Harry Truman called a red herring, but we are going to debate these issues in conference and we will come to a resolution and this bill will be provided.

We are not withholding the immediate emergency support that was needed in Central America. We did that already. We sent troops and they took care of the immediate emergency requirements.

So, anyway, despite all of this debate and despite this argument, I still support the motion made by the gentleman from Wisconsin (Mr. OBEY), and I say we get on about our business and get into conference and settle this bill.

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

The SPEAKER pro tempore (Mrs. EMERSON). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. The question is on the motion to instruct offered by the gentleman from Wisconsin (Mr. OBEY).

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. OBEY. Madam Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 414, nays 0, not voting 19, as follows:

[Roll No. 96]

YEAS—414

Abercrombie
Ackerman
Aderholt
Allen
Andrews
Archer
Armey
Bachus
Baird
Baker
Baldacci
Baldwin
Ballenger
Barcia
Barr
Barrett (NE)
Barrett (WI)
Bartlett
Barton
Bass
Bateman
Becerra
Bentsen
Bereuter
Berkley
Berman
Berry
Biggert
Bilbray
Bilirakis
Bishop
Blagojevich
Bliley
Blumenauer
Blunt
Boehlert
Boehner
Bonior
Bono
Borski
Boswell
Boucher
Boyd
Brady (PA)
Brady (TX)
Brown (OH)
Bryant
Burr
Burton
Buyer
Callahan
Calvert
Camp
Campbell
Canady
Cannon
Capps
Capuano
Cardin
Carson
Castle
Chabot
Chambliss
Chenoweth
Clay
Clayton
Clement
Clyburn
Coble
Coburn
Collins
Combest
Condit
Conyers
Cook
Cooksey
Costello
Cox
Coyne
Cramer
Crane
Crowley
Cubin
Cummings
Cunningham
Danner
Davis (FL)
Davis (IL)
Davis (VA)
Deal
DeFazio
DeGette
Delahunt
DeLauro
DeLay
DeMint
Deutsch
Diaz-Balart
Dickey
Dicks
Dingell
Dixon
Doggett
Dooley
Doolittle
Doyle
Dreier
Duncan
Dunn
Edwards
Ehlers
Ehrlich
Emerson
English
Eshoo
Etheridge
Evans
Everett
Ewing
Farr
Fattah
Filner
Fletcher
Foley
Forbes
Fossella
Fowler
Frank (MA)
Franks (NJ)
Frelinghuysen
Frost
Gallegly
Ganske
Gejdenson
Gekas
Gephardt
Gibbons
Gilchrest
Gillmor
Gilman
Gonzalez
Goode
Goodlatte
Goodling
Gordon
Goss
Graham
Granger
Green (TX)
Green (WI)
Greenwood
Gutierrez
Gutknecht
Hall (OH)
Hall (TX)
Hansen
Hastings (WA)
Hayes
Hayworth
Hefley
Herger
Hill (IN)
Hill (MT)
Hilleary
Hilliard
Hinchey
Hinojosa
Hobson
Hoeffel
Hoekstra
Holden
Holt
Hooley
Horn
Hostettler
Houghton
Hoyer
Hulshof
Hunter
Hutchinson
Hyde
Inslee
Isakson
Istook
Jackson (IL)
Jackson-Lee (TX)
Jefferson
Jenkins
John
Johnson (CT)
Johnson, E. B.
Johnson, Sam
Jones (NC)
Jones (OH)
Kanjorski
Kaptur
Kelly
Kennedy
Kildee
Kilpatrick
Kind (WI)
King (NY)
Kingston
Kleczka
Klink
Knollenberg
Kolbe
Kucinich
Kuykendall
LaFalce
LaHood
Lampson
Lantos
Largent
Larson
Latham
LaTourette
Lazio
Leach
Lee
Levin
Lewis (CA)
Lewis (KY)
Lipinski
LoBiondo
Lofgren
Lowey
Lucas (KY)
Lucas (OK)
Luther
Maloney (CT)
Maloney (NY)
Manzullo
Markey
Martinez
Mascara
Matsui
McCarthy (MO)
McCarthy (NY)
McCollum
McCrery
McDermott
McGovern
McHugh
McInnis
McIntosh
McIntyre
McKinney
McNulty
Meehan
Meek (FL)
Meeks (NY)
Menendez
Metcalf
Mica
Millender-McDonald
Miller (FL)
Miller, Gary
Miller, George
Minge
Mink
Moakley
Mollohan
Moran (KS)
Moran (VA)
Morella
Murtha
Myrick
Nadler
Napolitano
Neal
Nethercutt
Ney
Northup
Norwood
Oberstar
Obey
Olver
Ortiz
Ose
Owens
Oxley
Packard
Pallone
Pascrell
Pastor
Paul
Payne
Pease
Pelosi
Peterson (MN)
Peterson (PA)
Petri
Phelps
Pickering
Pickett
Pitts
Pombo
Pomeroy
Porter
Portman
Price (NC)
Pryce (OH)
Quinn
Ramstad
Rangel
Regula
Reyes
Reynolds
Riley
Rivers
Rodriguez
Roemer
Rogan
Rogers
Rohrabacher
Ros-Lehtinen
Rothman
Roukema
Roybal-Allard
Royce
Rush
Ryan (WI)
Ryun (KS)
Sabo
Salmon
Sanchez
Sanders
Sandlin
Sanford
Sawyer
Scarborough
Schaffer
Schakowsky
Scott
Sensenbrenner
Serrano
Sessions
Shadegg
Shaw
Shays
Sherman
Sherwood
Shimkus
Shows
Shuster
Simpson
Sisisky
Skeen
Skelton
Slaughter
Smith (MI)
Smith (NJ)
Smith (TX)
Smith (WA)
Snyder
Souder
Spence
Spratt
Stabenow
Stark
Stearns
Stenholm
Strickland
Stump
Stupak
Sununu
Sweeney
Talent
Tauscher
Tauzin
Taylor (MS)
Taylor (NC)
Terry
Thomas
Thompson (CA)
Thompson (MS)
Thornberry
Thune
Thurman
Tiahrt
Tierney
Toomey
Traficant
Turner
Udall (CO)
Udall (NM)
Upton
Velazquez
Vento
Visclosky
Walden
Walsh
Wamp
Waters
Watkins
Watt (NC)
Watts (OK)
Waxman
Weldon (FL)
Weldon (PA)
Weller
Wexler
Weygand
Whitfield
Wicker
Wilson
Wise
Wolf
Woolsey
Wu
Wynn
Young (AK)
Young (FL)

NOT VOTING—19

Bonilla
Brown (CA)
Brown (FL)
Engel
Ford
Hastings (FL)
Kasich
Lewis (GA)
Linder
McKeon
Moore
Nussle
Radanovich
Rahall
Saxton
Tancredo
Tanner
Towns
Weiner

□ 1126

So the motion to instruct was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

Stated for:

Mr. KASICH. Mr. Speaker, on Thursday, April 22, 1999, I was unable to record a vote by electronic device on roll No. 96. Had I been present, I would have voted "yea" on roll No. 96.

The SPEAKER pro tempore (Mr. BOEHNER). Without objection, the Chair appoints the following conferees: Messrs. YOUNG of Florida, REGULA, LEWIS of California, PORTER, ROGERS, SKEEN, WOLF, KOLBE, PACKARD, CALLAHAN, WALSH, TAYLOR of North Carolina, HOBSON, OBEY, MURTHA, DICKS, SABO, HOYER, MOLLOHAN, Ms. KAPTUR, Ms. PELOSI, Mr. SERRANO and Mr. PASTOR.

There was no objection.

□ 1130

BEACHES ENVIRONMENTAL ASSESSMENT, CLEANUP AND HEALTH ACT OF 1999

Mr. REYNOLDS. Madam Speaker, by direction of the Committee on Rules, I call up House Resolution 145, and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 145

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 2(b) of rule XVIII, declare the House resolved into the Committee of the

Whole House on the state of the Union for consideration of the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes. The first reading of the bill shall be dispensed with. General debate shall be confined to the bill and shall not exceed one hour equally divided and controlled by the chairman and ranking minority member of the Committee on Transportation and Infrastructure. After general debate the bill shall be considered for amendment under the five-minute rule. It shall be in order to consider as an original bill for the purpose of amendment under the five-minute rule the amendment in the nature of a substitute recommended by the Committee on Transportation and Infrastructure now printed in the bill. Each section of the committee amendment in the nature of a substitute shall be considered as read. Before consideration of any other amendment it shall be in order to consider the amendment printed in the report of the Committee on Rules accompanying this resolution, if offered by Representative Shuster or his designee. That amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall be debatable for 10 minutes equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question in the House or in the Committee of the Whole. After disposition of that amendment, the provisions of the bill as then perfected shall be considered as original text for the purpose of further amendment under the five-minute rule. During further consideration of the bill for amendment, the chairman of the Committee of the Whole may accord priority in recognition on the basis of whether the Member offering an amendment has caused it to be printed in the portion of the Congressional Record designated for that purpose in clause 8 of rule XVIII. Amendments so printed shall be considered as read. The chairman of the Committee of the Whole may: (1) postpone until a time during further consideration in the Committee of the Whole a request for a recorded vote on any amendment; and (2) reduce to five minutes the minimum time for electronic voting on any postponed question that follows another electronic vote without intervening business, provided that the minimum time for electronic voting on the first in any series of questions shall be 15 minutes. At the conclusion of consideration of the bill for amendment the Committee shall rise and report the bill to the House with such amendments as may have been adopted. Any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit with or without instructions.

The SPEAKER pro tempore (Mrs. EMERSON). The gentleman from New York (Mr. REYNOLDS) is recognized for 1 hour.

Mr. REYNOLDS. Madam Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Massachusetts (Mr. MOAKLEY), the ranking member of the Committee on Rules, pending which I yield myself such time as I may consume. During consideration of this resolution, all time yielded is for the purpose of debate only.

Madam Speaker, House Resolution 145 is an open rule providing for the consideration of H.R. 999, the Beaches Environmental Assessment, Cleanup, and Health Act of 1999.

The purpose of this legislation is to improve the quality of coastal recreational waters by establishing national uniform criteria for testing and monitoring coastal recreational waters.

In addition, H.R. 999 establishes uniform notification to the public on the quality of those waters in order to protect both the environment and public health.

The rule provides for 1 hour of general debate equally divided and controlled by the chairman and the ranking minority member of the Committee on Transportation and Infrastructure.

The rule makes in order the Committee on Transportation and Infrastructure amendment in the nature of a substitute as an original bill for the purpose of amendment, which shall be open for amendment by section.

Additionally, the rule provides for the consideration of the amendment printed in the Committee on Rules report, if offered by the gentleman from Pennsylvania (Mr. SHUSTER) or his designee.

The rule further provides that the manager's amendment shall be considered as read, may amend portions of the bill not yet read for amendment, shall not be subject to amendment or to a division of question, and is debatable for 10 minutes equally divided between the proponent and an opponent.

If adopted, the amendment is considered as part of the base text for further amendment purposes.

The Chair is authorized by the rule to grant priority and recognition to Members who have preprinted their amendments in the CONGRESSIONAL RECORD prior to their consideration.

The rule allows for the Chairman of the Committee of the Whole to postpone votes during consideration of the bill and to reduce votes to 5 minutes on a postponed question if the vote follows a 15-minute vote.

Finally, the rule provides for one motion to recommit with or without instructions.

Madam Speaker, I believe House Resolution 145 is a fair rule. It is an open rule for the consideration of H.R. 999, the Beaches Environmental Assessment, Cleanup and Health Act of 1999.

As I understand it, some Members may wish to offer germane amendments to this bill, and under this open rule they will have every opportunity to do so.

H.R. 999 establishes uniform criteria for testing coastal recreation waters and for public notification of water quality. Indeed, as this Nation's first and most ardent conservationist, President Theodore Roosevelt noted upon the establishment of the Waterways Commission our natural resources are so closely connected that they should be coordinated and should be treated as part of one coherent plan and not in haphazard or piecemeal fashion.

By establishing public notification, this bill will not only protect public health, but will encourage tourism and business development along our coastal areas.

Each year, an estimated 180 million people from around the world visit America's coastal waters for recreational purposes, supporting over 28 million jobs and leading to investments of over $50 billion each year in goods and services.

Madam Speaker, H.R. 999 is not a regulatory bill. It gives the EPA no new regulatory authorities. The bill instead offers an incentive to State and local governments to test beaches for pathogens which are dangerous to human health.

By establishing a grant program, H.R. 999 gives the States the ability to monitor the safety of coastal recreational waters and to set a deadline for updating State water quality standards for these waters to protect the public from disease-carrying organisms.

In my own district, which includes a portion of Lake Ontario, this bill will encourage tourism by furthering public confidence in the water quality. By ensuring that water quality, the very integrity of our waterways, this bill will meet President Roosevelt's challenge that this Nation should strive to leave to the next generation the national honor unstained and the national resources unexhausted.

I would like to commend the gentleman from California (Mr. BILBRAY), and the gentleman from New York (Mr. BOEHLERT) for their hard work on H.R. 999, and I urge my colleagues to support both this open rule and the underlying bill.

In conclusion, Madam Speaker, House Resolution 145 is fair, a completely open rule, and I urge its adoption.

Madam Speaker, I reserve the balance of my time.

Mr. MOAKLEY. Madam Speaker, I thank the gentleman from New York (Mr. REYNOLDS), my colleague and my friend, for yielding me the customary half-hour, and I yield myself such time as I may consume.

Madam Speaker, I am pleased to join nearly all of my colleagues in support of this beaches bill.

We in Massachusetts are very fortunate to have some of the most beautiful beaches in the country. Once the warm weather hits, residents of the Commonwealth of Massachusetts and tourists from around the world head to Cape Cod, the south shore or the north shore.

This bill will help them enjoy themselves even more in keeping our beaches clean and making sure the clean beaches do not stop at the next State.

Madam Speaker, it will also help create and monitor public health standards to make sure that our beaches and coastal areas are clean and safe.

Each year over 180 million people visit our American beaches. Those visits create over 28 million jobs, they generate millions of dollars in revenue, and we need to make sure that our people can swim in our oceans and feel confident that the water quality is what it should be.

At the moment, there are no Federal standards for testing or monitoring our beaches. That means that one State could allow a higher level of dangerous pathogens than its neighbor, and some of these pathogens have names I cannot even pronounce, and I certainly do not want to swim in them.

This bill will set the State standards more in line with one another and if, heaven forbid, a public health risk should arise, this bill will help inform people when the beaches are unsafe for swimming.

It will also authorize $150 million over 5 years to help States put the monitoring programs in place and keep our clean water rules uniform from sea to shining sea.

Madam Speaker, it is a good rule. It is a good bill.

Madam Speaker, I reserve the balance of my time.

Mr. REYNOLDS. Madam Speaker, I yield such time as he may consume to the gentleman from California (Mr. DREIER), the chairman of the Committee on Rules.

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

Mr. DREIER. Madam Speaker, I rise in strong support of this rule and the underlying bill. I would like to congratulate first the gentleman from California (Mr. BILBRAY), my friend who has worked long and hard on this; his fellow surfer, the gentleman from California (Mr. ROHRABACHER), who I know is going to be here to back him up; and the very important chairman of the Committee on Transportation and Infrastructure, the gentleman from Pennsylvania (Mr. SHUSTER), who has worked long and hard on this issue, too. It is very important that we move ahead in a bipartisan way.

I would also like to congratulate the brilliant statement from my good friend from south Boston who has not quite as many beaches as California or Florida, but they are beautiful beaches in Massachusetts, I will agree.

Today is Earth Day and it is a very important time to mark what is obviously an important environmental accomplishment for us here. We all know how enjoyable it is for people to spend time with their families at the beaches, and as we head into the summer months obviously we are going to see an increase in that.

Every year, in fact, over 180 million Americans spend time on our coastal waters and that is the case, as I have said, in both California and in many other States. However, it is important to note that clean coastal waters are not just about fun. They really are about business, because there are 30 million jobs and roughly $50 billion in investments that take place and are supported by recreation along our Nation's shores.

This bill itself is a very strong, prohealth, proenvironment measure. It shows that environmental issues are best handled using common sense and consensus building; and the bill's sponsors and, of course, as I said, the Committee on Transportation and Infrastructure, deserve a great deal of credit for moving us in the direction of a common-sense approach to a very, very important environmental issue.

□ 1145

So I would simply like to congratulate my friend from New York who is doing a superb job of managing this rule, and the authors of this legislation, as I said, and the Surfers Caucus, which is a very important, very, very important group in this body, and again the Committee on Transportation and Infrastructure for their hard work. I look forward to seeing strong bipartisan support for this measure.

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

Mr. REYNOLDS. Madam Speaker, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

The SPEAKER pro tempore (Mr. LEWIS of Kentucky). Pursuant to House Resolution 145 and rule XVIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 999.

The Chair designates the gentleman from Nebraska (Mr. BARRETT) as Chairman of the Committee of the Whole, and requests the gentlewoman from Missouri (Mrs. EMERSON) to assume the Chair temporarily.

□ 1146

IN THE COMMITTEE OF THE WHOLE

Accordingly, the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes, with Mrs. EMERSON (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

The CHAIRMAN pro tempore. Pursuant to the rule, the bill is considered as having been read the first time.

Under the rule, the gentleman from Pennsylvania (Mr. SHUSTER) and the gentleman from Minnesota (Mr. OBERSTAR) each will control 30 minutes.

The Chair recognizes the gentleman from Pennsylvania (Mr. SHUSTER).

Mr. SHUSTER. Madam Chairman, I yield myself such time as I may consume.

Today we indeed are considering the Beaches Environmental Assessment bill, and it is a bipartisan bill that was reported by our committee, the Committee on Transportation and Infrastructure, by unanimous vote. Indeed, this is legislation that is most appropriate on this Earth Day.

The distinguished members of the Committee on Rules have quite clearly explained both the rule and the bill. I would like to focus on a couple of specific points.

The first is to note and emphasize, this is not a regulatory bill. It gives EPA no new regulatory authorities. After analyzing the bill, the Congressional Budget Office concluded that it contains no intergovernmental or private sector mandates as defined in the unfunded mandates act, and it would impose no costs to State, local or tribal governments.

I also wish to allay some concerns expressed by some of the States. The grant program established by this bill does not provide EPA with an opportunity to micromanage State monitoring programs if a State chooses to seek Federal assistance. I also wish to be sure that the Members understand, particularly those Members from farm States, that we worked out a previous concern that was expressed by the American Farm Bureau Federation, and indeed we have an en bloc amendment which we will be offering shortly, and we have a letter from the American Farm Bureau which states:

''The en bloc amendment to the beaches bill addresses our concerns about this legislation.

''The proposal to define coastal recreation waters to not include any inland waters addresses our concerns about nonpoint source impacts. The proposal that a State can use its criteria for human health if they are as protective as Federal criteria addresses our concerns about unfunded mandates. Thank you for your attention to this matter.''

So we removed any concern that the Farm Bureau might have. So we indeed do bring a bill to the floor today which has overwhelming bipartisan support. I urge its adoption.

Today the House is considering H.R. 999, the Beaches Environmental Assessment, Cleanup and Health Act of 1999.

This is a bipartisan bill that was reported by the Committee on Transportation and Infrastructure by unanimous voice vote.

H.R. 999 amends the Clean Water Act to establish a grant program for States to monitor the safety of coastal recreation waters, and to set a deadline for updating State water quality standards for these waters to protect the public from disease-carrying organisms.

Each year over 180 million people visit coastal waters for recreational purposes. This activity supports over 28 million jobs and leads to investments of over $50 billion each year in goods and services.

Public confidence in the quality of our Nation's waters is important not only to each citizen who swims or surfs, but also to the tourism and recreation industries that rely on safe and swimmable coastal waters.

It is important to note that H.R. 999 is not a regulatory bill. It gives EPA no new regulatory authorities. After analyzing the bill, the

Congressional Budget Office concluded that "H.R. 999 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on State, local, or tribal governments."

The legislation that we are bringing up today has been carefully crafted to balance the concerns of States, EPA, the environmental community and other interested parties.

This is a bipartisan bill that uses incentives, not mandates, to improve public health and safety by monitoring the quality of our Nation's coastal waters.

I urge you to join me in supporting this legislation.

I wish to allay one outstanding concern expressed by some States. The grant program established by this bill does not provide EPA with an opportunity to micro-manage State monitoring programs if a State chooses to seek Federal assistance.

Under this legislation, EPA is to establish a level of protection for monitoring programs, which will be used to determine if a program is eligible for a grant. But each individual State program determines how that level of protection is reached.

By providing grants this legislation provides incentives to all States to develop monitoring programs that protect public health and safety. This does not mean uniform monitoring programs. This does not mean that EPA may impose a Federal template on States.

I also wish to allay some concerns I have heard that the Farm Bureau may have. As I stated earlier, this is not a regulatory bill. It does not address control of pollution from point or nonpoint sources. It imposes no new mandates, unfunded or otherwise.

Madam Chairman, I ask unanimous consent that the gentleman from New York (Mr. BOEHLERT), the chairman of our subcommittee, be authorized to manage the balance of the time on this bill.

The CHAIRMAN pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

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

Mr. BORSKI. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, I first want to commend and congratulate the gentleman from New York (Mr. BOEHLERT), my friend, the distinguished subcommittee chairman of the Committee on Transportation and Infrastructure, on his leadership. He has dealt with us in a fair and bipartisan manner, which is the way he always treats us and we appreciate it very, very much.

This simple but important legislation aims at protecting our Nation's beachgoers from unhealthy ocean water quality conditions. Whether it is swimming along the Great Lakes, surfing off of southern California, or vacationing at the Jersey shore, beachgoers everywhere have the right to know that the beaches they choose to visit are safe for themselves and their families.

Madam Chairman, this legislation is the product of work conducted over the past few Congresses. Originally introduced by our friend and former colleague, Bill Hughes, in 1990, this issue has subsequently been picked up by the gentleman from New Jersey (Mr. PALLONE) and the gentleman from New Jersey (Mr. LOBIONDO), and by the chief sponsor of this legislation, the gentleman from California (Mr. BILBRAY). I want to commend these gentlemen for their dedication and tireless efforts to protect the public from unhealthy water conditions at our Nation's beaches, and I hope that this time we can have it signed into law.

The BEACH bill advocates three simple principles:

First, beach water quality should be monitored. We cannot know whether waters are safe unless the waters are adequately tested.

Second, water quality criteria should be uniform. Just as we provide assurances to the public that water supplies will be safe for drinking no matter which State a person happens to be in, the public should feel confident that the public health standards at our Nation's beaches meet minimum consistent health requirements.

Finally, if a health problem is discovered at a beach, the public has the right to prompt, accurate and effective notification so that they may protect themselves and their families.

To accomplish these principles, this legislation authorizes over $30 million in funding for Federal, State and local partnerships for water quality monitoring and notification. Under this legislation, States and localities will be given the flexibility to tailor their monitoring and notification programs to meet local needs, so long as these programs comply with EPA's minimum requirements for the protection of public health and safety.

In addition, the BEACH Bill directs the EPA to periodically review and develop revised water quality criteria for coastal areas to ensure we are using the best scientific information available. The public deserves no less.

Finally, this legislation requires EPA to maintain a publicly available database of our Nation's beaches, listing those beaches that comply with water quality standards and those that do not. This information will be very helpful to many Americans for summer vacation planning, so that they will know whether the waters at their favorite vacation spot are safe and will choose accordingly.

Every year, over 180 million individuals vacation along our Nation's coastal waters. As another summer season rapidly approaches, let us make sure that we take the appropriate steps to protect our Nation's beachgoers from unnecessary threats to their health and safety.

Madam Chairman, I reserve the balance of my time.

Mr. BOEHLERT. Madam Chairman, I yield myself 1 minute.

Madam Chairman, the American Oceans Campaign, in a communication sent to every member of this body, pointed out the following:

''The current approach to beach water testing is a mixture of inconsistent criteria and practices. Passing the BEACH bill will wipe out the inconsistencies and improve public health protections nationwide.''

As one of America's favorite actors, Ted Danson, who is president of the American Oceans Campaign has said, ''A day at the beach should not end with a visit to the doctor's office.''

I have to give great credit where great credit is due, to the gentleman from southern California (Mr. BILBRAY). This bill will set minimum standards for beach water quality, and it will require EPA to establish performance criteria, and it will require the Environmental Protection Agency to establish a national beach water pollution database that will let the public know where monitoring programs are in place and where beach waters are impaired.

Madam Chairman, the en bloc amendment improves upon the bill, H.R. 999, that we reported out of committee by unanimous voice vote.

This package includes noncontroversial technical, and clarifying items and has been worked out with the ranking minority Member.

In summary, the en bloc:

Clarifies that State criteria for pathogens or pathogen indicators for coastal recreation waters must be as protective of human health as EPA's criteria.

This does not mean that States must adopt criteria that are identical to those that have been published by EPA. States adopt water quality criteria under section 303(c) of the Clean Water Act and continue to have the flexibility, provided under that section to change EPA's criteria based on site-specific conditions, or to adopt different, scientifically-justified criteria.

Thus, if a State can demonstrate that the pathogen indicators that it is using are as protective of human health as the criteria for pathogen indicators that EPA has published, a State may continue to use its existing criteria.

As a result, if no appropriations are provided to EPA for this purpose, EPA does not need to take funds away from other clean water act Programs to provide grants for monitoring and notification programs.

Clarifies that the information provided to the public in the information database authorized under section 406(c) is intended to be information on exceedances of water quality standards in coastal recreation waters only. This database does not address other matters.

Clarifies that EPA implementation of a monitoring and notification program will occur only in situations where a state is not implementing a program that protects public health and safety.

The bill does not provide for partial EPA implementation and partial state implementation of a monitoring and notification program.

In addition, EPA's duty to conduct a monitoring and notification program is subject to the same conditions as a state program implemented under section 406(b)(2). This means that EPA has the same flexibility that states

are provided under that section to target available resources to those waters that it determines are the highest priorities. EPA's duty to implement a monitoring and notification program is no more expansive than a State's duty.

Clarifies that the term ''coastal recreation waters'' includes only the Great Lakes and waters that are adjacent to the coastline of the United States. ''Coastal recreation waters'' is not synonymous with the ''coastal zone'' as defined under the Coastal Zone Management Act. The geographic scope of this act does not include any inland waters and does not extend beyond the mouth of any river or stream or other body of water having unimpaired natural connection with open sea.

Clarifies that Indian tribes with coastal recreation waters are eligible for grants for monitoring programs.

Clarifies that Federal agencies are to implement monitoring programs for federally-owned beaches, such as national seashores.

Finally, the amendment changes the short title of the bill to refer to ''awareness'' rather than ''assessment.''

Madam Chairman, it is my pleasure to yield 6 minutes to the distinguished gentleman from California (Mr. BILBRAY), the person most responsible in this whole United States of America, out of 250 million people, for bringing us to this point today, the author of the bill.

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

Mr. BILBRAY. Madam Chairman, I would first like to thank the gentleman from New York (Mr. BOEHLERT), the chairman of the subcommittee, and the gentleman from Pennsylvania (Mr. SHUSTER), our full committee chairman, along with our ranking members, the gentleman from Minnesota (Mr. OBERSTAR) and the gentleman from Pennsylvania (Mr. BORSKI), for all the help. Their bipartisan effort has really shown that we cannot only protect the environment, but we can do it together.

This bill is a good example of not only talking about working together here in Congress to help the public and to protect the public's health, but actually having States and counties and health officials and the EPA and the Federal Government all working together for this goal.

I would like to thank the gentleman from California (Mr. FARR), the gentleman from Maryland (Mr. GILCHREST), the gentlewoman from California (Mrs. CAPPS), the gentleman from California (Mr. KUYKENDALL), the gentleman from New Jersey (Mr. SAXTON), the gentleman from New Jersey (Mr. LOBIONDO), the gentleman from Florida (Mr. SHAW), the gentleman from New Jersey (Mr. SMITH), and the gentlewoman from Ohio (Mrs. JONES), and the gentleman from Florida (Mr. FOLEY), and many others for their encouragement and their help in bringing this together.

I want to really thank the people that helped bring this bill to reality because so often our good intentions here in Congress do not reflect the reality out in mainstream America, and out in the waters of our Nation. I want to thank the San Diego County Environmental Health Department and the Surfrider Foundation, specifically, Chris Gonaver of the County of San Diego, and Gary Sirota and Darryl Hatheway of the Surfrider Foundation for their instrumental work on the development of this public health measure.

Additionally, I want to join the chairman in thanking the San Diego County Medical Association for its support, the Center for Marine Conservation, and specifically, the American Oceans Campaign, led by Ted Danson, whose son is also a surfer. I want to thank them for their critical help on this item.

Madam Speaker, roughly 60 percent of Americans live within 30 miles of a coastline. I happen to have had the privilege of growing up a block from the beach and I live nine blocks from the beach now, and sometimes we wonder, we might as well live in Kansas when we are that far away from the ocean!

But this bill, the Beach Environment Awareness Cleanup and Health Act of 1999, is a bill that I think all of us that use the beaches of America will recognize has been a long time in coming. We all know about and we can talk about the problems that affect people with certain health aspects for long-term exposure. We worry about what happens to our children if they live 20 years next to a hazardous waste dump. We are worried about our senior citizens if they drink certain water for over 40 years.

This bill is addressing something that we have overlooked, and that is the fact that our children and our families can enter coastal waters on one day, for one moment, and contract diseases such as hepatitis, encephalitis, and different related illnesses related to pathogens. I have had surfers in my district actually get inner brain infections and almost die from one exposure. These are things that we need to address.

I want to point out that H.R. 999 is really aimed not at finding fault, but at finding answers. It is a way to include, first of all, our public health directors in the formation of criteria for this country, not from Washington on down, but from America's communities on up, and have the Federal Government work as a partner in the formation of the criteria to protect our families' health.

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Also, H.R. 999 understands and recognizes the unique differences in these regions. When I come back to this coast and see these coastal waters and surf with my children, it is totally different than what we see in the West Coast.

H.R. 999 has the type of flexibility that we have only talked about for so long, that allows the local communities to address their local environmental concerns and do that with the aid of the Federal Government, rather than what we have seen so often, sadly, where we have seen local conflict with the Federal strategies.

The bill requires the development of updated criteria, in cooperation with public health agencies. It does not require the local States to take action if they choose not to. It does require the EPA to address the public health problems with this issue in every region, but in cooperation if the local communities want it.

H.R. 999 creates a uniform level of protection, so that when any parent goes to any beach that is being used anywhere in the United States, that parent can feel with some level of confidence that the water that their children is entering is safe to have contact with. That situation does not exist now.

Mr. Chairman, I would ask support for H.R. 999, not just for those of us who use the water, and not just for those of us who like to look at the water. I would ask that H.R. 999 also be passed because it is the beginning of a new way to fulfill our responsibilities, not just to the environment but to our citizens and to ourselves.

The cooperative effort of H.R. 999, Democrats and Republicans, local and Federal and State people all working together, really shows that to care for the environment, we must care about the community and every community, not just Washington, D.C. H.R. 999 sets an example to protect the public health, and do it in a fair and reasonable and effective way.

I ask my colleagues on both sides of the aisle, do not find excuses to oppose this bill. Look into the future and see what this bill can do for our public health and for our processes.

Mr. Chairman, I rise in strong support of H.R. 999, the BEACH bill. I have some supporting material here, which I would ask to be included in the record along with my statement.

I want to first thank the chairman of the Transportation Committee, Mr. SHUSTER, and the chairman of the Water Resources Subcommittee, Mr. BOEHLERT, for all their hard work, and that of their staffs, on this bill, and for making this important public health issue a priority. The ranking members on the committee, Mr. OBERSTAR and Mr. BORSKI, have worked with them hand in hand to help advance and strengthen this bill, and their bipartisan collaboration has been key to the bill's progress. I also want to acknowledge and thank all my colleagues that have rolled up their sleeves and worked with me on the BEACH bill, both this year and in years past.

I am also very grateful for the input and assistance that I received during the drafting of this bill, and in the subsequent discussions on its progress, from the county of San Diego's Department of Environmental Health Services, which administers one of the best ocean testing programs in the world, and from the Surfrider Foundation, which has also been instrumental in helping to improve public education on water quality issues. Input from local

health agencies and from organizations like Surfrider have been key in identifying existing problems and shortcomings which make this bill so essential. In particular, Mr. Chairman, Chris Gonaver at the County's Environmental Health Department and Gary Sirota of the Surfrider Foundation have provided critical advice and input to me and my office on this bill since its inception, and deserve a great deal of credit for its development.

I would also like to thank the San Diego County Medical Society for taking an advocacy role on this issue by endorsing H.R. 999, and the American Oceans Campaign and the Center for Marine Conservation for their continuing support and efforts in helping to move this bill along. This is an exceptional range of support—public health officials, medical professionals, and the environmental community—and it further underscores both the merits of and need for H.R. 999.

This bill, Mr. Chairman, is a matter of significant importance not only to myself and my San Diego district, but to all Americans who live near or love visiting our coastal areas. As someone who has grown up and lived in and near the ocean all his life, surfing, swimming, and sailing in it, it is quite simply an integral part of my life. Most importantly, as a father of five children who share my passion for the sea, I want nothing more than for them to be able to spend their lives enjoying it in a clean, safe, and health risk-free environment.

I was with this in mind that I worked closely with my colleague from New Jersey in the 105th Congress to develop a ''precursor'' of this legislation, then H.R. 2094, as a means to work toward establishing reasonable national criteria for coastal water quality. While certain parts of the United States (led by my hometown of San Diego) have already developed and implemented comprehensive and progressive coastal testing and monitoring programs at both the state and local level, there are needs which up to this point have not been met, and problems which have not been fully addressed. This lack of consistency in the levels of protection provided by such monitoring and notification nationwide puts at risk beachgoers from coast to coast.

Roughly 60 percent of all Americans live within 30 miles of a coast, and far too often, surfers, swimmers, and others who enjoy using the water serve as inadvertent ''canaries in the coal mine''. These are the people, particularly children, who are susceptible to and develop the ear, nose, and throat infections, fevers, and respiratory or stomach ailments that can and do occur as a result contact with pathogen-contaminated water. There is a clear need, both for people who live on the coastlines in places like San Diego and Rehobeth Beach and surf or swim every day, and for people who live inland and bring their families to the shore once or twice a year, to be able to understand and be provided with information as to whether the water is safe for them to enjoy before they enter it. This is where consistency in the levels of protection provided by monitoring and notification at coastal areas is necessary.

This is the basic focus of H.R. 999—to be a first step towards identifying where problems exist and where there is a need for monitoring, recognizing the science and capacity we have to respond to them, and providing the tools, incentives, and flexibility to states and communities that they need to create programs and implement them appropriately. Most importantly, the bill provides the ability to develop and administer these programs in a ''bottoms up'' fashion, while moving away from outdated ''command and control'' strategies which may have served us well in the past, but are too cumbersome and unwieldy to provide useful solutions to today's challenges.

The en bloc amendment which will be offered shortly will be carefully explained, but I'd like to speak to one of the seemingly minor aspects of the amendment. In the short title of the bill, ''assessment'' is changed to ''awareness''. While this may seem insignificant, I wanted to make this change at this time to help underscore the entire point of the bill. Increased awareness is what this bill seeks to achieve, starting at the community level, and is what will lead to better protection of the public health and the environment at our coastal recreational water, both within and without the scope of H.R. 999.

The whole concept of this bill is to encourage nationwide monitoring of coastal recreation waters where it is needed to protect the public health, and public notification of the results—but from the community on up, not the top down. By empowering local health officials and communities to work directly with state and federal officials, H.R. 999 provides the opportunity and incentive to develop monitoring plans that will protect public safety on a regional or beach by beach basis.

It is important to recognize that H.R. 999 is not an expansion of regulatory authority under the Clean Water Act—it provides no new regulatory authority to any federal agency, and the bill language and accompanying congressional intent in the Committee report makes it clear that it may not be interpreted to do so. Its scope is limited to the monitoring of coastal recreation waters for pathogens or their indicators which are harmful to public health; it does not provide for source identification or regulation (specifically, at present non-point sources are not regulated under the Clean Water Act, and H.R. 999 does not change that).

H.R. 999 creates no unfunded mandates. States or local governments which may already have a robust monitoring program in place, as in Florida, California, or New Jersey—are not required to submit or develop a ''new'' program under this bill. The intent of the bill is not to lead to ''dual monitoring'' by the EPA in areas where appropriate monitoring is already taking place; it is to serve to encourage the development of monitoring programs in areas where none exist and where there is a need to protect the public health. Further, the updating and review of science-based criteria which will occur under the bill will be an asset to both new and existing monitoring programs, and lead to better levels of protection across the board.

The bill clarifies that state criteria for pathogens or pathogen indicators must be at least as protective of human health as previously published EPA criteria, which date back almost 14 years to 1986, and the incorporation of these new or revised criteria into state programs will also help to ensure that the scientific information on which the criteria themselves and individuals programs are based is kept current.

EPA is required under the bill to develop these criteria through a public process, which includes collaboration with appropriate local, state, and federal officials. This will include criteria for determining what areas of coastal recreation waters do not need to be monitored to protect the public health. The bill does not require, nor does it expect, that monitoring and notification programs will be the same in all states for all recreation waters where it is needed. Here is where the flexibility of the bill is essential, to allow for specific needs to be addressed on a regional basis.

Again, the goal of H.R. 999 is to create uniform levels of protection, not uniform monitoring programs, as might have been the case under previous incarnations of this bill.

The information database which will be established under the bill is an important asset to maintaining and improving measures for protecting the public health at coastal recreation waters, and pains have been taken to ensure that the databases will be used effectively for that specific purpose. I should clarify at this point that such a database was considered an essential tool for public health purposes by both my County Department of Environmental Health and by the Surfrider Foundation, and I think the dialogue which we have had in developing H.R. 999 has reinforced this view.

The bill specifies that this database will consist only of information on exceedances of water quality standards for pathogens that are harmful to human health, not to sources of causes. To address concerns which were expressed over potential misuse of the databases, the bill language was strengthened to clarify that only information on water quality standard exceedances for pathogens or pathogen indicators, from reliable water quality monitoring programs, may be included in the database. Access to important scientific information is what is intended and will be derived from the development and use of this database.

In sum, this is very much an incentive-based process; the bill provided that availability of federal grant funding to state and/or local governments which have established or are encouraged to establish an adequate monitoring program. The list which H.R. 999 requires to be maintained of area which do and do not have monitoring programs in place will serve as an additional incentive to state and local governments to develop and implement a monitoring program which best meets their own specific regional needs. It will also demonstrate to both residents and tourists alike that there is a system in place to make sure coastal recreation waters in question are safe and protective of human health, and give them a means by which they can understand and be aware of water conditions in a given area, and make their own decisions as a result.

By providing financial and public incentives rather than the threat of punitive action, H.R. 999 creates a fair process by which to establish means to effectively monitor coastal waters, and to make the public aware of those results and conditions.

Mr. Chairman and my colleagues, thank you again for this opportunity and your support. Together we can make sure that the American people, whether they live on the coast or in the heartland, are never again accidental ''canaries in a coal mine'' at our nation's beaches. Let's pass H.R. 999 today, and see it signed into law this year.

Mr. Chairman, I include for the RECORD the following material:

CONGRESSIONAL BUDGET OFFICE COST ESTIMATE

H.R. 999—Beaches Environmental Assessment, Cleanup, and Health Act of 1999

Summary: H.R. 999 would amend the Federal Water Pollution Control Act to require states to adopt water quality criteria for coastal recreation waters consistent with those developed by the Environmental Protection Agency (EPA) for the purpose of protecting human health in coastal recreation waters (beaches). The bill would authorize EPA to provide grants to states of $30 million annually over the 2000–2004 period to implement programs to monitor the quality of coastal waters and to notify the public of any conditions where beach water does not meet the established standards. In addition, the legislation would require EPA to issue new water quality criteria for recreational coastal areas based on studies of potential human health risks in these areas, make available to the public a database of the water quality at coastal recreational areas, and report to the Congress on the efforts under this program.

Becuse the bill would not affect direct spending or receipts, pay-as-you-go procedures would not apply. H.R. 999 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA) and would impose no costs on state, local, or tribal governments.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 999 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal years, in millions of dollars—					
	1999	2000	2001	2002	2003	2004
SPENDING SUBJECT TO APPROPRIATION						
Spending Under Current Law:						
Budget Authority [1]	3	0	0	0	0	0
Estimated Outlays	3	0	0	0	0	0
Proposed Changes:						
Estimated Authorization Level	0	34	34	34	34	34
Estimated Outlays	0	19	28	34	34	34
Spending Under H.R. 999:						
Estimated Authorization Level [1]	3	34	34	34	34	34
Estimated Outlays	3	19	28	34	34	34

[1] The 1999 level is the amount appropriated for that year.

Basis of estimate: For purposes of this estimate, CBO assumes that the bill will be enacted before the start of fiscal year 2000 and that the full amounts authorized will be appropriated for each fiscal year. Estimated outlays are based on historical spending patterns of similar EPA programs.

The bill authorizes the appropriation of $30 million a year for grants to states to implement programs to monitor and report on beach water quality. Based on information from EPA, CBO estimates that the agency would incur additional costs of about $4 million annually over the 2000–2004 period to study health hazards in coastal recreational waters, establish new criteria for monitoring water quality for these waters, develop a national database on pollution of beaches, and report to the Congress on the effectiveness of this program.

Pay-as-you-go considerations: None.

Intergovernmental and private-sector impact: H.R. 999 contains no intergovernmental mandates as defined in UMRA and would impose no costs on state, local, or tribal governments. While the bill would require states to establish acceptable water quality standards for coastal areas within three and a half years, if states choose not to establish these standards, the EPA would do it for them. The bill would authorize $30 million annually from 2000 through 2004 for states and local governments to implement eligible monitoring and notification programs. If they choose not to implement these programs, the EPA would be directed to use remaining money authorized by this bill to provide those programs for them. Any costs incurred by state and local governments to implement these programs would be voluntary and conditions of receiving grant assistance.

Estimate prepared by: Federal costs: Kim Cawley. Impact on State, local, and tribal governments: Lisa Cash Driskill.

Estimate approved by: Robert A. Sunshine, Deputy Assistant Director for Budget Analysis.

Press Release: March 4, 1999.

From: American Oceans Campaign.

AMERICAN OCEANS CAMPAIGN HAILS CONGRESSMAN FOR HIS COMMITMENT TO THE PUBLIC'S RIGHT TO KNOW ABOUT BEACH WATER QUALITY

WASHINGTON, DC.—Representatives of American Oceans Campaign (AOC) voiced their strong endorsement of legislation introduced today by Representative Brian Bilbray (R-CA). The Beaches Environmental Assessment, Cleanup and Health Act of 1999 (the B.E.A.C.H. Bill) addresses the problems of inconsistent beach water quality testing and public notification practices across the nation.

''From coast to coast, surfers, children, and others are becoming ill after swimming in beach waters contaminated with disease-causing microorganisms,'' said Ted Danson, President of American Oceans Campaign. ''All recreational beach waters should be tested consistently and the public should be informed when waters are unsafe.''

''Beach goers have a right to know that the waters they choose to play in are safe for recreation. A fun day at the beach should not make you sick the morning after,'' said Danson.

''Gastroenteritis and various eye, ear, nose, and throat infections can develop after contact with waters contaminated with bacteria and viruses,'' explained David Younkman, AOC's Executive Director. ''The U.S. Environmental Protection Agency has recommended water quality criteria for beach waters; however, many states either use weaker standards or do not regularly test their waters for the presence of bacteria and viruses. Shockingly, many states that do test their waters do not always alert the public about unhealthy water conditions.''

''The current approach to beach water testing is a mixture of inconsistent criteria and practices,'' said Younkman. ''Passing the B.E.A.C.H. bill will wipe out the inconsistencies and improve public health protections nationwide.''

''The B.E.A.C.H. bill will make certain that whether a person chooses to surf in San Clemente or snorkel in the Florida Keys, she enters the ocean with greater confidence about the quality of the water,'' said Danson. ''Representative Bilbray and other members of Congress who have introduced similar measures are to be congratulated for their leadership on this environmental and public health concern. American Oceans Campaign looks forward to energetically working with them to pass a strong B.E.A.C.H. Bill in 1999.''

[From the San Diego Union Tribune, Mar. 5, 1999]

END POLLUTED BEACHES

BILBRAY BILL WOULD REQUIRE NATIONAL TESTING

San Diego County instituted an aggressive testing program for its coastal waters year ago. Now it has begun DNA screening of polluted runoff to find out exactly why our beaches are sometimes polluted.

And what have we gotten for this effort? Nationwide scrutiny and criticism for having dirty beaches.

But the fact is, our beaches aren't dirtier than other places. (They're actually cleaner than many others.) We've been singled out only because we test more vigorously and close beaches when bacteria levels are too high. Most coastal areas in other states don't maintain effective testing programs. And some places never tell the public when they do find high pathogen levels.

Rep. Brian Bilbray, R-Imperial Beach, introduced legislation yesterday that would put all coastal regions on an equal plane. Endorsed by several environmental groups, including the Surfrider Foundation, Bilbray's Beaches Environmental Assessment, Cleanup and Health Act (with the clever acronym BEACH), would establish uniform national criteria for testing and monitoring recreational coastal waters. It also would require public notification when those waters endanger public health.

This is a very good idea. Now, the standards for beach water cleanliness are very loose. Some coastal states use very weak standards. Others have a policy of silence even when they do test, probably because of concerns about scaring away tourists.

Bacteria and viruses in coastal waters can sicken bathers, causing gastroenteritis and ear, eye, nose and throat infections. People in states that don't test properly could be getting sick from polluted water and never know the cause.

The BEACH bill would develop standards with the help of local health officials. Also, since some coastal areas have different problems or conditions, individual monitoring programs tailored to certain regions would be allowed. Federal grants would be available for local monitoring programs.

Bilbray's legislation doesn't include a strong enforcement mechanism for beach areas that don't comply. However, the federal Environmental Protection Agency would keep a list of such areas and make it available to the public. Compliance must be addressed at some point after water quality standards and monitoring programs are developed.

While Congress considers monitoring beach pollution nationwide, San Diego County is taking an advanced step in cleaning up its coastal waters. After local environmental advocate Donna Frye pushed the idea for a year, the county is set to begin DNA testing

to find the origins of bacterial pollution at our beaches. This scientific monitoring should tell us exactly where the pollution originates, so we can take steps to stop it at its source.

Monitoring beach pollution isn't expensive. But most coastal regions neglect it because they're afraid of what they might find. It's time to stop ignoring coastal pollution, and start doing something about it, as San Diego County does. Congress should approve Bilbray's BEACH bill.

[From Inside EPA, Mar. 19, 1999]

LEGISLATION WOULD REQUIRE NEW EPA STANDARDS FOR BEACH QUALITY

(By Jean Wiedenheft)

Legislation requiring EPA to establish water quality monitoring standards for recreational beaches may pass this year as environmentalists and states appear to be on the verge of an acceptable compromise, observers agree.

In previous sessions, bills have been introduced into both houses of Congress that would require certain baseline monitoring of water quality, followed by notification of the public if the water does not meet set standards. But the language has always been shot down by states concerned over its implementation.

Under the new legislation introduced by Rep. Brian Bilbray (R–CA), EPA would set monitoring standards for beaches, though states would not be forced to implement those standards. Instead, EPA would publicize states that failed to meet the federal standards. If states still do not implement a monitoring program, under the legislation EPA would monitor the beaches in the state. EPA already has guidelines in place for states, suggesting contaminants to monitor for and contaminant levels at which the public should be notified of possible danger.

States are saying the new version of the bill—H.R. 999—is much closer to being acceptable to them, with one source adding that the bill's sponsors are ''serious'' about working with them to see the bill pass. Environmentalists are endorsing the measure.

As the bill is written, states would be required to monitor beaches for certain pollutants and pathogens, and make that information available to the public through the Internet and local newspapers if there is a threat.

Such legislation is necessary, environmentalists and bill supporters say, because only some states monitor their beaches, and even fewer post warnings or close beaches when water contaminants reach unsafe levels.

It is difficult to get a handle on how many coastal areas are actually being monitored, sources say, because often it is through a local initiative, not a state program.

The bill provides $7.5 million a year, from 2000 to 2004, in grants for states to implement the programs. But a state source says that while the funding is an increase over last year's proposal, it is still too low. There are over 30 states that have coastal areas and would need funding to implement and maintain a monitoring program, this source points out, and any one state can only apply for half of its costs.

Some state sources also say the structure of the proposed law would need to be modified to allow them more flexibility. Any legislation should focus on meeting performance objectives, one source points out, not on procedural monitoring requirements.

The timeliness proposed in the legislation, for example, may need to have more flexibility for gathering and reporting data. In some cases, one source points out, it takes several days to get laboratory analyses back before knowing whether the public should be warned about swimming at a particular beach.

The legislation can also only reasonably apply to public beaches, one source points out, because the states do not have the resources—or the authority—to impose such regulations on private citizens.

But several state sources say Bilbray's staff have been open to their suggestions, and are willing to negotiate in order to get the legislation through.

A similar House bill has been introduced by Rep. Frank Pallone (D–NJ), and Sens. Frank Lautenberg (D–NJ), Frank Torricelli (D–NJ), Barbara Boxer (D–CA), and Joseph Lieberman (D–CT) are cosponsoring the beach bill in the Senate.

Mr. BORSKI. Mr. Chairman, I yield 3 minutes to the gentleman from California (Mr. FARR), the original cosponsor of the bill.

Mr. FARR of California. Mr. Chairman, I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of H.R. 999. I want to thank my fellow Californian (Mr. BILBRAY) for his leadership on this issue.

Today is Earth Day, and I want to wish all Members a happy Earth Day, and I want to encourage them to do something about this being Earth Day by supporting this legislation.

Most of us do not think about how the oceans and coasts are important to our lives, but they really are. A beautiful coastline is important to each of us in each of our districts. We are a Nation that travels and visits relatives, we visit beautiful places. An awful lot of those places are coastlines, because 70 percent of America's population lives within 50 miles of the coast.

Americans love the oceans. According to the 1997 SeaWeb and Melman poll and a 1999 USA Today poll, more than half of Americans have observed that the conditions of our coasts are worsening, especially due to pollution and overfishing, and they want us, Members of Congress, to do something about it.

We are critically dependent upon the ocean for ocean resources for tourism purposes, for travel dollars. Eighty-five percent of the tourist revenues spent in the United States are spent in the coastal States. Over 180 million people visit our coastal waters nationwide each year. In California alone the ocean-related tourism revenue exceeds $38 billion.

Yet, our oceans are imperiled. Most of the major fish stocks in the world are overfished. Seventy-five percent of the endangered and threatened mammals and birds rely on coastal habitat. This will only get worse. Americans are moving to the coasts and exploiting them more than ever. By the year 2010, 75 percent of the U.S. population will live within 50 miles of the coast.

What are we going to do about this? What are we going to do to care for our coasts, to ensure that our coasts can support this intensity of habitation? We have not demonstrated our commitment yet to the oceans. We have not passed the Oceans Act, but we have this, and we can do something about it.

We have created national marine sanctuaries, which are essentially national parks in the ocean. We have 12 of those, yet with less than 1 percent of the funding that we give to our national parks. We have 378 national parks, 155 national forests, but only 12 national marine sanctuaries.

We need to make our coasts safe for everyone, including swimmers, surfers, fishers, and even the sea life, the fish themselves, the plants and the smallest of plankton organisms that they rely on. This bill is a step in that direction.

I urge all my colleagues to support H.R. 999, and I wish my colleagues a happy Earth Day.

Mr. BOEHLERT. Mr. Chairman, I yield 3 minutes to the distinguished gentleman from California (Mr. ROHRABACHER).

Mr. ROHRABACHER. Mr. Chairman, I want to thank the gentleman from New York (Mr. BOEHLERT) and all those who have put a lot of hard work and effort into this piece of legislation.

I especially want to tip my hat to the gentleman from California (Mr. BRIAN BILBRAY). Before BRIAN got here, I was the best surfer in the House of Representatives. Unfortunately, BRIAN was elected, and seeing that there is another surfer, he is the best surfer in the House, even though sometimes he is a wave hog.

Let me say this, that this bill is a terrific piece of legislation. The gentleman has put a lot of effort into it. There are some conservatives with a few apprehensions, and the fact is that we do believe that the States should play a major role.

The gentleman from New York (Mr. SHERRY BOEHLERT) and the gentleman from California (Mr. BRIAN BILBRAY) have made sure that this bill represents a cooperation with the States, and not a domination of the States by the Federal Government.

The oceans, both as a recreational resource and an economic resource, are perhaps the most valuable asset we have in the United States of America. We have scuba diving, we have people like the gentleman from California (Mr. BRIAN BILBRAY) and myself who do a lot of surfing in the ocean, and we also have fishing and other recreational uses that add a tremendous value and are a tremendous asset to our people.

I am very pleased that this bill is the very first time where surfing is actually identified as a federally-recognized recreational activity. Whether when you are a surfer or a scuba diver, which I am also a scuba diver, but when one is in the ocean, one is experiencing one of God's most awesome gifts to humankind. It is a living force, and it is also in itself an entity of tremendous power and energy.

Those of us who surf and use the ocean know this, and it is like skiing on a mountain, except the mountain is going right with you. It is this tremendous, awesome power that you are with. The ocean represents this to all of humankind, this potential.

Mr. Chairman, I think it is important for us to realize that this bill, H.R. 999, is officially recognizing the ocean and recognizing this asset as a valuable asset in which we all in the States and in local communities and in the Federal Government will cooperate with in order to maintain this asset, and make sure it is available to those of us who use it. So many millions of Americans use this asset.

Let us also remember when we talk about the ocean, our bodies are made out of water. God made human bodies out of water, just like he made the world mainly out of water, so we are caretakers for God's gift.

Finally, my colleagues who have any thought of opposing this bill should know and be advised that if the amendment fails, the gentleman from California (Mr. BILBRAY) and I will double the number of surfing videos that are played in the Congressional Gym.

Mr. BORSKI. Mr. Chairman, I yield 3 minutes to the gentlewoman from California (Mrs. CAPPS), another sponsor of the bill.

Mrs. CAPPS. Mr. Chairman, I rise today in support of the Beaches Environmental Awareness Cleanup and Health Act, the BEACH bill. I am fortunate to represent and call home one of the most beautiful districts in our Nation, the central coast of California. People come from all around the world to visit the area, and they are especially attracted to our spectacular coastline and incredible beaches, where fishing, all kinds of tourism, and indeed, surfing go on on a regular basis. We had surfboards outside my family home all through the growing up years of my children.

Sadly, an increasingly familiar blight on these majestic beaches is a bright yellow sign reading ''Advisory'' or ''Closure.'' Santa Barbara County issues beach advisories to warn the public of harmful elevated bacterial levels in the surf. Unfortunately, during the past years, and in 1997, a record 199 days saw this bright yellow beach sign in front of beaches on the Santa Barbara coastline.

The public should be able to enjoy their beaches without worrying about their health. We cannot tolerate people getting sick from swimming in the ocean.

Santa Barbara is blessed with a vibrant local citizen group which was formed as a public outcry to these polluted beaches. It is called Heal the Ocean. It is a grass roots group. I am proud to be a supporter. Heal the Ocean conducts testing of our coastal waters, and is engaged in a significant public outreach campaign to educate the community on this important issue. This group enjoys tremendous and well-deserved local support.

The bill we are debating today will provide critical Federal support to groups around the country, such as Heal the Ocean in Santa Barbara.

We all share a common goal, to protect and improve the quality of our coastal waters, and to ensure public safety. By establishing national recreational water quality standards and empowering local communities to develop monitoring plans, the BEACH bill represents a strong step forward. This legislation will not only protect the health of our beaches, but also the health of our economy.

My district, like so many other coastal communities around the Nation, depends on recreation and tourism for its economic vitality. The cost of beach water quality monitoring is minuscule compared to the revenue that is generated by coastal tourism.

I do appreciate the hard work of my colleague, the gentleman from Pennsylvania (Mr. BORSKI) and my friend, the gentleman from California (Mr. BILBRAY) in establishing this bill.

I would like to recognize the efforts of my colleague, the gentleman from New Jersey (Mr. PALLONE), who has been a leader on this issue for many years and has introduced critical beach legislation in the 105th Congress as well as the 106th Congress.

I urge my colleagues on both sides of the aisle to join me in supporting this important bill to protect public health, our beaches, and our coastal communities.

Mr. BOEHLERT. Mr. Chairman, it is my pleasure to yield 2 minutes to the gentleman from California (Mr. KUYKENDALL).

Mr. KUYKENDALL. Mr. Chairman, today we celebrate Earth Day. It is only fitting that we take up this piece of legislation today as it deals with one of the most significant components of our environment, the coastal and recreational waters.

Each year millions of tourists flock to our beaches, and in Los Angeles County alone our tourism industry is worth about $13 billion in average revenue. The beaches in that county generate most of that, and three or four of those beaches are in my district: Hermosa Beach, Manhattan Beach, household names in our area. They play a significant role in generating that revenue.

There are real economic consequences that stem from protecting our environment, particularly the water resources. Helping build the public's confidence in the quality of this water will ensure its protection in the future.

The BEACH bill will help build this confidence in beaches across the country by establishing a uniform national standard. The bill will also allow local communities to tailor the monitoring and notification that meet their unique regional needs, and it provides incentives, not mandates, to meet the national criteria, incentives that take the form of grants from the Federal Government to implement monitoring and notification programs. In other words, instead of dictating to each jurisdiction how to meet a national standard, the Federal Government will give them flexibility and help cover part of the cost. This is unprecedented environmental regulation.

Finally, several people say, why should we do this if California already has good monitoring? My constituents, when they go other places in this country, and Members' constituents all over the country, deserve to have good quality water to play in when they go to surf or swim in our recreational waters. If we standardize that monitoring, we all know, whether we are from California or from Michigan, whether the water is safe to be in.

I urge Members' support of the BEACH bill. It is solid national environmental policy. It brings together flexibility and incentives instead of mandates. It has local control instead of force-fed Federal policy. It is a good example of environmental policy supplementing economic policy. I urge Members' aye vote.

Mr. BOEHLERT. Mr. Chairman, I yield 1 minute to the gentleman from Florida (Mr. FOLEY).

Mr. FOLEY. Mr. Chairman, I thank the gentleman for yielding time to me.

As a representative of a Florida coastal district, I rise today to applaud my colleague, the gentleman from California, (Mr. BILBRAY) of San Diego for bringing this legislation to the Floor today.

In addition to being some of the nicest in this country, the beaches in my district are already clean and safe, and I am proud of that fact. I am a supporter of the BEACH bill because rather than taking a command and control approach to protecting our Nation's beaches, it utilizes a far more powerful approach, the power of information.

The BEACH bill establishes mechanisms that will let the public know where and when beaches are safe.

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If coastal communities choose to risk the quality of their water, they will risk losing valuable tourist dollars. Floridians know this firsthand. When we improved the health of the local environment, we also improved the health of the local economy. Tourists are smart. Armed with information, they will spend their money where they know the beaches are clean and safe.

Mr. BORSKI. Mr. Chairman, I yield such time as he may consume to the distinguished gentleman from Minnesota (Mr. OBERSTAR), ranking member of the Committee on Transportation and Infrastructure.

Mr. OBERSTAR. Mr. Chairman, I want to compliment my good friend and colleague, the gentleman from Pennsylvania (Mr. BORSKI), for the long hours he has spent on this bill and his personal dedication and commitment in bringing it to this point of achievement; and to the gentleman from New York (Mr. BOEHLERT), chairman of the subcommittee, who has a long and distinguished record in the protection of the environment, and for his concern that we fashion a bill that will be useful and meaningful and effective and

for bringing it to the floor on this Earth Day; and of course to the gentleman from Pennsylvania (Mr. SHUSTER), the chairman of the full committee, who already spoke quite pointedly of his support for this legislation.

But I rise today, not only in support of this legislation, but to recall for our colleagues my very dear friend and classmate, the class of the 1974 election, 94th Congress, Congressman Bill Hughes, who made this issue his cause during the time that he served in the House.

It is the culmination of years of effort, but culmination of a very deep-seated, genuine, ardent, vocal effort by Congressman Bill Hughes during his service in the Congress.

Together we served on the House Committee on Merchant Marine and Fisheries. I recall both in committee and in one-on-one conversations with Bill Hughes his deep, genuine concern about the deterioration of the quality of water in the ocean that bordered on his State of New Jersey, his accounts of hypodermic needles washing up on the beaches, bringing some of the debris with him to our committee meetings and to one-on-one member meetings, the numerous health warnings that disturbed us so greatly, the beach closings, and the health effects on users of the New Jersey coastline; and that brought him to other coastlines in other parts of the country, and he really made this a great concern.

I will recall his statement on introducing essentially this bill, his version, which was a predecessor to today's legislation, ''This bill is a great improvement to the policies that currently exist in beach testing and monitoring. It provides a public health stamp of approval for States proudly to show people who live and vacation along the shore that the coastal waters are safe for swimming and other related activities.''

Following Bill Hughes' retirement from Congress, the gentleman from New Jersey (Mr. PALLONE), a successor, not particularly from that district, and the gentleman from New Jersey (Mr. LOBIONDO), directly from that district, championed the cause along with the later arrival in the House of the gentleman from California (Mr. BILBRAY), who has been persistent and vigorous and single-minded in his purpose of getting this legislation through the committee and to the House floor. Great advocates. The torch really has been passed from Bill Hughes to a new generation of advocates for quality of life along our freshwater and saltwater beaches.

This bill attempts to assure American families that the only concern they will have when going to the beach is how much sunblock they have on, not what rashes or illnesses they may have developed after an outing to the beach.

When we consider, as our colleague from California (Mrs. CAPPS) a moment ago cited, 199 days of beach closings in areas of her district, there were 22,746 beach closings in the decade from 1988 to 1998, that is not acceptable. We have to do a better job of monitoring, of stewardship for these great resources of the Nation's freshwater and saltwater beaches.

The idea of a monitoring bill is good. This bill has two public health goals, to have uniform monitoring of coastal recreational waters and uniform means of notification to the public of unhealthy water conditions.

The partnerships between the Federal Government and the coastal States and the local communities that this bill brings about are good. They are good steps in the right direction, $30 million for grants to States and communities to establish monitoring programs.

But I just want to make it clear that, and no one should misunderstand the purpose of this bill, this is for monitoring and for notification. It does not go to cleanup. It does not address the upland issues of nonpoint source runoff, of discharges by cities and other entities into those rivers and estuaries that discharge on and lay their debris upon the beaches.

It will be argued that there are other programs, other means, other ways of doing this. But because I have heard from people who say, oh, we are going to do something about cleaning up the beaches, no, we are going to do something about notifying people about unsafe conditions. We are going to do something about monitoring those conditions with this legislation.

I also note repeated references to giving the States their responsible authority to undertake this role, and that is true. This is a Federal-State partnership. But I do want to remind my colleagues that the thin line of sand or pebbles that are the beach is the dividing point between the ocean and the land.

It is the ocean that is the common heritage of all mankind. It does not belong to a State or a Nation. As a Nation, we have a greater responsibility than any individual State does for the quality of that ocean and the littoral, the linkage between the land and the water.

This is a good step in the right direction. It will be a step, I hope, that heightens our awareness of the individual responsibility each of us has, that the responsibility to each State has and that this Nation has toward that greater body of water, the ocean, the common heritage of all mankind and, in the case of the Great Lakes, one-fifth of all the freshwater on the face of the Earth.

So I urge our colleagues to support this legislation and that we move it along to signature by the President as quickly as possible.

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me close by once again thanking the gentleman from California (Mr. BILBRAY), all those who worked so hard to make this day a reality. Let me compliment the House of Representatives on this Earth Day 1999. On a bipartisan basis, we have Democrats and Republicans working constructively to develop responsible public policy that will protect the families health and well-being.

Mr. Chairman, I yield as much time as he may consume to the gentleman from California (Mr. BILBRAY) for a closing word.

Mr. BILBRAY. Mr. Chairman, I would like to thank both the ranking members and the chairmen for their work on this bill.

Let me just say, Mr. Chairman, in closing, this bill has had a lot of people who have worked on it for a long time who are not here today. The gentleman from New Jersey (Mr. PALLONE) worked hard with me at trying to figure out how to get to this point to where we can get the Federal Government working with the States, and now with H.R. 999 we will be able to do something that, as the gentleman from Minnesota (Mr. OBERSTAR) pointed out, is getting the information to the local community so that they are empowered to know there is a problem, which is the first and most critical step of knowing how to respond to it.

I would say in closing, personally, back in 1970 on the first Earth Day, I was a high school senior and I wore the green and blue armbands, and I was protesting the pollution of my beaches in south San Diego. Sad to say, almost 30 years later, our beaches are still polluted by the Republic of Mexico, and that is something that we need to and are working to address.

But this bill does something that we said back in 1970, and it was a big battle cry that we had in the environmental movement, ''Think globally but act locally.'' This bill empowers the local community to have the local information so that they can address their problems in their neighborhood, in their community, and have the Federal Government as an ally in the local effort to act locally, to be able to take care of the global problem.

I thank this body, and I thank the chairmen and the ranking members for the chance to be able to bring this bill up for action.

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

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

The CHAIRMAN. All time for general debate has expired.

The committee amendment in the nature of a substitute printed in the bill shall be considered by section as an original bill for the purpose of amendment, and pursuant to the rule each section is considered read.

Before consideration of any other amendment, it shall be in order to consider the amendment printed in House Report 106–103 if offered by the gentleman from Pennsylvania (Mr. SHUSTER) or his designee. That amendment

shall be considered read, may amend portions of the bill not yet read for amendment, shall be debatable for 10 minutes, equally divided and controlled by the proponent and an opponent, shall not be subject to amendment, and shall not be subject to a demand for division of the question.

After disposition of that amendment, the bill, as perfected, shall be considered as an original bill for the purpose of further amendment.

During further consideration of the bill for amendment, the Chair may accord priority in recognition to a Member offering an amendment that he has printed in the designated place in the CONGRESSIONAL RECORD. Those amendments will be considered read.

The Chairman of the Committee of the Whole may postpone a request for a recorded vote on any amendment and may reduce to a minimum of 5 minutes the time for voting on any postponed question that immediately follows another vote, provided that the time for voting on the first question shall be a minimum of 15 minutes.

AMENDMENT OFFERED BY MR. BOEHLERT

Mr. BOEHLERT. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

An amendment made in order by House Resolution 145 offered by Mr. BOEHLERT:

Page 2, line 5, strike ''Assessment'' and insert ''Awareness''.

Page 3, line 8, strike ''If a State'' and all that follows through ''paragraph (1)(A),'' on line 10 and insert the following:

If a State has not adopted water quality criteria referred to in paragraph (1)(A) that are as protective of human health as the criteria for pathogens and pathogen indicators for coastal recreation waters that the Administrator has published under section 304(a)(9),

Page 6, line 13, after ''State,'' insert ''tribal,''.

Page 7, line 9, strike ''shall'' and insert ''is authorized to''.

Page 7, line 10, after ''States,'' insert ''Indian tribes,''.

Page 7, line 14, after ''State,'' insert ''and tribal,''.

Page 7, line 16, strike ''shall'' and insert ''is authorized to''.

Page 7, line 16, after ''State'' insert ''or Indian tribe''.

Page 7, line 23, after ''State'' insert ''or Indian tribe''.

Page 7, line 25, strike ''shall'' and insert ''is authorized to''.

Page 8, line 1, after ''State'' insert ''or Indian tribe''.

Page 8, line 9, after ''State'' insert ''or Indian tribe''.

Page 8, line 14, after ''State'' insert ''or Indian tribe''.

Page 8, line 19, after ''State'' insert ''or Indian tribe''.

Page 10, line 17, after ''State'' insert ''or tribal''.

Page 11, line 8, strike ''shall'' and insert ''is authorized to''.

Page 11, line 17, strike ''shall'' and insert ''is authorized to''.

Page 12, line 15, after ''State'' insert ''or Indian tribe''.

Page 12, line 17, after ''State'' insert ''or Indian tribe''.

Page 13, after line 20, insert the following:

''(c) FEDERAL AGENCY PROGRAMS.—Each Federal agency shall develop, through a process that provides for public notice and an opportunity for comment, a program for monitoring and notification to protect public health and safety that meets the performance criteria established under subsection (a) for coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and subject to the jurisdiction of the Federal agency. Each Federal agency program shall address the matters identified in subsection (b)(2)(B)(iii).

Page 13, line 21, strike ''(c)'' and insert ''(d)''.

Page 14, line 5, strike ''The Administrator'' and all that follows through line 10 and insert the following: ''The Administrator may include in the database other information only if the information is on exceedances of applicable water quality standards for pathogens and pathogen indicators for coastal recreation waters and is made available to the Administrator from other coastal water quality monitoring programs determined to be reliable by the Administrator. The data base may provide such information through electronic links to other databases determined to be reliable by the Administrator.''

Page 14, line 11, strike ''(d)'' and insert ''(e)''.

Page 14, line 12, after ''States'' insert '', Indian tribes,''.

Page 14, line 16, strike ''(e)'' and insert ''(f)''.

Page 15, strike lines 8 through 19 and insert the following:

''(g) EPA IMPLEMENTATION.—With respect to a State that has no program for monitoring for and notification of exceedances of the applicable water quality standards for pathogens and pathogen indicators in coastal recreation waters adjacent to beaches (or other points of access) open to the public that protects public health and safety, after the last day of the 3-year period beginning on the date the Administrator identifies, on a list required pursuant to subsection (f), discrete areas of coastal recreation waters in the State that are not subject to a monitoring and notification program meeting the performance criteria established under subsection (a), the Administrator shall conduct, subject to the conditions of subsection (b)(2), a monitoring and notification program for such discrete areas using the funds appropriated for grants under subsection (b), including salaries, expenses, and travel.

Page 15, line 20, strike ''(g)'' and insert ''(h)''.

Page 15, line 21, after ''States'' insert '', Indian tribes,''.

Page 16, line 7, insert ''coastal'' before ''estuaries''.

The CHAIRMAN. Pursuant to the rule, the gentleman from New York (Mr. BOEHLERT), as the designee of the gentleman from Pennsylvania (Mr. SHUSTER), and a Member opposed each will control 5 minutes.

The Chair recognizes the gentleman from New York (Mr. BOEHLERT).

Mr. BOEHLERT. Mr. Chairman, I yield myself such time as I may consume.

This will be very quick. The en bloc amendment deals with noncontroversial bipartisan amendments, technical and clarifying. They have been worked out by the ranking minority member. I would like to give special credit to the gentleman from California (Mr. POMBO), who helped with the agriculture community to get us to this point. I urge their adoption.

Mr. Chairman, I yield 30 seconds to the gentleman from California (Mr. BILBRAY).

Mr. BILBRAY. Mr. Chairman, as the author of the bill, I support the en bloc amendment. I would like to also take this opportunity to thank the gentleman from California (Mr. POMBO) for his cooperative effort and willingness to work with me in addressing the concerns that the agricultural community had initially expressed, and which are addressed by the en bloc.

Mr. BOEHLERT. Mr. Chairman, I urge adoption of the amendment, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New York (Mr. BOEHLERT).

The amendment was agreed to.

The CHAIRMAN. The Clerk will designate section 1.

The text of section 1 is as follows:

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 ''Beaches Environmental Assessment, Cleanup, and Health Act of 1999''.

The CHAIRMAN. Are there any amendments?

If not, the Clerk will designate section 2.

The text of section 2 is as follows:

SEC. 2. ADOPTION OF COASTAL RECREATION WATER QUALITY CRITERIA AND STANDARDS BY STATES.

Section 303 of the Federal Water Pollution Control Act (33 U.S.C. 1313) is amended by adding at the end the following:

''(i) COASTAL RECREATION WATER QUALITY CRITERIA AND STANDARDS.—

''(1) ADOPTION BY STATES.—

''(A) INITIAL CRITERIA AND STANDARDS.—Not later than 3½ years after the date of enactment of this subsection, each State having coastal recreation waters shall adopt and submit to the Administrator water quality criteria and standards for such waters for those pathogens and pathogen indicators for which the Administrator has published criteria under section 304(a).

''(B) NEW OR REVISED STANDARDS.—Not later than 3 years after the date of publication by the Administrator of new or revised water quality criteria under section 304(a)(9), each State having coastal recreation waters shall adopt and submit to the Administrator new or revised water quality standards for such waters for all pathogens and pathogen indicators for which the Administrator publishes new or revised water quality criteria.

''(2) FAILURE OF STATES TO ADOPT.—If a State has not complied with paragraph (1)(A) by the date specified in paragraph (1)(A), the Administrator shall promptly prepare and publish proposed regulations for the State setting forth revised or new water quality standards for coastal recreation waters for the pathogens and pathogen indicators subject to paragraph (1)(A). If the Administrator prepares and publishes such regulations under subsection (c)(4)(B) before the date specified in paragraph (1)(A), the Administrator shall promulgate any revised or new standard under this paragraph not later than the date specified in paragraph (1)(A).

''(3) SAVINGS CLAUSE.—Except as expressly provided by this subsection, the requirements and procedures of subsection (c) apply to this subsection.''.

The CHAIRMAN. Are there any amendments to section 2?

Mr. BOEHLERT. Mr. Chairman, I ask unanimous consent that the remainder of the committee amendment in the nature of a substitute be printed in the RECORD and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from New York?

There was no objection.

The text of the remainder of the committee amendment in the nature of a substitute is as follows:

SEC. 3. REVISIONS TO WATER QUALITY CRITERIA.

(a) STUDIES.—Section 104 of the Federal Water Pollution Control Act (33 U.S.C. 1254) is amended by adding at the end the following:

''(v) STUDIES CONCERNING PATHOGEN INDICATORS IN COASTAL RECREATION WATERS.—Not later than 3 years after the date of enactment of this subsection, and after consultation and collaboration with appropriate Federal, State, and local officials (including local health officials) and other interested persons, the Administrator shall conduct, in cooperation with the heads of other Federal agencies, studies to provide additional information for use in developing—

''(1) a more complete determination of potential human health risks resulting from exposure to pathogens in coastal recreation waters, including effects to the upper respiratory system;

''(2) appropriate and effective indicators for improving detection in a timely manner in coastal recreation waters of the presence of pathogens that are harmful to human health;

''(3) appropriate, accurate, expeditious, and cost-effective methods (including predictive models) for detecting in a timely manner in coastal recreation waters the presence of pathogens that are harmful to human health; and

''(4) guidance for State application of the criteria for pathogens and pathogen indicators to be issued under section 304(a)(9) to account for the diversity of geographic and aquatic conditions.''.

(b) REVISED CRITERIA.—Section 304(a) of such Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:

''(9) REVISED CRITERIA FOR COASTAL RECREATION WATERS.—

''(A) IN GENERAL.—Not later than 4 years after the date of enactment of this paragraph, and after consultation and collaboration with appropriate Federal, State, and local officials (including local health officials), the Administrator shall issue new or revised water quality criteria for pathogens and pathogen indicators (including a revised list of testing methods, as appropriate) based on the results of the studies conducted under section 104(v) for the purpose of protecting human health in coastal recreation waters.

''(B) REVIEWS.—At least once every 5 years after the date of issuance of water quality criteria under this paragraph, the Administrator shall review and, as necessary, revise the water quality criteria.''.

SEC. 4. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

Title IV of the Federal Water Pollution Control Act (33 U.S.C. 1341–1345) is amended by adding at the end the following:

''SEC. 406. COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION.

''(a) MONITORING AND NOTIFICATION.—Not later than 18 months after the date of enactment of this section, after consultation and collaboration with appropriate Federal, State, and local officials (including local health officials), and after providing public notice and an opportunity for comment, the Administrator shall publish performance criteria for—

''(1) monitoring (including specifying available methods for monitoring) coastal recreation waters adjacent to beaches (or other points of access) that are open to the public for attainment of applicable water quality standards for pathogens and pathogen indicators and for protection of public safety from floatable materials; and

''(2) promptly notifying the public, local governments, and the Administrator of any exceedance of applicable water quality standards for coastal recreation waters described in paragraph (1) (or the immediate likelihood of such an exceedance).

The performance criteria shall provide for the activities described in paragraphs (1) and (2) to be carried out as necessary for the protection of public health and safety.

''(b) PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.—

''(1) IN GENERAL.—The Administrator shall make grants to States and local governments for the purpose of developing and implementing programs for monitoring and notification, as provided in paragraphs (2) and (3).

''(2) STATE PROGRAMS.—

''(A) IN GENERAL.—The Administrator shall make grants to a State for developing and implementing a program for monitoring and notification to protect public health and safety that meets the performance criteria established under subsection (a) for coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and are subject to the jurisdiction of the State.

''(B) REQUIREMENTS.—The Administrator shall make grants for implementation of a program of a State under subparagraph (A) only if the Administrator determines that—

''(i) the program has been developed through a process that provides for public notice and an opportunity for comment;

''(ii) the program meets the performance criteria under subsection (a), based on a review of the program, including information provided by the State under clause (iii); and

''(iii) the program—

''(I) identifies coastal recreation waters within the jurisdiction of the State;

''(II) identifies those coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and subject to the jurisdiction of the State and that are covered by the program;

''(III) identifies those coastal recreation waters covered by the program that would be given a priority for monitoring and notification if fiscal constraints prevent compliance at all coastal recreation waters covered by the program with the performance criteria established under subsection (a);

''(IV) identifies the process for making any delegation of responsibility for implementing the program to local governments, the local governments, if any, to which the State has delegated or intends to delegate such responsibility, and the coastal recreation waters covered by the program that are or would be the subject of such delegation;

''(V) specifies the frequency of monitoring based on the periods of recreational use of such waters and the nature and extent of use during such periods;

''(VI) specifies the frequency and location of monitoring based on the proximity of such waters to known point and nonpoint sources of pollution and in relation to storm events;

''(VII) specifies which methods will be used for detecting levels of pathogens and pathogen indicators that are harmful to human health and for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters, including in relation to storm events;

''(VIII) specifies measures for prompt communication of the occurrence, nature, location, pollutants involved, and extent of such an exceedance (or the immediate likelihood of such an exceedance) to the Administrator and a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters covered by the State program for which an exceedance is identified; and

''(IX) specifies measures for posting of signs at the beach (or other point of access), or functionally equivalent communication measures, sufficient to give notice to the public of an exceedance (or the immediate likelihood of an exceedance) of applicable water quality criteria for pathogens and pathogen indicators for such waters and the potential risks associated with water contact activities in such waters.

''(3) LOCAL PROGRAMS.—

''(A) IN GENERAL.—The Administrator shall make a grant to a local government for developing and implementing a program for monitoring and notification to protect public health and safety that meets the performance criteria established under subsection (a) for coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and subject to the jurisdiction of the local government.

''(B) REQUIREMENTS.—The Administrator shall make grants for implementation of a local government program under subparagraph (A) only if the Administrator determines that—

''(i) the State in which the local government is located did not submit a grant application meeting the requirements of paragraph (2)(B) within one year following the date of publication of performance criteria under subsection (a);

''(ii) the local government program has been developed through a process that provides for public notice and an opportunity for comment;

''(iii) the local government program meets the performance criteria under subsection (a), based on a review of the local government program, including information provided by the local government under paragraph (2)(B)(iii); and

''(iv) the local government program addresses the matters identified in paragraph (2)(B)(iii) with respect to such waters.

''(4) LIST OF WATERS.—Following receipt of a grant under this subsection, a State or local government shall apply the prioritization established by the State or local government under paragraph (2)(B)(iii)(III) and promptly submit to the Administrator—

''(A) a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided where the performance criteria under subsection (a) will be met; and

''(B) a list of discrete areas of coastal recreation waters that are subject to the program for monitoring and notification for which the grant is provided where fiscal constraints will prevent compliance with the performance criteria under subsection (a).

''(5) FEDERAL SHARE.—The Federal share of the cost of developing and implementing a monitoring and notification program under this subsection shall be not less than 50 percent nor more than 100 percent, as determined by the Administrator. The non-Federal share of such cost may be met through in-kind contributions.

''(6) DELEGATION.—If a State delegates responsibility for monitoring and notification under this subsection to a local government, the State shall make a portion of any grant received by the State under paragraph (2) available to the local government in an amount commensurate with the responsibilities delegated.

''(c) INFORMATION DATABASE.—The Administrator shall establish, maintain, and make available to the public by electronic and other means a national coastal recreation water pollution occurrence database that provides information on exceedances of applicable water quality standards for pathogens and pathogen indicators for coastal recreation waters using information reported to the Administrator pursuant to a monitoring and notification program that meets the performance criteria established under subsection (a). The Administrator may include in the database information made available to the Administrator from other coastal water quality

monitoring programs determined to be reliable by the Administrator. The database may provide information through electronic links to other databases determined to be reliable by the Administrator.

''(d) TECHNICAL ASSISTANCE.—The Administrator shall provide technical assistance to States and local governments for the development of assessment and monitoring procedures for floatable materials to protect public health and safety in coastal recreation waters.

''(e) LIST OF WATERS.—Beginning not later than 18 months after the date of publication of performance criteria under subsection (a), the Administrator shall maintain a list of discrete areas of coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and are not subject to a program for monitoring and notification meeting the performance criteria established under subsection (a) based on information made available to the Administrator. The list also shall identify discrete areas of coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and are subject to a monitoring and notification program meeting the performance criteria established under subsection (a). The Administrator shall make the list available to the public through publication in the Federal Register and through electronic media. The Administrator shall update the list at least annually.

''(f) EPA IMPLEMENTATION.—After the last day of the 3-year period beginning on the date the Administrator identifies a discrete area of coastal recreation waters adjacent to beaches (or other points of access) that are open to the public and are not subject to a monitoring and notification program meeting the performance criteria established under subsection (a), the Administrator shall conduct such a monitoring and notification program for the discrete area using the funds appropriated for grants under subsection (b), including salaries, expenses, and travel. The Administrator's duties under this paragraph shall be limited to the activities that can be performed using such funds.

''(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants to States and local governments under subsection (b), including implementation of monitoring and notification programs by the Administrator under subsection (f), $30,000,000 for each of fiscal years 2000 through 2004.''.

SEC. 5. DEFINITIONS.

Section 502 of the Federal Water Pollution Control Act (33 U.S.C. 1362) is amended by adding at the end the following:

''(21) COASTAL RECREATION WATERS.—The term 'coastal recreation waters' means the Great Lakes and marine coastal waters, including estuaries, used by the public for swimming, bathing, surfing, or other similar water contact activities.

''(22) FLOATABLE MATERIALS.—The term 'floatable materials' means any foreign matter that may float or remain suspended in the water column and includes plastic, aluminum cans, wood products, bottles, and paper products.

''(23) PATHOGEN INDICATORS.—The term 'pathogen indicators' means substances that indicate the potential for human infectious disease.''.

SEC. 6. REPORT TO CONGRESS.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, and within the succeeding 4-year period and periodically thereafter, the Administrator of the Environmental Protection Agency shall transmit to Congress a report including—

(1) recommendations concerning the need for additional water quality criteria for pathogens and other actions needed to improve the quality of coastal recreation waters;

(2) an evaluation of Federal, State, and local efforts to implement this Act, including the amendments made by this Act; and

(3) recommendations on improvements to methodologies and techniques for monitoring of coastal recreation waters.

(b) COORDINATION.—The Administrator may coordinate the report under this section with other reporting requirements under the Federal Water Pollution Control Act.

SEC. 7. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated for carrying out the provisions of this Act (including amendments made by this Act) for which amounts are not otherwise specifically authorized to be appropriated such sums as may be necessary for each of fiscal years 2000 through 2004.

The CHAIRMAN. If there are no amendments, the question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

□ 1230

The CHAIRMAN. Under the rule, the committee rises.

Accordingly, the Committee rose; and the Speaker pro tempore (Mr. BLILEY) having assumed the chair, Mr. BARRETT of Nebraska, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes, pursuant to House Resolution 145, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER pro tempore (Mr. BLILEY). Under the rule, the previous question is ordered.

The question is on the committee amendment in the nature of a substitute.

The committee amendment in the nature of a substitute was agreed to.

The SPEAKER pro tempore. The question is on engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed, and a motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BOEHLERT. 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 the subject of the bill just passed, H.R. 999.

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

There was no objection.

ADJOURNMENT TO MONDAY, APRIL 26, 1999

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns today, it adjourn to meet at 2 p.m. on Monday next.

The SPEAKER pro tempore (Mr. BARRETT of Nebraska). Is there objection to the request of the gentleman from California?

There was no objection.

HOUR OF MEETING ON TUESDAY, APRIL 27, 1999

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that when the House adjourns on Monday, April 26, 1999, it adjourn to meet at 12:30 p.m. on Tuesday, April 27, 1999, for morning hour debates.

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

There was no objection.

DISPENSING WITH CALENDAR WEDNESDAY BUSINESS ON WEDNESDAY NEXT

Mr. BILBRAY. Mr. Speaker, I ask unanimous consent that the business in order under the Calendar Wednesday rule be dispensed with on Wednesday next.

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

There was no objection.

LEGISLATIVE PROGRAM

(Mr. WISE asked and was given permission to address the House for 1 minute.)

Mr. WISE. Mr. Speaker, if the distinguished gentleman from California (Mr. BILBRAY) would be so kind as to provide us with an explanation of next week's schedule.

Mr. BILBRAY. Mr. Speaker, will the gentleman yield?

Mr. WISE. I yield to the gentleman from California.

Mr. BILBRAY. Mr. Speaker, I am pleased to announce that we have concluded legislative business for this week. There will be no votes tomorrow, Friday, April 23. However, I would like to remind Members that there is a ceremony in the Capitol tomorrow celebrating the 50th anniversary of NATO and all Members are invited.

Of course, we will be releasing our official schedule this afternoon, but I would like to take this opportunity to outline next week's agenda.

The House will meet at 2 p.m. on Monday, April 26, for pro forma, but no legislative business will be held and no votes will be held on that day.

On Tuesday, April 27, the House will meet at 12:30 p.m. for morning hour debates and 2 p.m. for legislative business.

We will consider a number of bills under suspension of the rules, a list of which will be distributed to all Members' offices. Members should note that we expect votes after 2 p.m. on Tuesday.

On Wednesday, April 28 and Thursday April 29, the House will take up H.R. 1480, the Water Resources Development Act; H.R. 833, the Bankruptcy Reform