

Weygand	Wise	Wynn
Whitfield	Wolf	Young (AK)
Wicker	Woolsey	Young (FL)
Wilson	Wu	

## NOT VOTING—19

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

So the motion to instruct the managers on the part of the House was agreed to.

A motion to reconsider the vote whereby said motion was agreed to was, by unanimous consent, laid on the table.

¶37.7 APPOINTMENT OF CONFEREES—H.R. 1141

Thereupon, the SPEAKER pro tempore, Mr. BOEHNER, by unanimous consent, appointed 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, Mmes. KAPTUR, PELOSI, Messrs. SERRANO, and PASTOR, as managers on the part of the House at said conference.

*Ordered.* That the Clerk notify the Senate of the foregoing appointments.

¶37.8 PROVIDING FOR THE CONSIDERATION OF H.R. 999

Mr. REYNOLDS, by direction of the Committee on Rules, called up the following resolution (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.

When said resolution was considered. After debate,

On motion of Mr. REYNOLDS, the previous question was ordered on the resolution to its adoption or rejection and under the operation thereof, the resolution was agreed to.

A motion to reconsider the vote whereby said resolution was agreed to was, by unanimous consent, laid on the table.

¶37.9 COASTAL WATERS ENVIRONMENTAL IMPROVEMENT

The SPEAKER pro tempore, Mr. LEWIS of Kentucky, pursuant to House Resolution 145 and rule XVIII, declared the House resolved 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.

The SPEAKER pro tempore, Mr. LEWIS of Kentucky, by unanimous consent, designated Mr. BARRETT of Nebraska as Chairman of the Committee of the Whole.

The Acting Chairman, Mrs. EMERSON assumed the Chair; and after some time spent therein,

The SPEAKER pro tempore, Mr. BLILEY, assumed the Chair.

When Mr. BARRETT of Nebraska, Chairman, pursuant to House Resolution 145, reported the bill back to the House with an amendment adopted by the Committee.

The previous question having been ordered by said resolution.

The following amendment, reported from the Committee of the Whole House on the state of the Union, was agreed to:

Strike out all after the enacting clause and insert:

**SECTION 1. SHORT TITLE.**

This Act may be cited as the "Beaches Environmental Awareness, Cleanup, and Health Act of 1999".

**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 the 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 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), 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."

**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 the 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 the 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 the enactment of this section, after consultation and collaboration with appropriate Federal, State, tribal, 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 is authorized to make grants to States, Indian tribes, and local governments for the purpose of developing and implementing programs for monitoring and notification, as provided in paragraphs (2) and (3).

“(2) STATE AND TRIBAL PROGRAMS.—

“(A) IN GENERAL.—The Administrator is authorized to make grants to a State or Indian tribe 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 or Indian tribe.

“(B) REQUIREMENTS.—The Administrator is authorized to make grants for implementation of a program of a State or Indian tribe 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 or Indian tribe under clause (iii); and

“(iii) the program—

“(I) identifies coastal recreation waters within the jurisdiction of the State or Indian tribe;

“(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 or Indian tribe 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 or tribal 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 is authorized to 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 is authorized to 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, Indian tribe, or local government shall apply the prioritization established by the State, Indian tribe, 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) 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).

“(d) 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 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 database may provide such information through electronic links to other databases determined to be reliable by the Administrator.

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

“(f) 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.

“(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.

“(h) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants to States, Indian tribes, 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 coastal 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 the 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 bill, as amended, was ordered to be engrossed and read a third time, was read a third time by title.

The question being put, *viva voce*,

Will the House pass said bill?

The SPEAKER pro tempore, Mr. BILLEY, announced that the yeas had it.

So the bill was passed.

A motion to reconsider the vote whereby said bill was passed was, by unanimous consent, laid on the table.

*Ordered*, That the Clerk request the concurrence of the Senate in said bill.

#### ¶37.10 ADJOURNMENT OVER

On motion of Mr. BILBRAY, by unanimous consent,

*Ordered*, That when the House adjourns today, it adjourn to meet on Monday, April 26, 1999, at 2:00 o'clock p.m.

#### ¶37.11 HOUR OF MEETING

On motion of Mr. BILBRAY, by unanimous consent,

*Ordered*, 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 debate”.

#### ¶37.12 CALENDAR WEDNESDAY BUSINESS DISPENSED WITH

On motion of Mr. BILBRAY, by unanimous consent,

*Ordered*, That business in order for consideration on Wednesday, April 28, 1999, under clause 7, rule XV, the Calendar Wednesday rule, be dispensed with.

#### ¶37.13 SENATE ENROLLED BILL SIGNED

The SPEAKER announced his signature to an enrolled bill of the Senate of the following title:

S. 531. An Act to authorize the President to award a gold medal on behalf of the Congress to Rosa Parks in recognition of her contributions to the Nation.

#### ¶37.14 LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted—

To Mr. HASTINGS of Florida, for today; and

To Mr. KASICH, for today.

And then,

#### ¶37.15 ADJOURNMENT

On motion of Mr. DREIER, pursuant to the special order heretofore agreed to at 1 o'clock and 2 minutes p.m., the House adjourned until 2 o'clock p.m. on Monday, April 26, 1999.

#### ¶37.16 PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XII, public bills and resolutions of the following

titles were introduced and severally referred, as follows:

By Mr. SMITH of Texas (for himself and Mr. ROGAN):

H.R. 1520. A bill to amend the Immigration and Nationality Act to give priority, in the allotment of immigrant visas to unmarried sons and daughters of citizens, to an alien who attains the age of 21 after the date on which a petition to classify the alien is filed, and for other purposes; to the Committee on the Judiciary.

By Mr. BERRY:

H.R. 1521. A bill to preserve and protect archaeological sites and historical resources of the central Mississippi Valley through the establishment of the Mississippi Valley National Historical Park as a unit of the National Park System on former Eaker Air Force Base in Blytheville, Arkansas; to the Committee on Resources, and in addition to the Committee on Armed Services, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHENOWETH (for herself, Mr. HILL of Montana, Mr. HERGER, and Mr. DOOLITTLE):

H.R. 1522. A bill to safeguard communities, lives, and property from catastrophic wildfire by authorizing contracts to reduce hazardous fuels buildups on forested Federal lands in wildland/urban interface areas while also using such contracts to undertake forest management projects to protect noncommodity resources, and for other purposes; to the Committee on Agriculture, and in addition to the Committee on Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHENOWETH (for herself, Mr. YOUNG of Alaska, Mr. DUNCAN, Mr. SCHAFFER, Mr. HILL of Montana, Mr. DOOLITTLE, Mr. RADANOVICH, Mr. HERGER, Mr. POMBO, Mr. PETERSON of Pennsylvania, Mr. WALDEN of Oregon, Mrs. CUBIN, Mr. TAYLOR of North Carolina, Mr. SIMPSON, and Mr. NETHERCUTT):

H.R. 1523. A bill to establish mandatory procedures to be followed by the Forest Service and the Bureau of Land Management in advance of the permanent closure of any forest road so as to ensure local public participation in the decisionmaking process; to the Committee on Resources, and in addition to the Committee on Agriculture, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned.

By Mrs. CHENOWETH (for herself, Mr. HERGER, and Mr. DOOLITTLE):

H.R. 1524. A bill to authorize the continued use on public lands of the expedited processes successfully used for windstorm-damaged national forests and grasslands in Texas; to the Committee on Resources.

By Mr. KLECZKA (for himself, Mr. HOUGHTON, Mr. STARK, Mrs. JOHNSON of Connecticut, Mr. MATSUI, Mr. ENGLISH, Mr. LEVIN, Mr. WELLER, Mr. COYNE, Mr. FOLEY, Mr. MCDERMOTT, Mr. LEWIS of Georgia, Mr. BOEHLERT, Mr. EVANS, Mr. KING, Mr. BARRETT of Wisconsin, Mr. QUINN, and Mr. FORBES):

H.R. 1525. A bill to amend the Internal Revenue Code of 1986 to provide simplified criteria, in lieu of the common law rules, for determining whether an individual is an employee or an independent contractor and to limit retroactive employment tax reclassifications; to the Committee on Ways and Means.