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HOUSE OF REPRESENTATIVES
REPORT
109–292

COASTAL RECREATION WATER QUALITY MONITORING AND NOTIFICATION

NOVEMBER 14, 2005.—Committed to the Committee of the Whole House on the State of the Union and ordered to be printed

Mr. YOUNG of Alaska, from the Committee on Transportation and Infrastructure, submitted the following

R E P O R T

[To accompany H.R. 1721]

[Including cost estimate of the Congressional Budget Office]

The Committee on Transportation and Infrastructure, to whom was referred the bill (H.R. 1721) to amend the Federal Water Pollution Control Act to reauthorize programs to improve the quality of coastal recreation waters, and for other purposes, having considered the same, report favorably thereon without amendment and recommend that the bill do pass.

PURPOSE OF THE LEGISLATION

The purpose of H.R. 1721 is to amend the Federal Water Pollution Control Act (the Clean Water Act) to reauthorize appropriations for the coastal recreation water quality program within the Environmental Protection Agency (EPA).

BACKGROUND AND NEED FOR LEGISLATION

Beaches are an important part of American life. Each year over 180 million people visit our nation's coastal waters for recreational purposes. This activity supports over 28 million jobs and leads to investments of over $50 billion in goods and services. It is important to give the public confidence in the quality of our nation's coastal waters. This confidence is important not only to each person who swims, but also to the tourism and recreation industries that rely on safe and swimmable coastal waters.

In October 2000, Congress passed the Beaches Environmental Assessment and Coastal Health Act of 2000 (P.L. 106–284; commonly called the BEACH Act) to improve the public's confidence in

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the quality of our nation's coastal waters and protect public health and safety. The BEACH Act amended the Clean Water Act to require states to update their water quality standards to incorporate criteria for protecting human health from pathogens in coastal recreation waters, and to require EPA to issue new or revised water quality criteria for pathogens and pathogen indicators. The BEACH Act also added section 406 to the Clean Water Act, which authorized a grant program to provide funding for states and local governments to develop and implement programs for beach water quality monitoring and notification to the public of exceedances of water quality standards for pathogens in coastal recreation waters.

Under the BEACH Act, EPA has been developing new water quality criteria to protect human health from pathogens, and states are updating their water quality standards for recreational coastal waters to incorporate these more protective criteria. EPA also has been making grants to states to help them implement programs to monitor beach water quality and notify the public if water quality standards for pathogens are not being met.

The BEACH Act authorized, for each of fiscal years 2001 through 2005, such sums as are necessary to carry out the Act's program provisions and $30 million for EPA to make program development and implementation grants under Clean Water Act section 406.

SUMMARY OF THE LEGISLATION

Section 1. Coastal recreation water quality monitoring and notification

Section 1 of H.R. 1721 amends Section 406(i) of the Clean Water Act to extend the authorization of appropriations of $30 million per year for program development and implementation grants under section 406 through fiscal year 2011.

Section 2. Authorization of appropriations

Section 2 of H.R. 1721 amends Section 8 of the Beaches Environmental Assessment and Coastal Health Act of 2000 to extend the authorization of appropriations of such sums as are necessary to implement the Act's program provisions through fiscal year 2011.

LEGISLATIVE HISTORY AND COMMITTEE CONSIDERATION

The Committee on Transportation and Infrastructure met in open session on October 26, 2005, and ordered H.R. 1721 reported, without amendment, to the House by voice vote.

ROLLCALL VOTES

Clause 3(b) of rule XIII of the House of Representatives requires each committee report to include the total number of votes cast for and against on each rollcall vote on a motion to report and on any amendment offered to the measure or matter, and the names of those members voting for and against. There were no recorded votes taken in connection with ordering H.R. 1721 reported. A motion to order H.R. 1721 reported to the House was agreed to by voice vote.

COMMITTEE OVERSIGHT FINDINGS

With respect to the requirements of clause 3(c)(1) of rule XIII of the Rules of the House of Representatives, the Committee's oversight findings and recommendations are reflected in this report.

COST OF LEGISLATION

Clause 3(d)(2) of rule XIII of the Rules of the House of Representatives does not apply where a cost estimate and comparison prepared by the Director of the Congressional Budget Office under section 402 of the Congressional Budget Act of 1974 has been timely submitted prior to the filing of the report and is included in the report. Such a cost estimate is included in this report.

COMPLIANCE WITH HOUSE RULE XIII

1. With respect to the requirement of clause 3(c)(2) of rule XIII of the Rules of the House of Representatives, and section 308(a) of the Congressional Budget Act of 1974, the Committee references the report of the Congressional Budget Office included below.

2. With respect to the requirement of clause 3(c)(4) of rule XIII of the Rules of the House of Representatives, the performance goals and objective of this legislation are to restore and protect the nation's coastal recreation waters and protect human health through the development and implementation of new water quality criteria and standards and beach water quality monitoring and notification programs.

3. With respect to the requirement of clause 3(c)(3) of rule XIII of the Rules of the House of Representatives and section 402 of the Congressional Budget Act of 1974, the Committee has received the following cost estimate for H.R. 1721 from the Director of the Congressional Budget Office:

NOVEMBER 9, 2005.

Hon. DON YOUNG,
Chairman, Committee on Transportation and Infrastructure,
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: The Congressional Budget Office has prepared the enclosed cost estimate for H.R. 1721, a bill to amend the Federal Water Pollution Control Act to reauthorize programs to improve the quality of coastal recreation waters, and for other purposes.

If you wish further details on this estimate, we will be pleased to provide them. The CBO staff contacts are Susanne S. Mehlman (for federal costs), and Lisa Ramirez-Branum (for the state and local impact).

Sincerely,

DOUGLAS HOLTZ-EAKIN.

Enclosure.

H.R. 1721—A bill to amend the Federal Water Pollution Control Act to reauthorize programs to improve the quality of coastal recreation waters, and for other purposes

Summary: H.R. 1721 would authorize appropriations through fiscal year 2011 for the water quality program that benefits coastal

states under the Clean Water Act. Under this program, the Environmental Protection Agency (EPA) provides grants to state or local governments to support their efforts to monitor the quality of coastal waters and notify the public of any conditions where beach water does not meet established standards. Under current law, EPA was authorized to receive annual appropriations of $30 million for grants and such sums as may be necessary to manage this water quality program through 2005.

Assuming the appropriation of necessary funds, CBO estimates that implementing this legislation would cost $10 million in 2006 and $121 million over the 2006–2010 period, with additional spending occurring in later years. Enacting the bill would not affect direct spending or revenues.

H.R. 1721 contains no intergovernmental or private-sector mandates as defined in the Unfunded Mandates Reform Act (UMRA). Any costs to state or local governments would be the result of complying with grant conditions.

Estimated cost to the Federal Government: The estimated budgetary impact of H.R. 1721 is shown in the following table. The costs of this legislation fall within budget function 300 (natural resources and environment).

	By fiscal year, in millions of dollars—				
	2006	2007	2008	2009	2010
SPENDING SUBJECT TO APPROPRIATION					
Spending Under Current Law:					
Budget Authority [1]	11	0	0	0	0
Estimated Outlays	12	6	3	1	0
Proposed Changes:					
Estimated Authorization Level	20	31	31	31	31
Estimated Outlays	10	23	27	30	31
Spending Under H.R. 1721:					
Estimated Authorization Level [1]	31	31	31	31	31
Estimated Outlays	22	29	30	31	31

[1] The 2006 level is the amount appropriated for that year for both grants and EPA program management.

Basis of estimate: The bill would authorize the appropriation of $30 million annually over the 2006–2011 for grants to states to implement beach water quality and public notification programs. For this estimate, CBO assumes that H.R. 1721 will be enacted before the end of calendar year 2005 and that the necessary funds will be appropriated for each year. We also assume that additional amounts up to the authorized level will be appropriated for grants in 2006 and that, in subsequent years, the appropriation will be provided at the full authorized level of $30 million annually. Based on historical spending patterns for those programs, CBO estimates that providing the grants would cost $117 million over the 2006–2010 period.

H.R. 1721 also would authorize the appropriation of such sums as may be necessary for EPA to establish new criteria for monitoring water quality and to manage the program through 2011. Assuming appropriations for such administrative activities would continue at the 2006 level (with annual inflation adjustments), CBO estimates that implementing the program would cost about $1 million a year over the 2007–2011 period. In total, CBO estimates that outlays resulting from the appropriations for grants and adminis-

trative activities would sum to $121 million over the 2006–2010 period, with additional spending occurring in later years.

Intergovernmental and private-sector impact: H.R. 1721 contains no intergovernmental or private-sector mandates as defined in UMRA. The bill would reauthorize water quality programs that benefit coastal states. Much of the funding authorized in the bill would be directed in the form of grants to public or private entities such as qualified state and local governments. Any costs to these governments from the requirements of the program, including matching funds, would be incurred voluntarily.

Estimate prepared by: Federal Costs: Susanne S. Mehlman. Impact on State, Local, and Tribal Governments: Lisa Ramirez-Branum. Impact on the Private Sector: Craig Cammarata.

Estimate approved by: Peter H. Fontaine, Deputy Assistant Director for Budget Analysis.

CONSTITUTIONAL AUTHORITY STATEMENT

Pursuant to clause (3)(d)(1) of rule XIII of the Rules of the House of Representatives, committee reports on a bill or joint resolution of a public character shall include a statement citing the specific powers granted to the Congress in the Constitution to enact the measure. The Committee on Transportation and Infrastructure finds that Congress has the authority to enact this measure pursuant to its powers granted under article I, section 8 of the Constitution.

FEDERAL MANDATES STATEMENT

The Committee adopts as its own the estimate of Federal mandates prepared by the Director of the Congressional Budget Office pursuant to section 423 of the Unfunded Mandates Reform Act (Public Law 104–4).

PREEMPTION CLARIFICATION

Section 423 of the Congressional Budget Act of 1974 requires the report of any Committee on a bill or joint resolution to include a statement on the extent to which the bill or joint resolution is intended to preempt state, local, or tribal law. The Committee states that H.R. 1721 does not preempt any state, local, or tribal law.

ADVISORY COMMITTEE STATEMENT

No advisory committees within the meaning of section 5(b) of the Federal Advisory Committee Act were created by this legislation.

APPLICABILITY TO THE LEGISLATIVE BRANCH

The Committee finds that the legislation does not relate to the terms and conditions of employment or access to public services or accommodations within the meaning of section 102(b)(3) of the Congressional Accountability Act (Public Law 104–1).

CHANGES IN EXISTING LAW MADE BY THE BILL, AS REPORTED

In compliance with clause 3(e) of rule XIII of the Rules of the House of Representatives, changes in existing law made by the bill, as reported, are shown as follows (existing law proposed to be omit-

ted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

SECTION 406 OF THE FEDERAL WATER POLLUTION CONTROL ACT

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

(a) * * *

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(i) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for making grants under subsection (b), including implementation of monitoring and notification programs by the Administrator under subsection (h), $30,000,000 for each of fiscal years 2001 through [2005] *2011*.

SECTION 8 OF THE BEACHES ENVIRONMENTAL ASSESSMENT AND COASTAL HEALTH ACT OF 2000

SEC. 8. AUTHORIZATION OF APPROPRIATIONS.

There are authorized to be appropriated to carry out the provisions of this Act, including the amendments made by this Act, for which amounts are not otherwise specifically authorized to be appropriated, such sums as are necessary for each of fiscal years 2001 through [2005] *2011*.

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