

by invitation only. However, those wishing to submit testimony for the hearing record should send two copies of their testimony to the Committee on Energy and Natural Resources or the Committee on Foreign Relations.

For further information, please call Trici Heninger, Staff Assistant, or Bryan Hannegan, Staff Scientist, at (202) 224-7875.

SUBCOMMITTEE ON FORESTRY, CONSERVATION  
AND RURAL REVITALIZATION

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Forestry, Conservation and Rural Revitalization will meet on September 25, 2000 in SR-328A at 9:30 a.m. The purpose of this hearing will be to review the Trade Injury Compensation Act of 2000.

SUBCOMMITTEE ON RESEARCH, NUTRITION AND  
GENERAL LEGISLATION

Mr. LUGAR. Mr. President, I would like to announce that the Committee on Agriculture, Nutrition, and Forestry Subcommittee on Research, Nutrition and General Legislation will meet on September 27, 2000 in SR-328A at 9:30 a.m. The purpose of this hearing will be to review U.S. Department of Agriculture financial management issues.

PRIVILEGES OF THE FLOOR

Mr. WELLSTONE. Mr. President, I ask unanimous consent that the privilege of the floor be granted to Janko Mitric, an intern, for today.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that Peter Washburg, a fellow on the minority staff of the Environment and Public Works Committee, and Rich Worthington, a fellow with Senator VOINOVICH be granted floor privileges during the consideration of S. 2796, the Water Resources Development Act of 2000.

The PRESIDING OFFICER.

Without objection, it is so ordered.

Mr. REID. Mr. President, I ask unanimous consent that Jack Hess, a fellow in my office, be granted floor privileges during the consideration of S. 2796, the Water Resources Development Act.

The PRESIDING OFFICER. Without objection, it is so ordered.

BEACHES ENVIRONMENTAL  
AWARENESS, CLEANUP, AND  
HEALTH ACT OF 1999

Mr. SMITH of New Hampshire. I ask unanimous consent that the Senate proceed to consideration of Calendar No. 748, H.R. 999.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (H.R. 999) to amend the Federal Water Pollution Control Act to improve the quality of coastal recreation waters, and for other purposes.

There being no objection, the Senate proceeded to consider the bill.

AMENDMENT NO. 4174

Mr. SMITH of New Hampshire. I send an amendment to the desk and I ask for its consideration.

The PRESIDING OFFICER. The clerk will report.

The legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH] proposes an amendment numbered 4174.

(The text of the amendment is printed in today's RECORD under "Amendments Submitted.")

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent that the amendment be agreed to, the bill be read the third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4174) was agreed to.

The bill (H.R. 999), as amended, was read the third time and passed.

BEACHES ENVIRONMENTAL AS-  
SESSMENT AND COASTAL  
HEALTH ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 743, S. 522.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 522) to amend the Federal Water Pollution Control Act to improve the quality of beaches and coastal recreation water, and for other purposes.

There being no objection, the Senate proceeded to consider the bill, which had been reported from the Committee on Environment and Public Works, with an amendment as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

SECTION 1. SHORT TITLE.

*This Act may be cited as the "Beaches Environmental Assessment and Coastal Health Act of 2000".*

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.—*

*"(1) ADOPTION BY STATES.—*

*"(A) INITIAL CRITERIA AND STANDARDS.—Not later than 42 months 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 the coastal recreation waters of the State for those pathogens and pathogen indicators for which the Administrator has published criteria guidance under section 304(a).*

*"(B) NEW OR REVISED CRITERIA AND STANDARDS.—Not later than 36 months 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 the coastal recreation waters of the State for all pathogens and pathogen indicators to which the new or revised water quality criteria guidance is applicable.*

*"(2) FAILURE OF STATES TO ADOPT.—*

*"(A) IN GENERAL.—If a State fails to adopt water quality criteria and standards in accordance with paragraph (1), the Administrator shall promptly propose regulations described in subparagraph (A) or (B) of that paragraph for the State setting forth revised or new water quality standards for pathogens and pathogen indicators for coastal recreation waters of the State.*

*"(B) EXCEPTION.—If the Administrator proposes regulations described in subparagraph (A) under section 303(c)(4)(B), the Administrator shall publish any revised or new standard under this section not later than 36 months after the date of publication of the new or revised water quality criteria under section 304(a)(9).*

*"(3) APPLICABILITY.—Except as expressly provided by this subsection, the requirements and procedures of subsection (c) apply to this subsection, including the requirement in subsection (c)(2)(A) that the criteria protect public health and welfare."*

SEC. 3. REVISIONS TO WATER QUALITY CRITERIA  
GUIDANCE.

*(a) STUDIES CONCERNING PATHOGEN INDICATORS IN COASTAL RECREATION WATERS.—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 18 months after the date of enactment of this subsection, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall initiate, and, not later than 3 years after the date of enactment of this subsection, shall complete, in cooperation with the heads of other Federal agencies, studies to provide additional information for use in developing—*

*"(1) an assessment of potential human health risks resulting from exposure to pathogens in coastal recreation waters, including nongastrointestinal effects;*

*"(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 guidance for pathogens and pathogen indicators to be published under section 304(a)(9) to account for the diversity of geographic and aquatic conditions."*

*(b) REVISED CRITERIA GUIDANCE.—Section 304(a) of the Federal Water Pollution Control Act (33 U.S.C. 1314(a)) is amended by adding at the end the following:*

*"(9) REVISED CRITERIA GUIDANCE FOR COASTAL RECREATION WATERS.—*

*"(A) IN GENERAL.—Not later than 5 years after the date of enactment of this paragraph, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall publish new or revised water quality criteria guidance 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.—Not later than the date that is 5 years after the date of publication of water quality criteria guidance under this paragraph, and at least once every 5 years thereafter, the*

Administrator shall review and, as necessary, revise the water quality criteria guidance.”.

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

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

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

**“(a) MONITORING AND NOTIFICATION.—**

**“(1) IN GENERAL.—**Not later than 18 months after the date of enactment of this section, after consultation and in cooperation 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 that provide for—

**“(A) monitoring and assessment** (including specifying available methods for monitoring) of coastal recreation waters adjacent to beaches or other points of access that are used by the public for attainment of applicable water quality standards for pathogens and pathogen indicators; and

**“(B) the prompt notification of the public,** local governments, and the Administrator of any exceeding of or likelihood of exceeding applicable water quality standards for coastal recreation waters described in subparagraph (A).

**“(2) LEVEL OF PROTECTION.—**The performance criteria referred to in paragraph (1) shall provide for the activities described in subparagraphs (A) and (B) of that paragraph 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 may make grants to States and local governments to develop and implement programs for monitoring and notification for coastal recreation waters adjacent to beaches or other points of access that are used by the public.

**“(2) PRIORITIZATION.—**States and local governments may prioritize the use of funds under paragraph (1) based on the greatest risks to human health.

**“(3) LIMITATIONS.—**

**“(A) IN GENERAL.—**The Administrator may award a grant to a State or a local government to implement a monitoring and notification program if—

**“(i) the program is consistent with the performance criteria published by the Administrator under subsection (a); and**

**“(ii) the public is provided an opportunity to review the program through a process that provides for public notice and an opportunity for comment.**

**“(B) GRANTS TO LOCAL GOVERNMENTS.—**The Administrator is authorized to make grants for implementation of a local government program under subparagraph (A) only if the Administrator determines that the State in which the local government is located did not submit a grant application for a program that meets the requirements of subsection (c) during the 1-year period beginning on the date of publication of performance criteria under subsection (a).

**“(4) OTHER REQUIREMENTS.—**

**“(A) LISTS OF WATERS.—**On receipt of a grant under this subsection, a State, tribe, or local government shall—

**“(i) apply the prioritization established by the State, tribe, or local government under paragraph (2); and**

**“(ii) promptly submit to the Administrator—**

**“(I) 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; and**

**“(II) 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 that specifies any coastal recreation waters for which fiscal constraints will prevent**

**compliance with the performance criteria under subsection (a).**

**“(B) ADDITIONAL INFORMATION.—**A State recipient of a grant under this subsection shall submit to the Administrator, in such format and at such intervals as the Administrator determines to be appropriate, information collected as part of the program for monitoring and notification under this section.

**“(C) DELEGATION.—**A State recipient of a grant under this subsection shall identify each local government to which the State has delegated or intends to delegate responsibility for implementing a monitoring and notification program consistent with the performance criteria published under subsection (a) (including any coastal recreation waters for which the authority to implement a monitoring and notification program would be subject to the delegation).

**“(5) FEDERAL SHARE.—**

**“(A) IN GENERAL.—**The Administrator, through grants awarded under this section, may pay up to 100 percent of the costs of developing and implementing a program for monitoring and notification under this subsection.

**“(B) NON-FEDERAL SHARE.—**The non-Federal share of the costs of developing and implementing a monitoring and notification program may be—

**“(i) in an amount not to exceed 50 percent,** as determined by the Administrator in consultation with State, tribal, and local government representatives; and

**“(ii) provided in cash or in kind.**

**“(c) CONTENT OF STATE AND LOCAL GOVERNMENT PROGRAMS.—**As a condition of receipt of a grant under subsection (b), a State or local government program for monitoring and notification under this section shall identify—

**“(1) lists of coastal recreation waters in the State,** including coastal recreation waters adjacent to beaches or other points of access that are used by the public;

**“(2) in the case of a State program for monitoring and notification,** the process by which the State may delegate to local governments responsibility for implementing the monitoring and notification program;

**“(3) the frequency and location of monitoring and assessment of coastal recreation waters based on—**

**“(A) the periods of recreational use of the waters;**

**“(B) the nature and extent of use during certain periods;**

**“(C) the proximity of the waters to known point and nonpoint sources of pollution; and**

**“(D) any effect of storm events on the waters;**

**“(4)(A) the methods to be used for detecting levels of pathogens and pathogen indicators that are harmful to human health; and**

**“(B) the assessment procedures for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters (including increases in relation to storm events);**

**“(5) measures for prompt communication of the occurrence, nature, location, pollutant source involved, and extent of any exceeding of, or likelihood of exceeding, applicable water quality standards for pathogens and pathogen indicators to—**

**“(A) the Administrator; and**

**“(B) a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which the failure to meet applicable standards is identified;**

**“(6) measures for the posting of signs at beaches or other points of access, or functionally equivalent communication measures that are sufficient to give notice to the public that the coastal recreation waters are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators; and**

**“(7) measures that inform the public of the potential risks associated with water contact activities in the coastal recreation waters that do not meet applicable water quality standards.**

**“(d) FEDERAL AGENCY PROGRAMS.—**Not later than 30 months after the date of enactment of this section, each Federal agency that has jurisdiction over coastal recreation waters adjacent to beaches or other points of access that are used by the public shall develop and implement, through a process that provides for public notice and an opportunity for comment, a monitoring and notification program for the coastal recreation waters that—

**“(1) protects the public health and safety; and**

**“(2) is consistent with the performance criteria published under subsection (a).**

**“(e) 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—

**“(1) the information reported to the Administrator under subsection (b)(4)(B); and**

**“(2) other information concerning pathogens and pathogen indicators in coastal recreation waters that—**

**“(A) is made available to the Administrator by a State or local government, from a coastal water quality monitoring program of the State or local government; and**

**“(B) the Administrator determines should be included.**

**“(f) TECHNICAL ASSISTANCE FOR MONITORING FLOATABLE MATERIAL.—**The Administrator shall provide technical assistance to States and local governments for the development of assessment and monitoring procedures for floatable material to protect public health and safety in coastal recreation waters.

**“(g) LIST OF WATERS.—**

**“(1) IN GENERAL.—**Beginning not later than 18 months after the date of publication of performance criteria under subsection (a), based on information made available to the Administrator, the Administrator shall maintain a list of discrete coastal recreation waters adjacent to beaches or other points of access that are used by the public that—

**“(A) are subject to a monitoring and notification program consistent with the performance criteria established under subsection (a); and**

**“(B) specifies any waters described in this paragraph for which there is no monitoring and notification program (including waters for which fiscal constraints will prevent the State from performing monitoring and notification consistent with the performance criteria established under subsection (a)).**

**“(2) AVAILABILITY.—**The Administrator shall make the list described in paragraph (1) available to the public through—

**“(A) publication in the Federal Register; and**

**“(B) electronic media.**

**“(3) UPDATES.—**The Administrator shall update the list described in paragraph (1) periodically as new information becomes available.

**“(h) EPA IMPLEMENTATION.—**

**“(1) IN GENERAL.—**In the case of a State that has no program for monitoring and notification that is consistent with the performance criteria published under subsection (a), the Administrator shall conduct a monitoring and notification program for coastal recreation waters in that State using the funds appropriated for grants under subsection (i)—

**“(A) to conduct monitoring and notification; and**

**“(B) for related salaries, expenses, and travel.**

**“(2) PRIORITIZATION.—**In conducting a monitoring and notification program under paragraph (1), the Administrator shall apply any prioritization developed by the State under subsection (b)(2).

**“(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.”.

**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.—

“(A) IN GENERAL.—The term ‘coastal recreation waters’ means the Great Lakes and other marine coastal waters (including coastal estuaries) that are used by the public for swimming, bathing, surfing, or other similar water contact activities.

“(B) EXCLUSION.—The term ‘coastal recreation waters’ does not include inland waters.

“(22) FLOATABLE MATERIAL.—

“(A) IN GENERAL.—The term ‘floatable material’ means any foreign matter that may float or remain suspended in the water column.

“(B) INCLUSIONS.—The term ‘floatable material’ includes—

“(i) plastic;

“(ii) aluminum cans;

“(iii) wood products;

“(iv) bottles; and

“(v) paper products.

“(23) PATHOGEN INDICATOR.—The term ‘pathogen indicator’ means a substance that indicates the potential for human infectious disease.”.

**SEC. 6. INDIAN TRIBES.**

Section 518(e) of the Federal Water Pollution Control Act (33 U.S.C. 1377(e)) is amended by striking “and 404” and inserting “404, and 406”.

**SEC. 7. REPORT.**

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report that includes—

(1) recommendations concerning the need for additional water quality criteria guidance for pathogens and pathogen indicators and other actions that should be taken 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 of the Environmental Protection Agency may coordinate the report under this section with other reporting requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

**SEC. 8. AUTHORIZATION OF APPROPRIATIONS.**

(a) IN GENERAL.—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.

(b) BUDGET REQUEST.—The Administrator of the Environmental Protection Agency shall request that Congress appropriate funds to carry out this Act.

**AMENDMENT NO. 4175**

Mr. SMITH of New Hampshire. Senator SMITH of New Hampshire has an amendment at the desk.

The PRESIDING OFFICER. The clerk will report.

The assistant legislative clerk read as follows:

The Senator from New Hampshire [Mr. SMITH], proposes an amendment numbered 4175.

(The text of the amendment is printed in today's RECORD under “Amendments Submitted.”)

Mr. SMITH of New Hampshire. I ask unanimous consent the amendment be agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment (No. 4175) was agreed to.

Mr. LAUTENBERG. Mr. President, I am pleased that the Senate will soon pass my legislation, S. 522, the Beaches Environmental Assessment and Coastal Health Act of 2000. I ask my colleagues to support this legislation and the managers' amendment that is before the Senate. This legislation is cosponsored by Senators AKAKA, BOXER, CLELAND, DODD, FEINSTEIN, KENNEDY, KERRY, LEVIN, LIEBERMAN, MOYNIHAN, SMITH of New Hampshire, SARBANES, and TORRICELLI.

Many Americans who visited the beach this summer went home with more than just a tan. They brought back illnesses they contracted because they swam in contaminated water without realizing it.

Unfortunately, whether you get sick from your trip to the beach depends on which state you happen to be in. That's because states do not have uniform standards for coastal water quality.

For 10 straight years, Mr. President, the Natural Resources Defense Council has issued its report, “Testing the Waters,” which provides a comprehensive, highly reliable assessment of the quality of the nation's waters. Since 1991, first with then-Representative Bill Hughes of New Jersey and subsequently with Representative FRANK PALLONE of New Jersey, I have introduced legislation to require states to adopt consistent coastal water quality standards to protect beachgoers from contamination. This legislation also would call on states to develop beach water quality monitoring and notification programs.

Over the years, I've been greatly concerned about the increase in beach closings and advisories throughout the nation. In 1999, according to the NRDC's 10th annual report, there were more than 6,100 beach closings and advisories at our nation's oceans, bays and Great Lakes. Since 1988, there have been more than 36,156 beach closings and advisories.

There is some good news in this information, Mr. President. For one, it indicates a greater vigilance by state and local governments. Since the first NRDC report was issued and citizens learned more about the risks at their beaches, at least nine states and many local governments have initiated or expanded their coastal water quality monitoring programs. This shows that many states and local governments are deeply concerned about the health hazards faced by people who swim in contaminated water.

However, these data show us that we continue to have serious water pollution at our nation's beaches. For example, 70 percent of beach closings and advisories in 1999 were prompted by state and local government monitoring programs that detected bacteria levels exceeding state or local water quality standards. These bacteria levels have been associated with a variety of gastrointestinal diseases.

This bill would ensure that all coastal states apply the U.S. Environmental Protection Agency's criteria for detecting bacteria in their beach waters. Mr. President, the goal of this bill is to ensure that no matter where people go to the beach, they will know that a uniform level of protection is being applied.

Right now, only seven states have adopted the criteria that the EPA called on states to adopt back in 1986. This bill gives states three-and-a-half years to bring their standards up to where President Reagan's EPA said they should have been 14 years ago.

The second part of my bill provides incentive grants to help states set up beach monitoring and public information programs. Right now, only nine states comprehensively monitor most or all of their beaches. These are Connecticut, Delaware, Illinois, Indiana, New Hampshire, New Jersey, North Carolina, Ohio and Pennsylvania.

My bill does not say how a state should monitor its beaches or how that information should get to the public. To help the states, the EPA would be required to develop monitoring and notification guidance.

While we often don't know the exact source of coastal water pollution, we suspect that in many cases, sewer overflows and street runoff following heavy rainstorms are partly responsible. My bill focuses on a critical need: for states to set uniform standards and provide information to the public. My bill does not seek to regulate these sources of pollution. I sincerely hope that the Senate will address this key concern in the next Congress.

Finally, my bill would require the EPA to establish a publicly available database containing the information states submit about their monitoring programs. Right now, Mr. Chairman, only California, Delaware, New Jersey, North Carolina and Rhode Island compile and publicize records of beach closings and bacteria levels. The legislation would encourage all coastal states and the EPA to provide this information to the public.

I want to thank the managers of this bill, Senator BOB SMITH and Senator BAUCUS, for their leadership in bringing this bill before the full Senate. I also want to recognize the members of the Committee staff for working so diligently on this legislation. In particular, I want to compliment John Pemberton and Ann Klee of the Majority Staff of the Environment and Public Works Committee; Jo-Ellen Darcy of the Minority staff of the Committee; and Amy Maron and Ruth Lodder of my personal staff.

Many organizations also made significant contributions to this bill. I want to thank the Natural Resources Defense Council, American Oceans Campaign, Center for Marine Conservation, Surfrider Foundation, Association of State and Interstate Water Pollution Control Administrators, and the Coastal States Organization for their hard work.

Mr. SMITH of New Hampshire. I ask unanimous consent the committee substitute, as amended, be agreed to, the bill be read a third time and passed, the motion to reconsider be laid upon the table, and any statements relating to the bill be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The committee amendment, as amended, was agreed to.

The bill (S. 522) was read the third time and passed as follows:

S. 522

*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 and Coastal Health Act of 2000".

#### 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.—

"(1) ADOPTION BY STATES.—

"(A) INITIAL CRITERIA AND STANDARDS.—Not later than 42 months 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 the coastal recreation waters of the State for those pathogens and pathogen indicators for which the Administrator has published criteria under section 304(a).

"(B) NEW OR REVISED CRITERIA AND STANDARDS.—Not later than 36 months 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 the coastal recreation waters of the State for all pathogens and pathogen indicators to which the new or revised water quality criteria are applicable.

"(2) FAILURE OF STATES TO ADOPT.—

"(A) IN GENERAL.—If a State fails to adopt water quality criteria and standards in accordance with paragraph (1)(A) that are as protective of human health as the criteria for pathogens and pathogen indicators for coastal recreation waters published by the Administrator, the Administrator shall promptly propose regulations for the State setting forth revised or new water quality standards for pathogens and pathogen indicators described in paragraph (1)(A) for coastal recreation waters of the State.

"(B) EXCEPTION.—If the Administrator proposes regulations for a State described in subparagraph (A) under subsection (c)(4)(B), the Administrator shall publish any revised or new standard under this subsection not later than 42 months after the date of enactment of this subsection.

"(3) APPLICABILITY.—Except as expressly provided by this subsection, the requirements and procedures of subsection (c) apply to this subsection, including the requirement in subsection (c)(2)(A) that the criteria protect public health and welfare."

#### SEC. 3. REVISIONS TO WATER QUALITY CRITERIA.

(a) STUDIES CONCERNING PATHOGEN INDICATORS IN COASTAL RECREATION WATERS.—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 18 months after the date of enactment of this subsection, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall initiate, and, not later than 3 years after the date of enactment of this subsection, shall complete, in cooperation with the heads of other Federal agencies, studies to provide additional information for use in developing—

"(1) an assessment of potential human health risks resulting from exposure to pathogens in coastal recreation waters, including nongastrointestinal effects;

"(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 published under section 304(a)(9) to account for the diversity of geographic and aquatic conditions."

(b) REVISED CRITERIA.—Section 304(a) of the Federal Water Pollution Control 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 5 years after the date of enactment of this paragraph, after consultation and in cooperation with appropriate Federal, State, tribal, and local officials (including local health officials), the Administrator shall publish 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.—Not later than the date that is 5 years after the date of publication of water quality criteria under this paragraph, and at least once every 5 years thereafter, 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 et seq.) is amended by adding at the end the following:

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

"(a) MONITORING AND NOTIFICATION.—

"(1) IN GENERAL.—Not later than 18 months after the date of enactment of this section, after consultation and in cooperation 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—

"(A) monitoring and assessment (including specifying available methods for monitoring) of coastal recreation waters adjacent to beaches or similar points of access that are used by the public for attainment of applicable water quality standards for pathogens and pathogen indicators; and

"(B) the prompt notification of the public, local governments, and the Administrator of any exceeding of or likelihood of exceeding applicable water quality standards for coastal recreation waters described in subparagraph (A).

"(2) LEVEL OF PROTECTION.—The performance criteria referred to in paragraph (1) shall provide that the activities described in subparagraphs (A) and (B) of that paragraph shall be carried out as necessary for the protection of public health and safety.

"(b) PROGRAM DEVELOPMENT AND IMPLEMENTATION GRANTS.—

"(1) IN GENERAL.—The Administrator may make grants to States and local governments to develop and implement programs for monitoring and notification for coastal recreation waters adjacent to beaches or similar points of access that are used by the public.

"(2) LIMITATIONS.—

"(A) IN GENERAL.—The Administrator may award a grant to a State or a local government to implement a monitoring and notification program if—

"(i) the program is consistent with the performance criteria published by the Administrator under subsection (a);

"(ii) the State or local government prioritizes the use of grant funds for particular coastal recreation waters based on the use of the water and the risk to human health presented by pathogens or pathogen indicators;

"(iii) the State or local government makes available to the Administrator the factors used to prioritize the use of funds under clause (ii);

"(iv) the State or local government provides 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 that specifies any coastal recreation waters for which fiscal constraints will prevent consistency with the performance criteria under subsection (a); and

"(v) the public is provided an opportunity to review the program through a process that provides for public notice and an opportunity for comment.

"(B) GRANTS TO LOCAL GOVERNMENTS.—The Administrator may make a grant to a local government under this subsection for implementation of a monitoring and notification program only if, after the 1-year period beginning on the date of publication of performance criteria under subsection (a)(1), the Administrator determines that the State is not implementing a program that meets the requirements of this subsection, regardless of whether the State has received a grant under this subsection.

"(3) OTHER REQUIREMENTS.—

"(A) REPORT.—A State recipient of a grant under this subsection shall submit to the Administrator, in such format and at such intervals as the Administrator determines to be appropriate, a report that describes—

"(i) data collected as part of the program for monitoring and notification as described in subsection (c); and

"(ii) actions taken to notify the public when water quality standards are exceeded.

"(B) DELEGATION.—A State recipient of a grant under this subsection shall identify each local government to which the State has delegated or intends to delegate responsibility for implementing a monitoring and notification program consistent with the performance criteria published under subsection (a) (including any coastal recreation waters for which the authority to implement a monitoring and notification program would be subject to the delegation).

"(4) FEDERAL SHARE.—

"(A) IN GENERAL.—The Administrator, through grants awarded under this section, may pay up to 100 percent of the costs of developing and implementing a program for monitoring and notification under this subsection.

“(B) NON-FEDERAL SHARE.—The non-Federal share of the costs of developing and implementing a monitoring and notification program may be—

“(i) in an amount not to exceed 50 percent, as determined by the Administrator in consultation with State, tribal, and local government representatives; and

“(ii) provided in cash or in kind.

“(C) CONTENT OF STATE AND LOCAL GOVERNMENT PROGRAMS.—As a condition of receipt of a grant under subsection (b), a State or local government program for monitoring and notification under this section shall identify—

“(1) lists of coastal recreation waters in the State, including coastal recreation waters adjacent to beaches or similar points of access that are used by the public;

“(2) in the case of a State program for monitoring and notification, the process by which the State may delegate to local governments responsibility for implementing the monitoring and notification program;

“(3) the frequency and location of monitoring and assessment of coastal recreation waters based on—

“(A) the periods of recreational use of the waters;

“(B) the nature and extent of use during certain periods;

“(C) the proximity of the waters to known point sources and nonpoint sources of pollution; and

“(D) any effect of storm events on the waters;

“(4)(A) the methods to be used for detecting levels of pathogens and pathogen indicators that are harmful to human health; and

“(B) the assessment procedures for identifying short-term increases in pathogens and pathogen indicators that are harmful to human health in coastal recreation waters (including increases in relation to storm events);

“(5) measures for prompt communication of the occurrence, nature, location, pollutants involved, and extent of any exceeding of, or likelihood of exceeding, applicable water quality standards for pathogens and pathogen indicators to—

“(A) the Administrator, in such form as the Administrator determines to be appropriate; and

“(B) a designated official of a local government having jurisdiction over land adjoining the coastal recreation waters for which the failure to meet applicable standards is identified;

“(6) measures for the posting of signs at beaches or similar points of access, or functionally equivalent communication measures that are sufficient to give notice to the public that the coastal recreation waters are not meeting or are not expected to meet applicable water quality standards for pathogens and pathogen indicators; and

“(7) measures that inform the public of the potential risks associated with water contact activities in the coastal recreation waters that do not meet applicable water quality standards.

“(d) FEDERAL AGENCY PROGRAMS.—Not later than 3 years after the date of enactment of this section, each Federal agency that has jurisdiction over coastal recreation waters adjacent to beaches or similar points of access that are used by the public shall develop and implement, through a process that provides for public notice and an opportunity for comment, a monitoring and notification program for the coastal recreation waters that—

“(1) protects the public health and safety;

“(2) is consistent with the performance criteria published under subsection (a);

“(3) includes a completed report on the information specified in subsection (b)(3)(A), to be submitted to the Administrator; and

“(4) addresses the matters specified in subsection (c).

“(e) 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—

“(1) the data reported to the Administrator under subsections (b)(3)(A)(i) and (d)(3); and

“(2) other information concerning pathogens and pathogen indicators in coastal recreation waters that—

“(A) is made available to the Administrator by a State or local government, from a coastal water quality monitoring program of the State or local government; and

“(B) the Administrator determines should be included.

“(f) TECHNICAL ASSISTANCE FOR MONITORING FLOATABLE MATERIAL.—The Administrator shall provide technical assistance to States and local governments for the development of assessment and monitoring procedures for floatable material to protect public health and safety in coastal recreation waters.

“(g) LIST OF WATERS.—

“(1) IN GENERAL.—Beginning not later than 18 months after the date of publication of performance criteria under subsection (a), based on information made available to the Administrator, the Administrator shall identify, and maintain a list of, discrete coastal recreation waters adjacent to beaches or similar points of access that are used by the public that—

“(A) specifies any waters described in this paragraph that are subject to a monitoring and notification program consistent with the performance criteria established under subsection (a); and

“(B) specifies any waters described in this paragraph for which there is no monitoring and notification program (including waters for which fiscal constraints will prevent the State or the Administrator from performing monitoring and notification consistent with the performance criteria established under subsection (a)).

“(2) AVAILABILITY.—The Administrator shall make the list described in paragraph (1) available to the public through—

“(A) publication in the Federal Register; and

“(B) electronic media.

“(3) UPDATES.—The Administrator shall update the list described in paragraph (1) periodically as new information becomes available.

“(h) EPA IMPLEMENTATION.—In the case of a State that has no program for monitoring and notification that is consistent with the performance criteria published under subsection (a) after the last day of the 3-year period beginning on the date on which the Administrator lists waters in the State under subsection (g)(1)(B), the Administrator shall conduct a monitoring and notification program for the listed waters based on a priority ranking established by the Administrator using funds appropriated for grants under subsection (i)—

“(1) to conduct monitoring and notification; and

“(2) for related salaries, expenses, and travel.

“(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.”

#### 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.—

“(A) IN GENERAL.—The term ‘coastal recreation waters’ means—

“(i) the Great Lakes; and

“(ii) marine coastal waters (including coastal estuaries) that are designated under section 303(c) by a State for use for swimming, bathing, surfing, or similar water contact activities.

“(B) EXCLUSIONS.—The term ‘coastal recreation waters’ does not include—

“(i) inland waters; or

“(ii) waters upstream of the mouth of a river or stream having an unimpaired natural connection with the open sea.

“(22) FLOATABLE MATERIAL.—

“(A) IN GENERAL.—The term ‘floatable material’ means any foreign matter that may float or remain suspended in the water column.

“(B) INCLUSIONS.—The term ‘floatable material’ includes—

“(i) plastic;

“(ii) aluminum cans;

“(iii) wood products;

“(iv) bottles; and

“(v) paper products.

“(23) PATHOGEN INDICATOR.—The term ‘pathogen indicator’ means a substance that indicates the potential for human infectious disease.”

#### SEC. 6. INDIAN TRIBES.

Section 518(e) of the Federal Water Pollution Control Act (33 U.S.C. 1377(e)) is amended by striking “and 404” and inserting “404, and 406”.

#### SEC. 7. REPORT.

(a) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, and every 4 years thereafter, the Administrator of the Environmental Protection Agency shall submit to Congress a report that includes—

(1) recommendations concerning the need for additional water quality criteria for pathogens and pathogen indicators and other actions that should be taken 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 of the Environmental Protection Agency may coordinate the report under this section with other reporting requirements under the Federal Water Pollution Control Act (33 U.S.C. 1251 et seq.).

#### 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.

Mr. SMITH of New Hampshire. Mr. President, I am pleased that the Senate today has unanimously passed S. 522, the Beaches Environmental Assessment and Coastal Health Act of 2000 and H.R. 999, the Beaches Environmental Awareness, Cleanup, and Health Act of 1999. These bills reflect what we can do when we work together cooperatively, and on a bipartisan basis to protect the environment. Most importantly, they will result in significant environmental benefits on the ground—cleaner and safer beaches for all Americans. I am proud to be a cosponsor of the Senate version of this legislation, S. 522.

I want to thank Congressman BILBRAY for taking the lead on this Beach legislation over the years and for all his hard work in making sure we pass this legislation. Without his hard work and determination over the years we would not have passed this legislation today. I also would like to recognize Senator LAUTENBERG for his leadership on this issue in the Senate.

Every year, over 180 million people visit coastal waters for recreational purposes. Over half of the population of the United States lives near a coastal area and traditionally a great majority of Americans visit coastal areas every year to swim, fish, hunt, dive, bike, view wildlife and learn. For many states, this tourism provides significant economic benefits. In fact, coastal recreation and the tourism industry are the second largest employers in the nation, and supporting 28.3 million jobs. In New Hampshire, for example, the seacoast region is one of the most popular tourism spots in the State. Rye Beach and Hampton Beach, to name a couple, provide beautiful vacation spots for those of us in New Hampshire and many of our friends in neighboring states.

Unfortunately, pathogens found in sewage spills, storm water runoff, and combined sewer overflows are impairing water quality and threatening the health of the public who visit our nation's beaches. While some States have strong programs for monitoring and informing the public of the presence of pathogens that are harmful to human health, others do not.

In response to the need for consistency among the States in monitoring and public notification of pathogens in coastal recreation waters, Representative BILBRAY and Senator LAUTENBERG introduced their Beach bills.

The bills require all states with coastal recreation waters to adopt water quality criteria that protect public health and welfare, consistent with EPA criteria guidance for pathogens and pathogen indicators. The legislation requires the Administrator of the Environmental Protection Agency, in cooperation with State and local governments, to publish performance criteria that provide guidance for state monitoring and assessment, and public notification programs that protect human health.

The performance criteria will be used by the States as guidance to improve upon existing monitoring and notification programs or, in some States to establish monitoring and notification programs. In the case of New Hampshire, which as an extensive monitoring and notification program, these performance criteria will provide further guidance to improve upon our program.

The bills provides \$30 million over 5 years in grants to States and local communities for the implementation and development of these monitoring and notification programs. In certain situations, such as the early stage of a

program, EPA will be able to award as a grant a large percentage, up to 100 percent, of the costs of developing a program to some states. This provides those few States without monitoring and notification programs a great incentive through grant funding to develop and implement this comprehensive program. Improving water quality at our nation's beaches, as well as implementing monitoring and public notification programs, will benefit all Americans who have a right to expect that they can safely swim in the water.

The Committee filed the Report on S. 522 (Rept. No. 106-366) on August 25, 2000. The Committee Report and the text of S. 522, as amended in Committee, reflected a number of changes negotiated by the Committee and the two principle sponsors of the House and Senate bills, Congressman BRIAN BILBRAY of California and Senator FRANK LAUTENBERG. Over the past few months, I have worked with my colleagues on the Committee, particularly Senators LAUTENBERG and BAUCUS, and with Congressman BILBRAY to continue to improve the language of this legislation. Together, we have crafted a comprehensive Manager's Amendment that I believe provides States with needed flexibility and enhances environmental protection. As the manager of the bill, and a cosponsor of the Senate bill, I am pleased that the Senate passed this Manager's Amendment as a substitute to the text of both H.R. 999 and S. 522. Both bills, as passed by the Senate, reflect the agreements and principles set forth in Senate Report No. 106-366.

I thank Senator BAUCUS and my other Committee colleagues, as well as Senators LOTT and DASCHLE, for helping us continue the tradition of bipartisan action on environmental matters.

#### VETERANS PROGRAMS ENHANCEMENT ACT OF 2000

Mr. SMITH of New Hampshire. Mr. President, I ask unanimous consent the Senate now proceed to the consideration of Calendar No. 787, S. 1810.

The PRESIDING OFFICER. The clerk will report the bill by title.

The assistant legislative clerk read as follows:

A bill (S. 1810) to amend title 38, United States Code, to clarify and improve veterans' claims in appellate procedures.

There being no objection, the Senate proceeded to consider the bill which had been reported from the Committee on Veterans' Affairs, with an amendment, as follows:

(Strike out all after the enacting clause and insert the part printed in italic.)

#### SECTION 1. SHORT TITLE; TABLE OF CONTENTS.

(a) *SHORT TITLE.*—This Act may be cited as the "Veterans Programs Enhancement Act of 2000".

(b) *TABLE OF CONTENTS.*—The table of contents for this Act is as follows:

Sec. 1. Short title; table of contents.

Sec. 2. References to title 38, United States Code.

#### TITLE I—BENEFITS MATTERS

##### Subtitle A—Compensation and Pension Matters

Sec. 101. Clarification and enhancement of authorities relating to the processing of claims for veterans benefits.

Sec. 102. Expansion of list of diseases presumed to be service-connected for radiation-exposed veterans.

Sec. 103. Special monthly compensation for female veterans who lose a breast as a result of a service-connected disability.

##### Subtitle B—Education Matters

Sec. 111. Making uniform the requirement for high school diploma or equivalency before application for Montgomery GI Bill benefits.

Sec. 112. Repeal of requirement for initial obligated period of active duty as condition of eligibility for Montgomery GI Bill benefits.

Sec. 113. Availability under survivors' and dependents' educational assistance of preparatory courses for college and graduate school entrance exams.

Sec. 114. Election of certain recipients of commencement of period of eligibility for survivors' and dependents' educational assistance.

Sec. 115. Adjusted effective date for award of survivors' and dependents' educational assistance.

##### Subtitle C—Housing Matters

Sec. 121. Elimination of reduction in assistance for specially adapted housing for disabled veterans for veterans having joint ownership of housing units.

Sec. 122. Increase in maximum amount of housing loan guarantee.

Sec. 123. Termination of collection of loan fees from veterans rated eligible for compensation at pre-discharge rating examinations.

##### Subtitle D—Insurance Matters

Sec. 131. Premiums for term service disabled veterans' insurance for veterans older than age 70.

Sec. 132. Increase in automatic maximum coverage under Servicemembers' Group Life Insurance and Veterans' Group Life Insurance.

Sec. 133. Family coverage under Servicemembers' Group Life Insurance.

##### Subtitle E—Burial Matters

Sec. 141. Eligibility for interment in the national cemeteries of certain Filipino veterans of World War II.

##### Subtitle F—Employment Matters

Sec. 151. Veterans employment emphasis under Federal contracts for recently separated veterans.

Sec. 152. Comptroller General audit of veterans employment and training service of the Department of Labor.

##### Subtitle G—Benefits for Children of Female Vietnam Veterans

Sec. 161. Short title.

Sec. 162. Benefits for the children of female Vietnam veterans who suffer from certain birth defects.

##### Subtitle H—Other Benefits Matters

Sec. 171. Review of dose reconstruction program of the Defense Threat Reduction Agency.

#### TITLE II—HEALTH CARE MATTERS

Sec. 201. Veterans not subject to copayments for medications.

Sec. 202. Establishment of position of Advisor on Physician Assistants within Office of Undersecretary for Health.